AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

10–15–01 Monday
Vol. 66 No. 199 Oct. 15, 2001
Pages 52307–52482

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $699, or $764 for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $10.00 for each issue, or $10.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 66 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the **Federal Register** and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the **Federal Register** and Code of Federal Regulations.
3. The important elements of typical **Federal Register** documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: October 23, 2001—9:00 a.m. to noon

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538; or
info@fedreg.nara.gov

What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to **http://listserv.access.gpo.gov** and select:

Online mailing list archives
FEDREGTOC-L
Join or leave the list

Then follow the instructions.

Printed on recycled paper.

Contents

Federal Register

Vol. 66, No. 199

Monday, October 15, 2001

Actuaries, Joint Board for Enrollment
See Joint Board for Enrollment of Actuaries

Agricultural Marketing Service
RULES
Nectarines grown in—
California, 52307–52309
Potatoes (Irish) grown in—
Colorado, 52309–52312
PROPOSED RULES
Dates (domestic) produced or packed in—
California, 52363–52365

Agriculture Department
See Agricultural Marketing Service

Alcohol, Tobacco and Firearms Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52477–52478
Organization, functions, and authority delegations:
Subordinate ATF officers, 52478–52480

Antitrust Division
NOTICES
National cooperative research notifications:
AAF Association, Inc., 52452
HDP User Group International, Inc., 52452
Telemanagement Forum, 52452–52453

Army Department
See Engineers Corps

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Bonneville Power Administration
NOTICES
Environmental statements; notice of intent:
Benton County, WA; Horse Heaven Wind Project, 52398–52399

Census Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52371–52372
Meetings:
Census Advisory Committees, 52373

Centers for Disease Control and Prevention
NOTICES
Committees; establishment, renewal, termination, etc.:
Childhood Lead Poisoning Prevention Advisory Committee, 52417

Coast Guard
RULES
Drawbridge operations:
Virginia, 52317
PROPOSED RULES
Ports and waterways safety:
Newport Naval Station, Newport, RI; safety and security zones, 52365–52367

Commerce Department
See Census Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 52371

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 52396

Defense Department
See Engineers Corps
See Navy Department

Drug Enforcement Administration
NOTICES
Schedules of controlled substances; production quotas:
2001 aggregate, 52453–52456

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52397–52398

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental statements; notice of intent:
Pima County, AZ; Tres Rios del Norte study area, 52396
Santa Clara County, CA; Berryessa Creek watershed study, 52396–52397

Environmental Protection Agency
RULES
Air pollutants, hazardous; national emission standards:
Hazardous waste combustors
Partially withdrawn, 52361–52362
Air quality implementation plans; approval and promulgation; various States:
Illinois, 52343–52359
Missouri, 52359–52361
Pennsylvania, 52317–52343
PROPOSED RULES
Air pollution control:
State operating permits programs—
Hawaii, 52368–52370
Air quality implementation plans; approval and promulgation; various States:
Missouri, 52367–52368
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 52402–52403
Reports and guidance documents; availability, etc.:
Clean Air Act New Source Review and Title V Programs; source determinations for combined heat and power facilities, 52403

Water pollution control:
Total maximum daily loads—
Mermentau and Vermilion/Tech river basins, LA; determinations that TMDLs are not needed, 52403–52404

Federal Aviation Administration
RULES
Airworthiness directives:
Bell, 52313–52315
Robinson Helicopter Co., 52312–52313
Rolls-Royce plc, 52312
NOTICES
Meetings:
Aircraft Repair and Maintenance Advisory Committee, 52473
Passenger facility charges; applications, etc.:
Lambert-St. Louis International Airport, MO, 52474
Salisbury-Ocean City: Wicomico Regional Airport, MD, 52474–52475
Reports and guidance documents; availability, etc.:
Administrative Dispute Resolution Act; binding arbitration, 52475

Federal Communications Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52404–52407
Common carrier services:
Access charge reform—
Local exchange carriers; price cap performance review, 52407

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
New York, 52407–52408

Federal Energy Regulatory Commission
NOTICES
Hydroelectric applications, 52399–52400
Meetings:
Electricity market design and structure; workshop, 52400–52402

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Anchorage, AK, 52475–52476
Washtenaw County, MI, 52476

Federal Housing Finance Board
NOTICES
Federal home loan bank system:
Community support review; members selected for review; list, 52408–52416

Federal Law Enforcement Training Center
NOTICES
Environmental statements; notice of intent:
Cheltenham, MD; Naval Communications Detachment renovation; meeting, 52480–52481

Federal Motor Carrier Safety Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 52476–52477

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 52416–52417
Permissible nonbanking activities, 52417

Fish and Wildlife Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 52444–52445
Endangered and threatened species:
Incidental take permits—
Montgomery County, TX; bald eagle, 52445–52446
Environmental statements; availability, etc.:
Diamond Lake, OR; recreational fishery restoration project; withdrawn, 52446
Incidental take permits—
Riverside County, CA; Riverside fairy shrimp, 52446–52447

Food and Drug Administration
NOTICES
Agency information collection activities:
Reporting and recordkeeping requirements, 52417–52418
Human drugs:
Anticaries drug products (OTC); intraoral appliance models use for compliance with biological testing requirements; information and comment request, 52418–52420

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Meetings:
AIDS Advisory Committee, 52420
Infant Mortality Advisory Committee, 52420
Migrant Health National Advisory Council, 52421
Organization, functions, and authority delegations:
Health Professions Bureau, 52421–52428
Management and Program Support Office et al., 52428–52429

Immigration and Naturalization Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52456–52457
Submission for OMB review; comment request, 52457–52458

Interior Department
See Fish and Wildlife Service
See National Indian Gaming Commission

Internal Revenue Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52481

International Trade Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52373–52374

Joint Board for Enrollment of Actuaries
NOTICES
Meetings:
Actuarial Examinations Advisory Committee, 52371

Justice Department
See Antitrust Division
See Drug Enforcement Administration
See Immigration and Naturalization Service
NOTICES
Pollution control; consent judgments:
American Scrap Co., 52447–52448
Chevron U.S.A. Production Co., 52448
Chrysler Corp. et al., 52448
Honeywell International Inc. et al., 52448–52449
Hoosier Calcium Corp., 52449
Knauf Fiber Glass GmbH, 52449–52450
Lee Brass Co., Inc., 52450
McKin Co. et al., 52450
Mountain Metal Co. et al., 52450–52451
New Albany, IN, 52451
Sequa Corp. et al., 52451–52452

National Council on Disability
NOTICES
Meetings:
Cultural Diversity Advisory Committee, 52458

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Arts National Council, 52458
Humanities Panel, 52459

National Indian Gaming Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 52459

National Institutes of Health
NOTICES
Inventions, Government-owned; availability for licensing, 52430
Meetings:
National Cancer Institute, 52430–52431
National Center for Research Resources, 52431
National Eye Institute, 52431–52432
National Heart, Lung, and Blood Institute, 52432–52433
National Institute of Allergy and Infectious Diseases, 52438
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 52435
National Institute of Child Health and Human Development, 52435–52439
National Institute of Diabetes and Digestive and Kidney Diseases, 52434–52435, 52438
National Institute of Environmental Health Sciences, 52433–52434, 52437, 52439
National Institute of General Medical Sciences, 52434
National Institute of Nursing Research, 52436
National Institute on Deafness and Other Communication Disorders, 52435
National Library of Medicine, 52439–52440
Scientific Review Center, 52440–52444
Women's Health Research Advisory Committee, 52444
Senior Executive Service:
Performance Review Board; membership, 52444

National Oceanic and Atmospheric Administration
RULES
Endangered and threatened species:
Sea turtle conservation requirements
Correction, 52362
PROPOSED RULES
Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries—
South Atlantic Fishery Management Council; meetings, 52370
NOTICES
Grants and cooperative agreements; availability, etc.:
Coastal Services Center; Federal assistance, 52374–52389
Gulf of Mexico and off U.S. South Atlantic Coastal States; research and development projects; Marine Fisheries Initiative, 52389–52396

National Science Foundation
NOTICES
Meetings:
Business and Operations Advisory Committee, 52459–52460
Environmental Research and Education Advisory Committee, 52460
Geosciences Advisory Committee, 52460
Mathematical and Physical Science Advisory Committee, 52460

Navy Department
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
MK Ballistic Systems, 52397

Nuclear Regulatory Commission
NOTICES
Meetings:
Reactor Safeguards Advisory Committee, 52461
Applications, hearings, determinations, etc.:
Exelon Generation Co., LLC, 52460–52461
Maine Yankee Atomic Power Co. et al., 52461

Pension Benefit Guaranty Corporation
RULES
Single-employer plans:
Allocation of assets—
Interest assumptions for valuing and paying benefits, 52315–52317
NOTICES
Multiemployer and single-employer plans:
Interest rates and assumptions, 52461–52462

Postal Rate Commission
NOTICES
Visits to facilities, 52463

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Securities and Exchange Commission
NOTICES
Investment Company Act of 1940:
Shares substitution applications—
Nationwide Life Insurance Co. et al., 52463–52468
Meetings; Sunshine Act, 52468

Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 52469–52472

Small Business Administration
NOTICES
Disaster loan areas:
Military Reservist Economic Injury Disaster Loan Program; National Emergency as result of attacks on World Trade Center and Pentagon; various States, 52472–42473

Surface Transportation Board
NOTICES
Environmental statements; availability, etc.:
Riverview Trenton Railroad Co., 52477
Rail carriers:
Waybill data; release for use, 52477

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Surface Transportation Board

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Federal Law Enforcement Training Center
See Internal Revenue Service

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.
To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
916.....52307
948.....52309
Proposed Rules:
987.....52363

14 CFR
39 (3 documents) 52312, 52313

29 CFR
4022.....52315
4044.....52315

33 CFR
117.....52317
Proposed Rules:
165.....52365

40 CFR
52 (7 documents) 52317, 52322, 52327, 52333, 52338, 52343, 52359
63.....52361
Proposed Rules:
52.....52367
70.....52368

50 CFR
223.....52362
Proposed Rules:
622.....52370

Rules and Regulations

Federal Register
Vol. 66, No. 199
Monday, October 15, 2001

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

Agricultural Marketing Service

7 CFR Part 916

[Docket No. FV01–916–2 FR]

Nectarines Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Nectarine Administrative Committee (committee) for the 2001–02 and subsequent fiscal periods from $0.1850 to $0.20 per 25-pound container or container equivalent of nectarines handled. The committee locally administers the marketing order which regulates the handling of nectarines grown in California. Authorization to assess nectarine handlers enables the committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period runs from March 1 through the last day of February. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: October 16, 2001.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 124 and order No. 916, both as amended (7 CFR part 916), regulating the handling of nectarines grown in California, hereinafter referred to as the ''order.''The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''At.''

The Department of Agriculture (Department) is issuing this rule in conformance with executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California nectarine handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable nectarines beginning on March 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the committee for the 2001–02 and subsequent fiscal periods from $0.1850 to $0.20 per 25-pound container or container equivalent of nectarines.

The nectarine marketing order provides authority for the committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the committee are producers of California nectarines. They are familiar with the committee's needs, and with the costs for goods and services in their local area and are, thus, in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996–97 fiscal period, the committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary.

The committee met on May 3, 2001, and unanimously recommended 2001–02 expenditures of $4,338,744 and an assessment rate of $0.20 per 25-pound container or container equivalent of nectarines. In comparison, last year's budgeted expenditures were $,399,0878. The assessment rate of $0.20 is $0.015 higher than the rate currently in effect.

The increase is needed as a result of a crop reduction due to spring hailstorms, and to keep the committee's reserve at an adequate level. The quantity of assessable nectarines before the hailstorms was estimated to be 24 million containers or container equivalents of nectarines. After the hailstorms, the estimate of assessable nectarines was reduced to 19,351,000 containers or container equivalents of nectarines.

The major expenditures recommended by the committee for the 2001–02 year include $423,176 for salaries and benefits, $157,821 for general expenses, $1,000,000 for inspection, $169,393 for research, and $2,429,000 for domestic and international promotion. A total of $159,354 is included for miscellaneous expenses.

Budgeted expenses for these items in 2001–01 were $401,007 for salaries and benefits, $165,948 for general expenses, $1,100,000 for inspection, $139,025 for research, $2,424,000 for domestic and international promotion. A total of $269,107 was included for miscellaneous expenses.

To reach agreement on the applicable 2001–02 assessment rate, the committee considered the total expenses of $4,338,744; the assessable nectarines estimated at 19,351,000 25-pound containers or container equivalents; the estimated income from other sources such as interest income; and additional funds required from the committee's financial reserve at varying assessment rates.

Cognizant of the fact that the committee was in agreement regarding the total expenses estimated, as well as the estimated assessable containers or container equivalents, several assessment rates were discussed and their effects on the budget calculated. At varying assessment rates, the committee would require using more or less funds from the financial reserve to meet budgeted expenses. For example, at the current assessment rate of $0.1850 per container or container equivalent, assessments received would be $3,579,935 and would result in a financial reserve of $20,628 at the end of the fiscal period. In the proposed rule, the example was incorrectly calculated using an assessment rate of $0.19 per container or container equivalent. At the recommended assessment of $0.20 per container or container equivalent, assessments received would be $3,870,200 and would result in a financial reserve of $214,138, more consistent with committee financial needs. The committee recognizes that a minimum financial reserve is necessary to meet its obligations in the early part of each fiscal year, before handler assessments are billed and received. According to the committee, the $0.20 assessment rate will result in an adequate financial reserve.

The assessment rate established in the rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of committee meetings are available from the committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The committee's 2001–02 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by the Department.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 300 California nectarine handlers subject to regulation under the order covering nectarines grown in California, and about 1,800 producers of nectarines grown in California. Small agricultural service firms, which includes handlers, are defined by the Small Business Administration (SBA; 13 CFR 121.201) as those whose annual receipts are less than $5,000,000. Small agricultural producers are defined by the Small Business Administration as those having annual receipts of less than $750,000. A majority of these handlers and producers may be classified as small entities, excluding receipts from other sources.

In the 2000 season, the average handler price received was $9.00 per container or container equivalent of nectarines. A handler would have to ship at least 555,556 containers or container equivalents of nectarines to have annual receipts of $5,000,000. Given data on shipments maintained by the committee's staff and the average handler price received during the 2000 season, the committee's staff estimates that small handlers of nectarines represent approximately 94 percent of the handlers within the industry.

When the proposed rule was published, the SBA standard for determining small producers was $500,000. The standard is now $750,000. In the 2000 season, the average producer price received was $5.50 per container or container equivalent of nectarines. A producer would have to produce at least 136,363 containers or container equivalents of nectarines to have annual receipts of $750,000. Given data maintained by the committee's staff and the average producer price received during the 2000 season, the committee's staff estimates that small producers represent more than 80 percent of the nectarine producers within the industry.

This rule increases the assessment rate established for the committee and collected from handlers for the 2001–02 and subsequent fiscal periods from $0.1850 to $0.20 per 25-pound container or container equivalent of nectarines. The committee unanimously recommended 2001–02 expenditures of $4,338,774 and an assessment rate of $0.20 per 25-pound container or container equivalent of nectarines. The assessment rate of $0.20 is $0.015 higher than the current rate. The quantity of assessable nectarines for the 2001–02 fiscal year is estimated at 19,351,000 25-pound container or container equivalents. Thus, the $0.20 rate should provide $3,870,200 in assessment income. Income derived from handler assessments, along with other income and funds from the committee's authorized reserve would be adequate to cover budgeted expenses.

The major expenditures recommended by the committee for the 2001–02 year include $423,176 for salaries and benefits, $157,821 for general expenses, $1,000,000 for inspection, $169,393 for research, and $2,429,000 for domestic and international promotion. A total of $159,354 is included for miscellaneous expenses.

Budgeted expenses for these items in 2000–01 were $401,007 for salaries and benefits, $165,948 for general expenses, $1,100,000 for inspection, $139,025 for research, $2,424,000 for domestic and international promotion. A total of $269,107 was included for miscellaneous expenses.

The increase is needed as a result of a crop reduction due to spring hailstorms, and to keep the committee's reserve at an adequate level. The assessable nectarine estimate before the hailstorms was 24 million containers or container equivalents of nectarines. After the hailstorms, the estimate was reduced to 19,351,000 containers or container equivalents of nectarines. The committee reviewed and unanimously recommended 2001–02 expenditures of

$4,338,774. Prior to arriving at this budget, the committee considered information and recommendations from various sources, including, but not limited to: The Management Services Committee, the Research Subcommittee, the International Programs Subcommittee, the Grade and Size Subcommittee, the Domestic Promotion Subcommittee, and the Grower Relations Subcommittee. Some of these subcommittees discussed alternatives to increasing the assessment rate, such as permitting the rate to remain the same or increasing the rate to $0.19 or $0.195 per 25-pound container or container equivalent. The assessment rate of $0.20 per 25-pound container or container equivalent, is expected to result in an operating reserve of $214,138, more in line with committee financial needs. The $0.20 rate was subsequently recommended to the committee by the Management Services Committee.

As noted earlier, the committee then considered the total estimated expenses, the total estimated assessable 25-pound containers or container equivalents, the estimated income from other sources such as interest income, and additional funds required from the committee's financial reserve at varying assessment rates, as the subcommittees had done, prior to recommending a final assessment rate. Depending on the assessment rate established, the committee would require more or less funds from the financial reserve, which the committee uses to meet its obligations prior to billing and receiving handler assessments the following year. Based on those deliberations, an assessment rate of $0.20 per 25-pound container or container equivalent was agreed upon and recommended to the Department. Such an assessment rate would result in an adequate financial reserve.

A review of historical and preliminary information pertaining to the upcoming fiscal period indicates that the grower price for the 2001–02 seasons could range between $5.50 and $6.00 per 25-pound container or container equivalent of nectarines. Therefore, the estimated assessment revenue for the 2001–02 fiscal period as a percentage of total grower revenue could range between 3.35 and 3.65 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the committee's meeting was widely publicized throughout the California nectarine industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the May 3, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on August 1, 2001 (66 FR 39690) copies of the proposed rule were also mailed or sent via facsimile to all nectarine handlers. Finally, the proposal was made available through the Internet by the Office of the Federal Register. A 30-day comment period ending August 31, 2001, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specially crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because handlers are receiving, packing and shipping 2001 crop nectarines, and the fiscal period began on March 1, 2001, and the assessment rate applies to all nectarines received during the 2001–02 and subsequent seasons. Further, handlers are aware of this rule which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule and comments were received.

List of Subjects in 7 CFR Part 916

Nectarines, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 916 is amended as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 916 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 916.234 is revised to read as follows:

§ 916.234 Assessment rate.

On and after March 1, 2001, an assessment rate of $0.20 per 25-pound container or container equivalent of nectarines is established for California nectarines.

Dated: October 5, 2001.

Kenneth C. Clayton,

Agricultural Marketing Service.

[FR Doc. 01–25783 Filed 10–12–01; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Docket No. FV01–948–3 FR]

Irish Potatoes Grown in Colorado; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Colorado Potato Administrative Committee, Area II (Committee), for the 2001–02 and subsequent fiscal periods from $0.0015 to $0.0035 per hundredweight of potatoes handled. The Committee locally administers the marketing order, which regulates the handling of potatoes grown in Colorado. Authorization to assess potato handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period began September 1 and ends August 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: October 16, 2001.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Northwest Marketing Field Office, Marketing Order

Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW. Third Avenue, suite 385, Portland, Oregon 97204–2807; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the order now in effect, Colorado potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes for the 2001–02 fiscal period, which began on September 1, 2001, and will continue in effect until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 2001–02 and subsequent fiscal periods from $0.0015 to $0.0035 per hundredweight of potatoes handled.

The Colorado potato order provides authority for the Committee, with the approval of the Secretary, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Colorado Area II potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1998–99 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on May 17, 2001, and unanimously recommended 2001–02 expenditures of $73,618 and an assessment rate of $0.0035 per hundredweight of potatoes handled. In comparison, last year's budgeted expenditures were $71,132. The assessment rate of $0.0035 is $0.002 higher than the rate in effect prior to this final rule. For budget purposes, the committee projected the quantity of assessable potatoes for 2001–02 at 16,500,000 hundredweight and assessment revenue of $57,750 ($0.0035 × 16,500,000 hundredweight). The Committee recommended the increased assessment rate because the prior rate of $0.0015 would not have generated enough income to adequately administer the program through the 2001–02 fiscal period.

The major expenditures recommended by the Committee for the 2001–02 year include $40,793 for salaries, $9,950 for office expenses, which include telephone service, supplies and postage, $7,650 for building maintenance, and $15,225 for miscellaneous expenses. Budgeted expenses for these items in 2000–01 were $39,793, $10,700, $6,250, and $14,389, respectively.

The Committee developed the $0.0035 assessment rate recommendation by taking into consideration the 2001–02 budget, the estimated 2001–02 potato crop, the relatively small size of the monetary reserve ($32,000), and other factors such as the recent attrition in the number of farms and handlers. Although the increase more than doubles the assessment rate, the Committee may need to draw up to an additional $15,868 from its reserves to meet budgeted expenses. The reserve of approximately $32,000 is below the maximum amount authorized by the order of approximately two fiscal periods' expenses (§ 948.78).

As mentioned earlier, based on projected shipments of 16,500,000 hundredweight, the recommended assessment rate of $0.0035 should provide $57,750 in assessment income. Income from such handler assessments, combined with interest income and funds from the Committee's authorized reserve, will be adequate to meet budgeted expenses for the 2001–02 fiscal period.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2001–02 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by the Department.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly,

AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 250 producers of Colorado Area II potatoes and approximately 93 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

When the proposed rule was published, the SBA standard for determining small agricultural producers was $500,000. That standard has been changed to $750,000.

Information for the most recent season in which statistics are available, as reported by the National Agricultural Statistics Service, was considered in determining the number of large and small producers by acreage, production, and producer prices. According to the information provided, the average yield per acre was 335 hundredweight, the average farm size was 306 acres, and the season average producer price was $4.20 per hundredweight. This equates to average gross annual producer receipts of approximately $430,542. Furthermore, based upon information provided by the Committee, 96 percent of the handlers of Area II potatoes have shipped under $5,000,000 worth of potatoes during the most recent season for which numbers are available. Based on the foregoing, it can be concluded that a majority of producers and handlers of Area II potatoes may be classified as small entities, excluding receipts from other sources.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2001–02 and subsequent fiscal periods from $0.0015 to $0.0035 per hundredweight of potatoes handled. The Committee unanimously recommended 2001–02 expenditures of $73,618 and an assessment rate of $0.0035 per hundredweight. The assessment rate of $0.0035 is $0.002 higher than the rate in effect prior to this rule and increases the financial burden on handlers by approximately $33,000. The quantity of assessable fresh potatoes for the 2001–02 season is estimated at 16,500,000 hundredweight. Thus, the $0.0035 rate should provide $57,750 in assessment income which, when combined with interest income and income from the Committee's monetary reserve, should be adequate to cover budgeted expenses. The rate in effect prior to this rule would not have provided enough funds to cover anticipated expenses.

The major expenditures recommended by the Committee for the 2001–02 year include $40,793 for salaries, $9,950 for office expenses, which include telephone service, supplies and postage, $7,650 for building maintenance, and $15,225 for miscellaneous expenses. Budgeted expenses for these items in 2000–01 were $39,793, $10,700, $6,250, and $14,389 respectively.

The Committee recommended the increased assessment rate to help offset higher administration costs and to decrease the rate in which the monetary reserve has been relied upon in recent fiscal periods. Based on the Committee's 2001–02 crop estimate, the reserve of $32,000 could be reduced by as much as $15,868 with the recommended assessment rate.

The Committee reviewed and unanimously recommended 2001–02 expenditures of $73,618. This compares to last year's approved budget of $71,132. Prior to arriving at a budget, alternative expenditures and assessment levels were discussed by the Committee, including higher and lower rates of assessment. When considering the relatively poor economic returns the industry has faced during the past six seasons and the resultant instability within the potato industry, as well as the 2001–02 budget and the size of the monetary reserve ($32,000), the Committee concluded that an increase in the rate of assessment to $0.0035 per hundredweight of potatoes allows it to properly administer the program.

A review of historical information, as well as preliminary information pertaining to the upcoming fiscal period, indicates that the producer price for the 2001–02 season could range between $2.06 and $7.35 per hundredweight of potatoes. Therefore, the estimated assessment revenue for the 2001–02 fiscal period as a percentage of total producer revenue could range between 0.170 and 0.048 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the order. In addition, the Committee's meeting was widely publicized throughout the Colorado Area II potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the May 17, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on August 2, 2001 (66 FR 40153). A copy of the proposed rule was mailed to the Committee office, which in turn notified Committee members and industry members. The proposal was also made available through the Internet by the Office of the Federal Register, and the Department. A 30-day comment period ending September 4, 2001, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2001–02 fiscal period began on September 1, 2001, and the order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses

which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting. Also, a 30-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 948

Marketing Agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 948.216 is revised to read as follows:

§ 948.216 Assessment rate.

On and after September 1, 2001, an assessment rate of $0.0035 per hundredweight is established for Colorado Area II potatoes.

Dated: October 5, 2001.

Kenneth C. Clayton,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 01–25781 Filed 10–12–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–22; Amendment 39–12445; AD 2001–19–05]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc. RB211 535 Turbofan Engines, Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments, correction.

SUMMARY: This document makes a correction to Airworthiness Directive (AD) 2001–19–05 applicable to Rolls-Royce plc (RR) models RB211–535C–37, RB211–535E4–37, RB211–535E4–B–37, and RB211–535E4–B–75 turbofan engines, with radial drive steady bearing, part number (P/N) LK76084, that was published in the **Federal Register** on September 26, 2001 (66 FR 49099). A part number referenced in items (3) and (4) of Table 1 in the regulatory information is incorrect. This document corrects that part number. In all other respects, the original document remains the same.

EFFECTIVE DATE: October 11, 2001.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7176, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A final rule; request for comments airworthiness directive applicable to (RR) models RB211–535C–37, RB211–535E4–37, RB211–535E4–B–37, and RB211–535E4–B–75 turbofan engines, with radial drive steady bearing, part number (P/N) LK76084, was published in the **Federal Register** on September 26, 2001 (66 FR 49099). The following correction is needed:

PART 39—[CORRECTED]

§ 39.13 [Corrected]

On page 49100, in the third column in the Regulatory Information, Table 1, ''(3) One engine has a radial drive steady bearing P/N FK76084 with fewer than 600 HSN, and the other engine has a bearing P/N FK76084 with more than 1,500 HSN,'' is corrected to read ''(3) One engine has a radial drive steady bearing P/N LK76084 with fewer than 600 HSN, and the other engine has a bearing P/N LK76084 with more than 1,500 HSN.'' Also, Table 1 ''(4) Both engines have a radial drive steady bearing P/N FK76084 with 600 or more HSN,'' is corrected to read ''(4) Both engines have a radial drive steady bearing P/N LK76084 with 600 or more HSN.''

Issued in Burlington, MA, on October 1, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–25053 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–67–AD; Amendment 39–12466; AD 2001–20–18]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Robinson Helicopter Company (RHC) Model R44 helicopters that requires establishing a life limit of 2200 hours time-in-service (TIS) for affected horizontal stabilizers. This amendment is prompted by engineering analysis which indicates that certain vertical-to-horizontal stabilizer attach channels (channels) will crack sooner than the original life limit of the horizontal stabilizer. The actions specified by this AD are intended to prevent a crack through a channel, separation of the stabilizers, and subsequent loss of directional control of the helicopter.

EFFECTIVE DATE: November 19, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Guerin, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5232, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for RHC R44 helicopters was published in the **Federal Register** on June 25, 2001 (66 FR 33653). That action proposed a life limit of 2200 hours TIS for affected horizontal stabilizers and removing, inspecting, and replacing certain channels with airworthy channels.

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

The FAA estimates that 3 helicopters of U.S. registry will be affected by this AD, that it will take approximately ½ work hour per helicopter to inspect the horizontal stabilizer and replace the channels. The average labor rate is $60 per work hour. The manufacturer states

in their service bulletin that there will be no charge for the parts. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $90.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–20–18 Robinson Helicopter Company: Amendment 39–12466. Docket No. 2000–SW–67–AD.

Applicability: Model R44 helicopters, with horizontal stabilizer assembly (assembly), part number (P/N) C044–1; horizontal stabilizer serial number (S/N) 0009 through 0224, except S/N 0018, 0090, 0094, 0111, 0129, 0144, 0161, 0178, 0201, and 0223, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a crack through a vertical-to-horizontal stabilizer attach channel (channel), which can cause separation of the stabilizers and subsequent loss of control of the helicopter, accomplish the following:

(a) Before accumulating 2200 hours time-in-service (TIS) on the assembly:

(1) Remove the vertical stabilizer to inspect the nutplate on channels, P/N D283–1 and –2.

(2) If the nutplates are P/N MS21086L4, no further action is required by this AD.

(3) If the nutplates are P/N NAS697A4, replace the channels with airworthy channels, P/N D296–1 or –2.

Note 2: Robinson Helicopter Company Service Bulletin SB–39, dated September 12, 2000, pertains to the subject of this AD.

(b) This AD revises the Limitations section of the maintenance manual by establishing a retirement life of 2200 hours TIS for assembly, P/N CO44–1, with channels, P/N D283–1 or –2, with nutplates, P/N NAS697A4, installed.

(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, Los Angeles Aircraft Certification Office (LAACO), FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, LAACO.

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

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

(e) This amendment becomes effective on November 19, 2001.

Issued in Fort Worth, Texas, on October 3, 2001.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–25693 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–49–AD; Amendment 39–12470; AD 2001–19–52]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 2001–19–52 which was sent previously to all known U.S. owners and operators of Bell Helicopter Textron Canada (BHTC) Model 222, 222B, 222U, and 230 helicopters by individual letters. This AD requires removing certain serial-numbered main rotor pendulum weight supports from service and replacing with airworthy main rotor pendulum weight supports. This AD is prompted by the failure of a main rotor pendulum weight support (support) resulting in shedding of the weights and an increased level of main rotor vibration. The actions specified by this AD are intended to prevent failure of a support, loss of a weight set resulting in main rotor vibration, and subsequent loss of control of the helicopter.

DATES: Effective October 30, 2001, to all persons except those persons to whom it was made immediately effective by Emergency AD 2001–19–52, issued on September 21, 2001, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before December 14, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–49–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: On September 21, 2001, the FAA issued Emergency AD 2001–19–52, for BHTC

Model 222, 222B, 222U, and 230 helicopters, which requires removing certain serial-numbered supports from service and replacing them with airworthy supports. That action was prompted by the failure of a support resulting in shedding of the weights and an increased level of main rotor vibration. Subsequent investigation revealed that the failed support had manufacturing defects. This condition, if not corrected, could result in failure of a support, loss of a weight set resulting in main rotor vibration, and subsequent loss of control of the helicopter.

Transport Canada, which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on BHTC Model 222, 222B, 222U, and 230 helicopters. Transport Canada advises that due to manufacturing discrepancies, certain supports, if not replaced, could fail in flight.

BHTC has issued Alert Service Bulletins 222–01–91, 222U–01–62, and 230–01–24, all dated May 18, 2001, which describe procedures for replacing all supports identified with a serial number (S/N) having the prefix ''HD.'' Transport Canada classified these service bulletins as mandatory and issued AD CF–2001–28, dated July 24, 2001, to ensure the continued airworthiness of these helicopters in Canada.

These helicopter models are manufactured in Canada and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Since the unsafe condition described is likely to exist or develop on other BHTC Model 222, 222B, 222U, and 230 helicopters of the same type designs, the FAA issued Emergency AD 2001–19–52 to prevent failure of a support, loss of a weight set resulting in main rotor vibration, and subsequent loss of control of the helicopter. The AD requires, within 25 hours time-in-service (TIS) or 3 months, whichever occurs first, removing from service all supports, part number 222–011–114–103, with a S/N having the prefix ''HD'' and replacing them with airworthy supports. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, the actions described previously are required at the specified time intervals, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on September 21, 2001, to all known U.S. owners and operators of BHTC Model 222, 222B, 222U, and 230 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons. However, the Emergency AD contained an error when listing the Transport Canada AD number. The number was incorrectly listed as AD CF–2001–2B; the correct number is AD CF–2001–28. There was also a comma instead of a period at the end of Note 4 of the Emergency AD. The FAA discovered these errors and posted a corrected Emergency AD on the Internet at *http://av-info.faa.gov/ad/ad.htm.* The FAA has determined that these changes neither increase the economic burden on an operator nor increase the scope of the AD.

The FAA estimates that 112 helicopters of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per helicopter to accomplish the required actions, and the average labor rate is $60 per work hour. The manufacturer states in its service bulletins that owners/operators complying with the service bulletin on or before December 31, 2001 will receive a special 100% warranty credit for the necessary parts. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $20,160 ($360 per helicopter, assuming half the fleet has supports replaced and assuming the actions are accomplished by the specified date and that the manufacturer's instructions for receiving the credit are followed).

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–SW–49–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, 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:

2001–19–52 Bell Helicopter Textron Canada: Amendment 39–12470. Docket No. 2001–SW–49–AD.

Applicability: Model 222, serial number (S/N) 47006 through 47089; Model 222B, S/N 47131 through 47156; Model 222U, S/N 47501 through 47574; and Model 230, S/N 23001 through 23038 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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: Within 25 hours time-in-service or 3 months, whichever occurs first, unless accomplished previously.

To prevent failure of a main rotor pendulum weight support (support), loss of a weight set resulting in main rotor vibration, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove from service all supports, part number 222–011–114–103, identified with a serial number having the prefix ''HD'' and replace with airworthy supports that do not have the S/N prefix ''HD.''

Note 2: Bell Helicopter Textron Canada Alert Service Bulletins 222–01–91, 222U–01–62, and 230–01–24, all dated May 18, 2001, pertain to the subject of this AD.

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

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

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

(d) Emergency AD 2001–19–52, issued September 21, 2001, becomes effective upon receipt.

Note 4: The subject of this AD is addressed in Transport Canada (Canada) AD CF–2001–28, dated July 24, 2001.

(e) This amendment becomes effective on October 30, 2001, to all persons except those persons to whom it was made immediately effective by Emergency AD 2001–19–52, issued September 21, 2001, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on October 4, 2001.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–25692 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–13–U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in November 2001. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

EFFECTIVE DATE: November 1, 2001.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in appendix C to part 4022).

Accordingly, this amendment (1) Adds to appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during November 2001, (2) adds to appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during November 2001, and (3) adds to appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during November 2001.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in appendix B to part 4044) will be 6.50 percent for the first 20 years following the valuation date and 6.25 percent thereafter. These interest assumptions represent an increase (from those in effect for October 2001) of 0.40 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in appendix B to part 4022) will be 4.75 percent for the period during which a benefit is in pay status, and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for October 2001) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during November 2001, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. *See* 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 97, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
97	11–1–01	12–1–01	4.75	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 97, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
97	11–1–01	12–1–01	4.75	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
November 2001	.0650	1–20	.0625	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of October 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–25903 Filed 10–12–01; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–01–065]

Drawbridge Operation Regulations; Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Gilmerton Highway Drawbridge across the Southern Branch of the Elizabeth River, mile 5.8, in Chesapeake, Virginia. The temporary deviation allows the bridge to remain closed from October 17 through December 16, 2001, unless the vessel requesting an opening provides one-hour advance notice to the bridge tender. This change in regulation is necessary to perform needed repairs to the opening spans of the drawbridge.

DATES: This deviation is effective from 9 p.m. on October 17 until 5 a.m. on December 16, 2001.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION: On September 17, 2001, the City of Chesapeake requested a temporary deviation from the current operating schedule of the Gilmerton Highway bridge set out in 33 CFR 117.997(d). The City of Chesapeake requested this deviation to perform repairs to the bridge that would raise vehicular weight restrictions to allow limited use by heavier trucks.

In accordance with 33 CFR 117.35, the District Commander approved the City of Chesapeake's request for a temporary deviation from the governing regulations in a letter dated September 20, 2001.

The Coast Guard has informed the known commercial users of the waterway of the change to the regulations concerning this bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

The temporary deviation allows the Gilmerton Highway bridge across the Southern Branch of the Elizabeth River, mile 5.8, to remain closed from 9 p.m. eastern time on October 17, through 5 a.m. eastern time on December 16, 2001, except that the draw shall open during this closure period with a one-hour advance notice to the bridge tender.

Dated: October 2, 2001.

T.W. Allen,

Vice Admiral, U.S.C.G., Commander, Fifth Coast Guard District.

[FR Doc. 01–25906 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4174; FRL–7080–4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO_X RACT Determination for Koppel Steel Corporation in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a revision to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revision was submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for the Koppel Steel Corporation's Ambridge Plant, a major source of nitrogen oxides (NO_X) located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving this revision to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on October 30, 2001.

ADDRESSES: 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, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia Spink, (215) 814–2104 or by e-mail at *spink.marcia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 8, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose case-by-case RACT for several sources of VOC and/or NO_X. This rulemaking pertains to the Commonwealth's submittal of operating permit (OP) 04–000–227 which imposes NO_X RACT requirements for the Koppel Steel Corporation's Ambridge Plant, a major source of NO_X located in the Pittsburgh area. The remaining sources are the subject of separate rulemakings.

On August 24, 2001, EPA published a direct final rule (66 FR 44544) and a companion notice of proposed rulemaking (66 FR 44581) to approve these SIP revisions. On September 7, 2001, we received adverse comments on our direct final rule from the Citizens for Pennsylvania's Future (PennFuture). On September 28, 2001 (66 FR 49541), we published a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect. We indicated in our August 24, 2001 direct final rulemaking that if we received adverse comments, EPA would address all public comments in a subsequent final rule based on the proposed rule (66 FR 44581). This is that subsequent final rule. A description of the RACT determination(s) made for each source was provided in the August 24, 2001 direct final rule and will not be restated here. A summary of the comments submitted by PennFuture germane to this final rulemaking and EPA's responses are provided in Section II of this document.

II. Public Comments and Responses

The Citizens for Pennsylvania's Future (PennFuture) submitted adverse comments on twenty proposed rules published by EPA in the **Federal Register** between August 6 and August 24, 2001 to approve case-by-case RACT SIP submissions from the Commonwealth for NO_X and or VOC sources located in the Pittsburgh area. PennFuture's letter includes general comments and comments specific to EPA's proposals for certain sources. A summary of those comments and EPA's responses are provided below.

A. Comment: PennFuture comments that EPA has conducted no independent technical review, and has prepared no technical support document to survey

potential control technologies, determine the capital and operating costs of different options, and rank these options in total and marginal cost per ton of NO_X and VOC controlled. In citing the definition of the term ''RACT,'' and the Strelow Memorandum [Roger Strelow, Assistant Administrator for Air and Waste Management, EPA, December 9, 1976, cited in *Michigan* v. *Thomas,* 805 F.2d 176, 180 (6th Cir. 1986) and at 62 FR 43134, 43136 (1997)], PennFuture appears to comment that in every situation, RACT must include an emission rate. PennFuture asserts that EPA should conduct its own RACT evaluation for each source, or at a minimum document a step-by-step review demonstrating the adequacy of state evaluations, to ensure that appropriate control technology is applied. The commenter also believes that EPA's failure to conduct its own independent review of control technologies has resulted in our proposing to approve some RACT determinations that fail to meet the terms of EPA's own RACT standard.

Response: On March 23, 1998 (63 FR 13789), EPA granted conditional limited approval of Pennsylvania's generic RACT regulations, 25 PA Code Chapters 121 and 129, thereby approving the definitions, provisions and procedures contained within those regulations under which the Commonwealth would require and impose RACT. Subsection 129.91, *Control of major sources of NO_X and VOCs,* requires subject facilities to submit a RACT plan proposal to both the Pennsylvania Department of Environmental Protection (DEP) and to EPA Region III by July 15, 1994 in accordance with subsection 129.92, entitled, *RACT proposal requirements.* Under subsection 129.92, that proposal is to include, among other information: (1) A list of each subject source at the facility; (2) The size or capacity of each affected source, and the types of fuel combusted, and the types and amounts of materials processed or produced at each source; (3) A physical description of each source and its operating characteristics; (4) Estimates of potential and actual emissions from each affected source with supporting documentation; (5) A RACT analysis which meets the requirements of subsection 129.92 (b), including technical and economic support documentation for each affected source; (6) A schedule for implementation as expeditiously as practicable but not later than May 15, 1995; (7) The testing, monitoring, recordkeeping and reporting procedures proposed to demonstrate compliance with RACT; and (8) any additional information requested by the DEP necessary to evaluate the RACT proposal. Under subsection 129.91, the DEP will approve, deny or modify each RACT proposal, and submit each RACT determination to EPA for approval as a SIP revision.

The conditional nature of EPA's March 23, 1998 conditional limited approval did not impose any conditions pertaining to the regulation's procedures for the submittal of RACT plans and analyses by subject sources and approval of case-by case RACT determinations by the DEP. Rather, EPA stated that ''* * *RACT rules *may not merely be procedural rules* (emphasis added) that require the source and the State to later agree to the appropriate level of control; rather the rules must identify the appropriate level of control for source categories or individual sources.''

On May 3, 2001 (66 FR 22123), EPA published a rulemaking determining that Pennsylvania had satisfied the conditions imposed in its conditional limited approval. In that rulemaking, EPA removed the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. EPA received no public comments on its action and that final rule removing the conditional status of Pennsylvania's VOC and NO_X RACT regulations became effective on June 18, 2001. As of that time, Pennsylvania's generic VOC and NO_X RACT regulations retained a limited approval status. On August 24, 2001 (66 FR 44578), EPA proposed to remove the limited nature of its approval of Pennsylvania's generic RACT regulation in the Pittsburgh area. EPA received no public comments on that proposal. Final action converting the limited approval to full approval shall occur once EPA has completed rulemaking to approve either (1) the case-by-case RACT proposals for all sources subject to the RACT requirements currently known in the Pittsburgh-Beaver area *or* (2) for a sufficient number of sources such that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking (63 FR 13789).

EPA agrees that it has an obligation to review the case-by-case RACT plan approvals and/or permits submitted as individual SIP revisions by Commonwealth to verify and determine if they are consistent with the RACT requirements of the Act and any relevant EPA guidance. EPA does not agree, however, that this obligation to review the case-by-case RACT determinations submitted by Pennsylvania necessarily extends to our performing our own RACT analyses, independent of the sources' RACT plans/analyses (included as part of the case-by case RACT SIP revisions) or the Commonwealth's analyses. EPA first reviews this submission to ensure that the source and the Commonwealth followed the SIP-approved generic rule when applying for and imposing RACT for a specific source. Then EPA performs a thorough review of the technical and economic analyses conducted by the source and the state. If EPA believes additional information may further support or would undercut the RACT analyses submitted by the state, then EPA may add additional EPA-generated analyses to the record.

While RACT, as defined for an individual source or source category, often does specify an emission rate, such is not always the case. EPA has issued Control Technique Guidelines (CTGs) which states are to use as guidance in development of their RACT determinations/rules for certain sources or source categories. Not every CTG issued by EPA includes an emission rate. There are several examples of CTGs issued by EPA wherein equipment standards and/or work practice standards alone are provided as RACT guidance for all or part of the processes covered. Such examples include the CTGs issued for Bulk gasoline plants, Gasoline service stations—Stage I, Petroleum Storage in Fixed-roof tanks, Petroleum refinery processes, Solvent metal cleaning, Pharmaceutical products, External Floating roof tanks and Synthetic Organic Chemical Manufacturing (SOCMI)/polymer manufacturing. (The publication numbers for these CTG documents may be found at *http://www.epa.gov/ttn/catc/dir1/ctg.txt).*

EPA disagrees with PennFuture's general comment that our failure to conduct our own independent review of control technologies for every case-by-case RACT determination conducted by the Commonwealth has resulted in our proposing to approve some RACT determinations that fail to meet the terms of our own RACT standard. PennFuture submitted comments specific to the case-by-case RACT determinations for only three sources located in the Pittsburgh area, namely for Duquesne Light's Elrama, Phillips and Brunot Island stations. EPA summarizes those comments and provides responses in the final rule pertaining to those sources.

B. Comment: PennFuture comments that when EPA reviewed Pennsylvania's RACT program, it noted that Pennsylvania coal-fired boilers with a

rated heat input of equal to or greater than 100 million Btu per hour ''are some of the largest NO_X emitting sources in the Commonwealth and in the Northeast United States'' [63 FR 13789, 13791 (1998)] and as such should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93) to guarantee that sources would achieve quantifiable emissions reductions under the RACT program. PennFuture goes on to comment that because EPA has not conducted and documented a technical review of Pennsylvania case-by case RACT submissions, EPA has not demonstrated that these large boilers are subject to ''numeric emission limitations'' under RACT. EPA must conduct a thorough RACT evaluation or review for each such source, and must document the application of numeric emission limits and quantifiable reductions for each coal-fired boiler with a rated heat input of over 100 million Btu per hour.

Response: Circumstances may exist wherein a state could justify otherwise, however, in general, EPA agrees with PennFuture that coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93).

As provided in the response found in II. A, EPA does not agree that it must conduct its own technical analysis of each of the case-by-case RACT determinations submitted for each RACT source in order to document that its RACT requirements include numeric emission limitations. That determination can be made by EPA when it reviews the plan approval, consent order, or permit issued to such a source as submitted by the Commonwealth as SIP revision. PennFuture's comment did not point to a specific instance where a RACT plan approval, consent order or permit imposing RACT on a coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour did, in fact, lack a numerical emission limitation(s). Nonetheless, pursuant to PennFuture's comment, EPA has re-examined all of the case-by-case RACT SIP submissions made by the Commonwealth for such sources located in the Pittsburgh area. That re-examination, combined with information provided by the Commonwealth, indicates that each case-by-case RACT plan approval, consent order and/or permit for each coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour includes a numeric emission limitation. A listing of each source, its plan approval, consent order and/or permit number and its numerical emission limitation has been placed in the Administrative Records for the case-by-case RACT rulemakings for the Pittsburgh area.

C. Comment: PennFuture asserts that the Commonwealth has not adopted and submitted category RACT rules for all VOC source categories for which federal control technique guidelines (CTGs) have been issued. The commenter refers to Appendix 1 of the Technical Support Document (dated May 14, 2001), prepared by EPA in support of its proposed rule to redesignate the Pittsburgh-Beaver Valley Ozone Nonattainment Area (66 FR 29270), to assert that EPA has failed to require the Commonwealth to submit VOC RACT rules for certain categories of sources. PennFuture specifically names source categories such as equipment leaks from natural gas/gas processing plants, coke oven batteries, iron and steel foundries, and publically owned treatment works and asserts that the Commonwealth has neglected a statutory requirement to adopt category RACT regulations for these and 14 other unnamed VOC source categories.

Response: EPA has not issued CTGs for coke oven batteries, iron and steel foundries and publically owned treatment works. The Appendix 1, referred to by the commenter, lists CTG covered categories as well as source categories taken from two STAPPA/ALAPCO documents entitled, ''Meeting the 15-Percent Rate-of-Progress Requirement Under the Clean Air Act—A Menu of Options'' (September 1993) and ''Controlling Nitrogen Oxides Under the Clean Air Act—A Menu of Options'' (July 1994). The categories referenced by PennFuture are not VOC categories for which EPA has issued CTGs, but were included in Appendix A as examples of some of the types of sources that could be subject to Pennsylvania's generic RACT regulations.

The Commonwealth is under no statutory obligation to adopt RACT rules for source *categories* for which EPA has not issued a CTG. In fact, CTGs do not exist for all but one of the categories to which the commenter explicitly refers.

The Act requires that states adopt regulations to impose RACT for ''major sources of VOC,'' located within those areas of a state where RACT applies under Part D of the Act [182(b)(2)(C)]. This is referred to as the non-CTG VOC RACT requirement. Moreover, EPA disagrees that there is a statutory mandate that a state adopt a source category RACT regulation even for a source category where EPA has issued a CTG. There are two statutory provisions that address RACT for sources covered by a CTG. One provides that states must adopt RACT for ''any category of VOC sources'' covered by a CTG issued prior to November 15, 1990 [182(b)(2)(A)]. The other provides that states must adopt VOC RACT for all ''VOC sources'' covered by a CTG issued after November 15, 1990 [182(b)(2)(B)]. EPA has long interpreted the statutory RACT requirement to be met either by adoption of category-specific rules or by source-specific rules for each source within a category. When initially established, RACT was clearly defined as a case-by-case determination, but EPA provided CTG's to simplify the process for states such that they would not be required to adopt hundreds or thousands of individual rules. See Strelow Memorandum dated December 9, 1976 and 44 FR 53761, September 17, 1979. EPA does not believe that Congress' use of ''source category'' in one provision of section 182(b)(2) was intended to preclude the adoption of source-specific rules.

Thus, where CTG-subject sources are located within those areas of a state where RACT applies under Part D of the Act, the state is obligated to impose RACT for the same universe of sources covered by the CTG. However, that obligation is not required to be met by the adoption and submittal of a source category RACT rule. A state may, instead, opt to impose RACT for such sources in permits, plan approvals, consent orders or in any other state enforceable document and submit those documents to EPA for approval as source-specific SIP revisions. This option has been exercised by many states, and happens most commonly when only a few CTG-subject sources are located in the state. The source-specific approach is generally employed to avoid what can be a lengthy and resource-intensive state rule adoption process for only a few sources that may have different needs and considerations that must be taken into account.

As stated earlier, there is one source category explicitly included in PennFuture's comment for which EPA has issued a CTG, namely natural gas/gas processing plants. The Commonwealth made a negative declaration to EPA on April 13, 1993, stating that as of that date there were no applicable sources in this category. Therefore, the Commonwealth did not adopt a category RACT regulation for natural gas/gas processing plants.

D. Comment: PennFuture cites EPA correspondence [letter from Marcia

Spink, EPA, to James Salvaggio, DEP, December 15, 1993] to the Commonwealth which states that establishing any dollar figure in RACT guidance will not provide for the ''automatic'' selection or rejection of a control technology or emission limitation as RACT for a source or source category. With regard to the Pennsylvania DEP's intent to finalize a NO_X RACT Guidance Document for implementation of its NO_X RACT regulation, EPA's 1993 letter stated that the document could improperly be used to establish ''bright line'' or ''cook-book'' approaches, particularly for a regulation applicable to many source categories and suggested that if the guidance document must include dollar figures/ton, it provide approximate ranges by source category. PennFuture comments that DEP issued its ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, and on pp. 8–9 states that the acceptable threshold is $1500 per ton, and that this figure applies to ''all source categories.'' PennFuture notes that EPA later objected to the $1500 per ton methodology as ''not generically acceptable to EPA'' [letter from Thomas Maslany, EPA, to James Salvaggio, DEP, June 24, 1997] and further stated in a **Federal Register** notice that a ''dollar per ton threshold'' is ''inconsistent with the definition of RACT'' [62 FR 43134, 37–38 (1997)].

PennFuture comments that EPA is proposing to approve RACT determinations based on a cost per ton method that EPA had previously rejected, and according to its own clearly expressed standard, EPA must not approve RACT determinations by Pennsylvania DEP that apply this $1500 per ton threshold. The commenter states that PennFuture's review of several of the current DEP evaluations indicate that the Commonwealth applied this standard and provides the examples of Duquesne Light—Elrama (auxiliary boiler); Allegheny Ludlum—Washington (formerly Jessop Steel). PennFuture asserts EPA must reject all Pennsylvania RACT determinations applying the standard of $1500 per ton, or any other ''bright line'' approach, as failing to follow EPA procedures established for Pennsylvania RACT.

Response: EPA still takes the position that a single cost per ton dollar figure may not, in and of itself, form the basis for rejecting a control technology, equipment standard, or work practice standard as RACT. The Technical Support Document prepared by EPA in support of its March 23, 1998 rulemaking [63 FR 13789] clearly indicates that the Commonwealth's document, ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, had not been included as part of the SIP submission of the Commonwealth's generic regulation and, therefore, had not been approved by EPA. EPA further notes that the Administrative Record of the March 23, 1998 rulemaking [63 FR 13789], in addition to the correspondence cited by PennFuture, also includes correspondence from DEP to EPA [letter from James Salvaggio, DEP to David Arnold, EPA, September 10, 1997] stating that DEP's RACT guidance document does not establish a maximum dollar per ton for determining the cost effectiveness for RACT determinations and notes that the DEP's $1500 per ton cost effectiveness is a target value and not an absolute maximum. For example, in its analyses of the cost effectiveness of RACT control options submitted by DEP as part of the case-by-case SIP revision for Peoples Natural Gas (PNG) Valley Compressor Station's turbo charged lean burn IC engine (see the Administrative Record for 66 FR 43492), the Commonwealth included DEP interoffice memoranda (Thomas Joseph to Krishnan Ramamurthy, July 14, 1994 and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, July 15, 1994) which spoke directly to the $1500/ton dollar figure as being a guideline and not an upper limit. These memoranda explain that although PNG initially proposed intermediate original equipment manufacturer (OEM) combustion controls which would have reduced NO_X emissions from 254.7 tons per year to 115 tons per year (by 55%) at a cost of $1355 per ton reduced, DEP required the installation of an OEM lean combustion modification that reduced NO_X emissions from 254.7 tons per year to 76 tons per year (by 69%) at a cost of $1684 per ton reduced. The DEP's July 15, 1994 interoffice memorandum says of the PNG RACT determination which exceeded the cost effectiveness screening level of $1500 per ton ''Tom's (Joseph) insistence for the next more stringent level of control than the company's chosen level in the case of PNG was consistent with EPA Region III's sentiment that establishing any dollar figure in RACT guidance will not provide for an ''automatic'' rejection of a control technology as RACT for a source.''

In no instance, including that for Duquesne Light—Elrama (auxiliary boiler) and Allegheny Ludlum—Washington (formerly Jessop Steel), has EPA proposed to approve a RACT determination submitted by the Commonwealth which was based solely on a conclusion that controls that cost more than $1500/ton were not required as RACT. As explained in the response provided in section II.A. of this document, EPA conducts its review of the entire case-by-case RACT SIP submittal including the source's proposed RACT plan and analyses, Pennsylvania's analyses and the RACT plan approval, consent order or permit itself to insure that the requirements of the SIP-approved generic RACT have been followed. These analyses not only evaluate and consider the costs of potential control options, but also evaluate their technological feasibility.

E. Comment: PennFuture comments that any emission reduction credits (ERCs) earned by sources subject to RACT must be surplus to all applicable state and federal requirements. Under Pennsylvania law, ERCs must be surplus, permanent, quantified, and Federally enforceable. 25 Pa.Code 127.207(1). As to the requirement that ERCs be surplus, the Pennsylvania Code states: ERCs shall be included in the current emission inventory, and may not be required by or be used to meet past or current SIP, attainment demonstration, RFP, emission limitation or compliance plans. Emission reductions necessary to meet NSPS, LAER, RACT, Best Available Technology, BACT and permit or plan approval emissions limitations or another emissions limitation required by the Clean Air Act or the [Air Pollution Control Act] may not be used to generate ERCs. 25 Pa.Code 127.207(1)(i). To be creditable, ERCs must surpass not only RACT requirements but a host of other possible sources of emission limits. PennFuture comments that some of the RACT evaluations at issue in the current EPA notices purport to establish RACT as a baseline for future ERCs. PennFuture does acknowledge that EPA notes in its boilerplate for the notices, that Pennsylvania and EPA have established a series of NO_X-reducing rules, including the recent Chapter 145 rule, to reduce NO_X at large utility and industrial sources. See, for example, 66 FR 42415, 16–17 (August 13, 2001). Because any ERCs must be surplus to the most stringent limitation applicable under state or federal law as described in the Pennsylvania Code provision set forth above, DEP and EPA must not approve ERCs unless they surpass all such limitations in addition to any limits set by RACT.

Response: EPA agrees with this comment by PennFuture. The approval of a case-by-case RACT determination, in and of itself, does not establish the baseline from which further emission reductions may be calculated and assumed creditable under the Commonwealth's SIP-approved NSR and ERC program. Moreover, EPA's review of the Pennsylvania DEP's implementation of its approved SIP-approved NSR and ERC program indicates that the Commonwealth calculates and credits ERCs in accordance with the SIP-approved criteria for doing so as outlined in PennFuture's comment. No source for which EPA is approving a case-by-case RACT determination should assume that its RACT approval alone automatically establishes the baseline against which it may calculate creditable ERCs.

F. Comment: PennFuture comments that as in the case with Pennsylvania Power—Newcastle, EPA should compare RACT proposals to applicable acid rain program emission limits and control strategies. PennFuture contends that EPA previously disapproved a RACT proposal for the Pennsylvania Power—Newcastle plant [62 FR 43959 (1997); 63 FR 23668 (1998)] and that EPA did so on the basis that the acid rain program requires more stringent emission limits. PennFuture asserts that while EPA had originally proposed to approve this proposal, an analysis of comparable boilers and, especially, a comparison to Phase II emission limits under the acid rain program led EPA to conclude that the RACT proposal emission limits were too lenient. [62 FR at 43961]. Therefore, PennFuture contends that for sources subject to the acid rain program, EPA should consider emissions and control strategies for compliance with acid rain emission limits when evaluating proposals for compliance with RACT.

Response: Title IV of the Act, addressing the acid rain program, contains NO_X emission requirements for utilities which must be met *in addition to* any RACT requirements (see NO_X Supplement to the General Preamble at 57 FR 55625, November 25, 1992). The Act provides for a number of control programs that may affect similar sources. For example, new sources may be subject to new source performance standards (NSPS), best available control technology (BACT), and lowest achievable emission rate (LAER). Other controls, under such programs as the acid rain program or the hazardous air pollutant program may also apply to sources. However, the applicability of these other requirements, which are often more stringent than RACT, do not establish what requirements must apply under the RACT program. While these programs may provide information as to the technical and economic feasibility of reduction programs for RACT, there is no presumption that acid rain controls should be mandated as RACT.

EPA stated in the final disapproval of the NO_X RACT determination for PPNC [63 FR at 23669], that the discussion concerning average emission rates for boilers with respect to the acid rain program requirements were included in order to provide a context for EPA's proposed disapproval. EPA made clear in its August 18, 1997 proposed disapproval of Pennsylvania Powers'—Newcastle (PPNC) RACT determination, that the basis for disapproval was a comparison between PPNC's boilers and other similar combustion units, not acid rain limits. In fact, EPA stated in the August 18, 1997 proposed disapproval that ''Without additional knowledge or information, it would be erroneous and premature to conclude that the limits in the acid rain permit are RACT.'' [62 FR at 43961]. EPA clearly stated in the final disapproval for PPNC that it did not use acid rain permit limits, or Pennsylvania's participation in any other NO_X control program, to determine PPNC RACT approvability [63 FR at 23670]. Nor has EPA intended to use participation in NO_X control programs including acid rain, in determining RACT for PPNC or any other subject sources. EPA also stated that the April 30, 1998, PPNC disapproval was based on the absence of pertinent information regarding a computerized combustion optimization system through an enforceable permit, not comparison of acid rain permit limits.

III. Final Action

EPA is approving OP 04–000–227 issued by the PADEP to impose RACT for Koppel Steel Corporation's Ambridge Plant as a revision to the Pennsylvania SIP. EPA is approving Pennsylvania's SIP submittal to impose RACT for Koppel Steel Corporation's Ambridge Plant because OP 04–000–227 establishes and imposes RACT requirements in accordance with the criteria set forth in the SIP-approved RACT regulations and also imposes record-keeping, and testing requirements sufficient to determine compliance with the applicable RACT determinations.

IV. 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'' (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 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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. 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 one named source.

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 December 14, 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 NO_X emissions from Koppel Steel Corporation's Ambridge Plant 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 3, 2001.

Thomas C. Voltaggio,

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)(180) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(180) Revision pertaining to NO_X RACT for Koppel Steel Corporation's Ambridge Plant located in Harmony Township, Beaver County, Pennsylvania, submitted by the Pennsylvania Department of Environmental Protection on August 8, 2001.

(i) Incorporation by reference.

(A) Letter submitted on August 8, 2001 by the Pennsylvania Department of Environmental Protection transmitting several source-specific NO_X and/or VOC RACT determinations.

(B) Operating Permit 04–000–227, effective October 12, 2000, issued to Koppel Steel Corporation, Ambridge Plant.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the source listed in paragraph (c)(180)(i)(B) of this section.

[FR Doc. 01–25581 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4167; FRL–7080–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC RACT Determinations for Two Individual Sources in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking 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 two major sources of volatile organic compounds (VOC). These sources are located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on October 30, 2001.

ADDRESSES: 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, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia Spink, (215) 814–2104 or by e-mail at *spink.marcia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On April 16, 1996 and August 9, 2000, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several major sources of VOC and/or NO_X. This rulemaking pertains to two of those sources. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of operating permits (OPs) issued by PADEP. These two sources are located in the Pittsburgh area and consist of GenCorp., Inc. (the Jeanette Plant); and CENTRIA, (the Ambridge Coil Coating Operations Plant).

On August 13, 2001, EPA published a direct final rule (66 FR 42415) and a companion notice of proposed rulemaking (66 FR 42487) to approve these SIP revisions. On September 7, 2001, we received adverse comments on our direct final rule from the Citizens for Pennsylvania's Future (PennFuture). On September 24, 2001 (66 FR 48806), we published a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect. We indicated in our August 13, 2001 direct final rulemaking that if we received adverse comments, EPA would address all public comments in

a subsequent final rule based on the proposed rule (66 FR 42487). This is that subsequent final rule. A description of the RACT determination made for each source was provided in the August 13, 2001 direct final rule and will not be restated here. A summary of the comments submitted by PennFuture germane to this final rulemaking and EPA's responses are provided in Section II of this document.

II. Public Comments and Responses

The Citizens for Pennsylvania's Future (PennFuture) submitted adverse comments on twenty proposed rules published by EPA in the **Federal Register** between August 6 and August 24, 2001 to approve case-by-case RACT SIP submissions from the Commonwealth for NO_X and or VOC sources located in the Pittsburgh area. A summary of those comments and EPA's responses are provided below.

A. Comment: PennFuture comments that EPA has conducted no independent technical review, and has prepared no technical support document to survey potential control technologies, determine the capital and operating costs of different options, and rank these options in total and marginal cost per ton of NO_X and VOC controlled. In citing the definition of the term ''RACT,'' and the Strelow Memorandum [Roger Strelow, Assistant Administrator for Air and Waste Management, EPA, December 9, 1976, cited in *Michigan* v. *Thomas*, 805 F.2d 176, 180 (6th Cir. 1986) and at 62 FR 43134, 43136 (1997)], PennFuture appears to comment that in every situation, RACT must include an emission rate. PennFuture asserts that EPA should conduct its own RACT evaluation for each source, or at a minimum document a step-by-step review demonstrating the adequacy of state evaluations, to ensure that appropriate control technology is applied. The commenter also believes that EPA's failure to conduct its own independent review of control technologies has resulted in our proposing to approve some RACT determinations that fail to meet the terms of EPA's own RACT standard.

Response: On March 23, 1998 (63 FR 13789), EPA granted conditional limited approval of Pennsylvania's generic RACT regulations, 25 PA Code Chapters 121 and 129, thereby approving the definitions, provisions and procedures contained within those regulations under which the Commonwealth would require and impose RACT. Subsection 129.91, *Control of major sources of* NO_X *and VOCs*, requires subject facilities to submit a RACT plan proposal to both the Pennsylvania Department of Environmental Protection (DEP) and to EPA Region III by July 15, 1994 in accordance with subsection 129.92, entitled, *RACT proposal requirements.* Under subsection 129.92, that proposal is to include, among other information: (1) A list of each subject source at the facility; (2) The size or capacity of each affected source, and the types of fuel combusted, and the types and amounts of materials processed or produced at each source; (3) A physical description of each source and its operating characteristics; (4) Estimates of potential and actual emissions from each affected source with supporting documentation; (5) A RACT analysis which meets the requirements of subsection 129.92 (b), including technical and economic support documentation for each affected source; (6) A schedule for implementation as expeditiously as practicable but not later than May 15, 1995; (7) The testing, monitoring, recordkeeping and reporting procedures proposed to demonstrate compliance with RACT; and (8) any additional information requested by the DEP necessary to evaluate the RACT proposal. Under subsection 129.91, the DEP will approve, deny or modify each RACT proposal, and submit each RACT determination to EPA for approval as a SIP revision.

The conditional nature of EPA's March 23, 1998 conditional limited approval did not impose any conditions pertaining to the regulation's procedures for the submittal of RACT plans and analyses by subject sources and approval of case-by-case RACT determinations by the DEP. Rather, EPA stated that '' * * * RACT rules *may not merely be procedural rules* (emphasis added) that require the source and the State to later agree to the appropriate level of control; rather the rules must identify the appropriate level of control for source categories or individual sources.''

On May 3, 2001 (66 FR 22123), EPA published a rulemaking determining that Pennsylvania had satisfied the conditions imposed in its conditional limited approval. In that rulemaking, EPA removed the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. EPA received no public comments on its action and that final rule removing the conditional status of Pennsylvania's VOC and NO_X RACT regulations became effective on June 18, 2001. As of that time, Pennsylvania's generic VOC and NO_X RACT regulations retained a limited approval status. On August 24, 2001 (66 FR 44578), EPA proposed to remove the limited nature of its approval of Pennsylvania's generic RACT regulation in the Pittsburgh area. EPA received no public comments on that proposal. Final action converting the limited approval to full approval shall occur once EPA has completed rulemaking to approve either (1) the case-by-case RACT proposals for all sources subject to the RACT requirements currently known in the Pittsburgh-Beaver area *or* (2) for a sufficient number of sources such that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking (63 FR 13789).

EPA agrees that it has an obligation to review the case-by-case RACT plan approvals and/or permits submitted as individual SIP revisions by Commonwealth to verify and determine if they are consistent with the RACT requirements of the Act and any relevant EPA guidance. EPA does not agree, however, that this obligation to review the case-by-case RACT determinations submitted by Pennsylvania necessarily extends to our performing our own RACT analyses, independent of the sources' RACT plans/analyses (included as part of the case-by case RACT SIP revisions) or the Commonwealth's analyses. EPA first reviews this submission to ensure that the source and the Commonwealth followed the SIP-approved generic rule when applying for and imposing RACT for a specific source. Then EPA performs a thorough review of the technical and economic analyses conducted by the source and the state. If EPA believes additional information may further support or would undercut the RACT analyses submitted by the state, then EPA may add additional EPA-generated analyses to the record.

While RACT, as defined for an individual source or source category, often does specify an emission rate, such is not always the case. EPA has issued Control Technique Guidelines (CTGs) which states are to use as guidance in development of their RACT determinations/rules for certain sources or source categories. Not every CTG issued by EPA includes an emission rate. There are several examples of CTGs issued by EPA wherein equipment standards and/or work practice standards alone are provided as RACT guidance for all or part of the processes covered. Such examples include the CTGs issued for Bulk gasoline plants, Gasoline service stations—Stage I, Petroleum Storage in Fixed-roof tanks, Petroleum refinery processes, Solvent metal cleaning, Pharmaceutical products, External Floating roof tanks and Synthetic Organic Chemical

Manufacturing (SOCMI)/polymer manufacturing. (The publication numbers for these CTG documents may be found at *http://www.epa.gov/ttn/catc/dir1/ctg.txt).*

EPA disagrees with PennFuture's general comment that our failure to conduct our own independent review of control technologies for every case-by-case RACT determination conducted by the Commonwealth has resulted in our proposing to approve some RACT determinations that fail to meet the terms of our own RACT standard. PennFuture submitted comments specific to the case-by-case RACT determinations for only three sources located in the Pittsburgh area, namely for Duquesne Light's Elrama, Phillips and Brunot Island stations. EPA summarizes those comments and provides responses in the final rule pertaining to those sources.

B. Comment: PennFuture comments that when EPA reviewed Pennsylvania's RACT program, it noted that Pennsylvania coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour ''are some of the largest NO_X emitting sources in the Commonwealth and in the Northeast United States'' [63 FR 13789, 13791 (1998)] and as such should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93) to guarantee that sources would achieve quantifiable emissions reductions under the RACT program. PennFuture goes on to comment that because EPA has not conducted and documented a technical review of Pennsylvania case-by case RACT submissions, EPA has not demonstrated that these large boilers are subject to ''numeric emission limitations'' under RACT. EPA must conduct a thorough RACT evaluation or review for each such source, and must document the application of numeric emission limits and quantifiable reductions for each coal-fired boiler with a rated heat input of over 100 million Btu per hour.

Response: Circumstances may exist wherein a state could justify otherwise, however, in general, EPA agrees with PennFuture that coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93).

As provided in the response found in II.A, EPA does not agree that it must conduct its own technical analysis of each of the case-by-case RACT determinations submitted for each RACT source in order to document that its RACT requirements include numeric emission limitations. That determination can be made by EPA when it reviews the plan approval, consent order, or permit issued to such a source as submitted by the Commonwealth as SIP revision. PennFuture's comment did not point to a specific instance where a RACT plan approval, consent order or permit imposing RACT on a coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour did, in fact, lack a numerical emission limitation(s). Nonetheless, pursuant to PennFuture's comment, EPA has re-examined all of the case-by-case RACT SIP submissions made by the Commonwealth for such sources located in the Pittsburgh area. That re-examination, combined with information provided by the Commonwealth, indicates that each case-by-case RACT plan approval, consent order and/or permit for each coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour includes a numeric emission limitation. A listing of each source, its plan approval, consent order and/or permit number and its numerical emission limitation has been placed in the Administrative Records for the case-by-case RACT rulemakings for the Pittsburgh area.

C. Comment: PennFuture asserts that the Commonwealth has not adopted and submitted category RACT rules for all VOC source categories for which federal control technique guidelines (CTGs) have been issued. The commenter refers to Appendix 1 of the Technical Support Document (dated May 14, 2001), prepared by EPA in support of its proposed rule to redesignate the Pittsburgh-Beaver Valley Ozone Nonattainment Area (66 FR 29270), to assert that EPA has failed to require the Commonwealth to submit VOC RACT rules for certain categories of sources. PennFuture specifically names source categories such as equipment leaks from natural gas/gas processing plants, coke oven batteries, iron and steel foundries, and publicly owned treatment works and asserts that the Commonwealth has neglected a statutory requirement to adopt category RACT regulations for these and 14 other unnamed VOC source categories.

Response: EPA has not issued CTGs for coke oven batteries, iron and steel foundries and publicly owned treatment works. The Appendix 1, referred to by the commenter, lists CTG covered categories as well as source categories taken from two STAPPA/ALAPCO documents entitled, ''Meeting the 15-Percent Rate-of-Progress Requirement Under the Clean Air Act—A Menu of Options'' (September 1993) and ''Controlling Nitrogen Oxides Under the Clean Air Act—A Menu of Options'' (July 1994). The categories referenced by PennFuture are not VOC categories for which EPA has issued CTGs, but were included in Appendix A as examples of some of the types of sources that could be subject to Pennsylvania's generic RACT regulations.

The Commonwealth is under no statutory obligation to adopt RACT rules for source *categories* for which EPA has not issued a CTG. In fact, CTGs do not exist for all but one of the categories to which the commenter explicitly refers.

The Act requires that states adopt regulations to impose RACT for ''major sources of VOC,'' located within those areas of a state where RACT applies under Part D of the Act [182(b)(2)(C)]. This is referred to as the non-CTG VOC RACT requirement. Moreover, EPA disagrees that there is a statutory mandate that a state adopt a source category RACT regulation even for a source category where EPA has issued a CTG. There are two statutory provisions that address RACT for sources covered by a CTG. One provides that states must adopt RACT for ''any category of VOC sources'' covered by a CTG issued prior to November 15, 1990 [182(b)(2)(A)]. The other provides that states must adopt VOC RACT for all ''VOC sources'' covered by a CTG issued after November 15, 1990 [182(b)(2)(B)]. EPA has long interpreted the statutory RACT requirement to be met either by adoption of category-specific rules or by source-specific rules for each source within a category. When initially established, RACT was clearly defined as a case-by-case determination, but EPA provided CTG's to simplify the process for states such that they would not be required to adopt hundreds or thousands of individual rules. See Strelow Memorandum dated December 9, 1976 and 44 FR 53761, September 17, 1979. EPA does not believe that Congress' use of ''source category'' in one provision of section 182(b)(2) was intended to preclude the adoption of source-specific rules.

Thus, where CTG-subject sources are located within those areas of a state where RACT applies under Part D of the Act, the state is obligated to impose RACT for the same universe of sources covered by the CTG. However, that obligation is not required to be met by the adoption and submittal of a source category RACT rule. A state may, instead, opt to impose RACT for such sources in permits, plan approvals, consent orders or in any other state enforceable document and submit those

documents to EPA for approval as source-specific SIP revisions. This option has been exercised by many states, and happens most commonly when only a few CTG-subject sources are located in the state. The source-specific approach is generally employed to avoid what can be a lengthy and resource-intensive state rule adoption process for only a few sources that may have different needs and considerations that must be taken into account.

As stated earlier, there is one source category explicitly included in PennFuture's comment for which EPA has issued a CTG, namely natural gas/gas processing plants. The Commonwealth made a negative declaration to EPA on April 13, 1993, stating that as of that date there were no applicable sources in this category. Therefore, the Commonwealth did not adopt a category RACT regulation for natural gas/gas processing plants.

D. Comment: PennFuture cites EPA correspondence [letter from Marcia Spink, EPA, to James Salvaggio, DEP, December 15, 1993] to the Commonwealth which states that establishing any dollar figure in RACT guidance will not provide for the ''automatic'' selection or rejection of a control technology or emission limitation as RACT for a source or source category. With regard to the Pennsylvania DEP's intent to finalize a NO_X RACT Guidance Document for implementation of its NO_X RACT regulation, EPA's 1993 letter stated that the document could improperly be used to establish ''bright line'' or ''cook-book'' approaches, particularly for a regulation applicable to many source categories and suggested that if the guidance document must include dollar figures/ton, it provide approximate ranges by source category. PennFuture comments that DEP issued its ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, and on pp. 8–9 states that the acceptable threshold is $1500 per ton, and that this figure applies to ''all source categories.'' PennFuture notes that EPA later objected to the $1500 per ton methodology as ''not generically acceptable to EPA'' [letter from Thomas Maslany, EPA, to James Salvaggio, DEP, June 24, 1997] and further stated in a **Federal Register** notice that a ''dollar per ton threshold'' is ''inconsistent with the definition of RACT'' [62 FR 43134, 37–38 (1997)].

PennFuture comments that EPA is proposing to approve RACT determinations based on a cost per ton method that EPA had previously rejected, and according to its own clearly expressed standard, EPA must not approve RACT determinations by Pennsylvania DEP that apply this $1500 per ton threshold. The commenter states that PennFuture's review of several of the current DEP evaluations indicate that the Commonwealth applied this standard and provides the examples of Duquesne Light—Elrama (auxiliary boiler); Allegheny Ludlum—Washington (formerly Jessop Steel). PennFuture asserts EPA must reject all Pennsylvania RACT determinations applying the standard of $1500 per ton, or any other ''bright line'' approach, as failing to follow EPA procedures established for Pennsylvania RACT.

Response: EPA still takes the position that a single cost per ton dollar figure may not, in and of itself, form the basis for rejecting a control technology, equipment standard, or work practice standard as RACT. The Technical Support Document prepared by EPA in support of its March 23, 1998 rulemaking [63 FR 13789] clearly indicates that the Commonwealth's document, ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, had not been included as part of the SIP submission of the Commonwealth's generic regulation and, therefore, had not been approved by EPA. EPA further notes that the Administrative Record of the March 23, 1998 rulemaking [63 FR 13789], in addition to the correspondence cited by PennFuture, also includes correspondence from DEP to EPA [letter from James Salvaggio, DEP to David Arnold, EPA, September 10, 1997] stating that DEP's RACT guidance document does not establish a maximum dollar per ton for determining the cost effectiveness for RACT determinations and notes that the DEP's $1500 per ton cost effectiveness is a target value and not an absolute maximum. For example, in its analyses of the cost effectiveness of RACT control options submitted by DEP as part of the case-by-case SIP revision for Peoples Natural Gas (PNG) Valley Compressor Station's turbo charged lean burn IC engine (see the Administrative Record for 66 FR 43492), the Commonwealth included DEP interoffice memoranda (Thomas Joseph to Krishnan Ramamurthy, July 14, 1994 and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, July 15, 1994) which spoke directly to the $1500/ton dollar figure as being a guideline and not an upper limit. These memoranda explain that although PNG initially proposed intermediate original equipment manufacturer (OEM) combustion controls which would have reduced NO_X emissions from 254.7 tons per year to 115 tons per year (by 55%) at a cost of $1355 per ton reduced, DEP required the installation of an OEM lean combustion modification that reduced NO_X emissions from 254.7 tons per year to 76 tons per year (by 69%) at a cost of $1684 per ton reduced. The DEP's July 15, 1994 interoffice memorandum says of the PNG RACT determination which exceeded the cost effectiveness screening level of $1500 per ton ''Tom's (Joseph) insistence for the next more stringent level of control than the company's chosen level in the case of PNG was consistent with EPA Region III's sentiment that establishing any dollar figure in RACT guidance will not provide for an ''automatic'' rejection of a control technology as RACT for a source.''

In no instance, including that for Duquesne Light—Elrama (auxiliary boiler) and Allegheny Ludlum—Washington (formerly Jessop Steel), has EPA proposed to approve a RACT determination submitted by the Commonwealth which was based solely on a conclusion that controls that cost more than $1500/ton were not required as RACT. As explained in the response provided in section II.A. of this document, EPA conducts its review of the entire case-by-case RACT SIP submittal including the source's proposed RACT plan and analyses, Pennsylvania's analyses and the RACT plan approval, consent order or permit itself to insure that the requirements of the SIP-approved generic RACT have been followed. These analyses not only evaluate and consider the costs of potential control options, but also evaluate their technological feasibility.

E. Comment: PennFuture comments that any emission reduction credits (ERCs) earned by sources subject to RACT must be surplus to all applicable state and federal requirements. Under Pennsylvania law, ERCs must be surplus, permanent, quantified, and Federally enforceable. 25 Pa.Code 127.207(1). As to the requirement that ERCs be surplus, the Pennsylvania Code states: ERCs shall be included in the current emission inventory, and may not be required by or be used to meet past or current SIP, attainment demonstration, RFP, emission limitation or compliance plans. Emission reductions necessary to meet NSPS, LAER, RACT, Best Available Technology, BACT and permit or plan approval emissions limitations or another emissions limitation required by the Clean Air Act or the [Air Pollution Control Act] may not be used

to generate ERCs. 25 Pa.Code 127.207(1)(i). To be creditable, ERCs must surpass not only RACT requirements but a host of other possible sources of emission limits. PennFuture comments that some of the RACT evaluations at issue in the current EPA notices purport to establish RACT as a baseline for future ERCs. PennFuture does acknowledge that EPA notes in its boilerplate for the notices, that Pennsylvania and EPA have established a series of NO_X-reducing rules, including the recent Chapter 145 rule, to reduce NO_X at large utility and industrial sources. See, for example, 66 FR 42415, 16–17 (August 13, 2001). Because any ERCs must be surplus to the most stringent limitation applicable under state or federal law as described in the Pennsylvania Code provision set forth above, DEP and EPA must not approve ERCs unless they surpass all such limitations in addition to any limits set by RACT.

Response: EPA agrees with this comment by PennFuture. The approval of a case-by-case RACT determination, in and of itself, does not establish the baseline from which further emission reductions may be calculated and assumed creditable under the Commonwealth's SIP-approved NSR and ERC program. Moreover, EPA's review of the Pennsylvania DEP's implementation of its approved SIP-approved NSR and ERC program indicates that the Commonwealth calculates and credits ERCs in accordance with the SIP-approved criteria for doing so as outlined in PennFuture's comment. No source for which EPA is approving a case-by-case RACT determination should assume that its RACT approval alone automatically establishes the baseline against which it may calculate creditable ERCs.

F. Comment: PennFuture comments that as in the case with Pennsylvania Power—Newcastle, EPA should compare RACT proposals to applicable acid rain program emission limits and control strategies. PennFuture contends that EPA previously disapproved a RACT proposal for the Pennsylvania Power—Newcastle plant [62 FR 43959 (1997); 63 FR 23668 (1998)] and that EPA did so on the basis that the acid rain program requires more stringent emission limits. PennFuture asserts that while EPA had originally proposed to approve this proposal, an analysis of comparable boilers and, especially, a comparison to Phase II emission limits under the acid rain program led EPA to conclude that the RACT proposal emission limits were too lenient. [62 FR at 43961]. Therefore, PennFuture contends that for sources subject to the acid rain program, EPA should consider emissions and control strategies for compliance with acid rain emission limits when evaluating proposals for compliance with RACT.

Response: Title IV of the Act, addressing the acid rain program, contains NO_X emission requirements for utilities which must be met *in addition to* any RACT requirements (see NO_X Supplement to the General Preamble at 57 FR 55625, November 25, 1992). The Act provides for a number of control programs that may affect similar sources. For example, new sources may be subject to new source performance standards (NSPS), best available control technology (BACT), and lowest achievable emission rate (LAER). Other controls, under such programs as the acid rain program or the hazardous air pollutant program may also apply to sources. However, the applicability of these other requirements, which are often more stringent than RACT, do not establish what requirements must apply under the RACT program. While these programs may provide information as to the technical and economic feasibility of reduction programs for RACT, there is no presumption that acid rain controls should be mandated as RACT.

EPA stated in the final disapproval of the NO_X RACT determination for PPNC [63 FR at 23669], that the discussion concerning average emission rates for boilers with respect to the acid rain program requirements were included in order to provide a context for EPA's proposed disapproval. EPA made clear in its August 18, 1997 proposed disapproval of Pennsylvania Powers'—Newcastle (PPNC) RACT determination, that the basis for disapproval was a comparison between PPNC's boilers and other similar combustion units, not acid rain limits. In fact, EPA stated in the August 18, 1997 proposed disapproval that ''Without additional knowledge or information, it would be erroneous and premature to conclude that the limits in the acid rain permit are RACT.'' [62 FR at 43961]. EPA clearly stated in the final disapproval for PPNC that it did not use acid rain permit limits, or Pennsylvania's participation in any other NO_X control program, to determine PPNC RACT approvability [63 FR at 23670]. Nor has EPA intended to use participation in NO_X control programs including acid rain, in determining RACT for PPNC or any other subject sources. EPA also stated that the April 30, 1998, PPNC disapproval was based on the absence of pertinent information regarding a computerized combustion optimization system through an enforceable permit, not comparison of acid rain permit limits.

III. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP to establish and require RACT to control VOC from two major sources located in the Pittsburgh area. EPA is approving these RACT SIP submittals because PADEP established and imposed these RACT requirements in accordance with the criteria set forth in the SIP-approved RACT regulations applicable to these sources. PADEP has also imposed record-keeping, monitoring, and testing requirements on these sources sufficient to determine compliance with the applicable RACT determinations.

IV. 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'' (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 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various

levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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. 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 two 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 December 14, 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 requirements to control VOC and to limit NO_X from the GenCorp., Inc., Jeanette Plant; and the CENTRIA, United Coaters Ambridge Coil Coating Operations Plant located in the Pittsburgh Beaver Valley 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 3, 2001.

Thomas C. Voltaggio,

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)(171) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(171) Revisins pertaining to the GenCorp., Inc., Jeanette Plant; and to the CENTRIA, United Coaters Ambridge Coil Coating Operations Plant, located in the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on April 16, 1996 and August 9, 2000.

(i) Incorporation by reference.

(A) Letter submitted by the Pennsylvania Department of Environmental Protection, dated April 16, 1996, transmitting source-specific VOC and NO_X RACT determinations.

(B) Operating Permit 65–000–207 issued to GenCorp., Inc., Jeanette Plant, effective January 4, 1996, except for the Permit Term and condition 8.

(C) Letter submitted by the Pennsylvania Department of Environmental Protection, dated August 9, 2000, transmitting source-specific VOC and NO_X RACT determinations.

(D) Operating Permit 04–000–043 issued to CENTRIA, Ambridge Coil Coating Operations Plant, effective May 17, 1999, except for the Permit Term.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations submitted for the sources listed in paragraphs (c)(171)(i)(B) and (D) of this section.

[FR Doc. 01–25580 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4175; FRL–7080–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO_X RACT Determinations for Four Individual Sources in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking 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) related requirements to limit nitrogen oxides (NO_X) from four sources. These sources are located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to the SIP in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on October 30, 2001.

ADDRESSES: 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, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia Spink, (215) 814–2104 or by e-mail at spink.marcia epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1997, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT and RACT-related requirements for several major sources of VOC and/or NO_X. This rulemaking pertains to four of those sources for their NO_X emissions. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of plan approval and agreement upon consent orders (consent Orders or COs) and an enforcement order (EO) issued by the Allegheny County Health Department (ACHD). The PADEP submitted these COs and EO to EPA, on behalf of ACHD, as SIP revisions. These four sources are located in the Pittsburgh area and consist of General Motors, Corp., Oakmont Steel, Inc., The Peoples Natural Gas, Co., and U.S. Bureau of Mines.

On August 22, 2001, EPA published a direct final rule (66 FR 44057) and a companion notice of proposed rulemaking (66 FR 44096) to approve these SIP revisions. On September 7, 2001, we received adverse comments on our direct final rule from the Citizens for Pennsylvania's Future (PennFuture). On September 28, 2001 (66 FR 49541), we published a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect. We indicated in our August 21, 2001 direct final rulemaking that if we received adverse comments, EPA would address all public comments in a subsequent final rule based on the proposed rule (66 FR 44096). This is that subsequent final rule. A description of the RACT determination(s) made for each source was provided in the August 22, 2001 direct final rule and will not be restated here. A summary of the comments submitted by PennFuture germane to this final rulemaking and EPA's responses are provided in Section II of this document.

II. Public Comments and Responses

The Citizens for Pennsylvania's Future (PennFuture) submitted adverse comments on twenty proposed rules published by EPA in the **Federal Register** between August 6 and August 24, 2001 to approve case-by-case RACT SIP submissions from the Commonwealth for NO_X and or VOC sources located in the Pittsburgh area. PennFuture's letter includes general comments and comments specific to EPA's proposals for certain sources. A summary of those comments and EPA's responses are provided below.

A. Comment: PennFuture comments that EPA has conducted no independent technical review, and has prepared no technical support document to survey potential control technologies, determine the capital and operating costs of different options, and rank these options in total and marginal cost per ton of NO_X and VOC controlled. In citing the definition of the term ''RACT,'' and the Strelow Memorandum [Roger Strelow, Assistant Administrator for Air and Waste Management, EPA, December 9, 1976, cited in *Michigan* v. *Thomas,* 805 F.2d 176, 180 (6th Cir. 1986) and at 62 FR 43134, 43136 (1997)], PennFuture appears to comment that in every situation, RACT must include an emission rate. PennFuture asserts that EPA should conduct its own RACT evaluation for each source, or at a minimum document a step-by-step review demonstrating the adequacy of state evaluations, to ensure that appropriate control technology is applied. The commenter also believes that EPA's failure to conduct its own independent review of control technologies has resulted in our proposing to approve some RACT determinations that fail to meet the terms of EPA's own RACT standard.

Response: On March 23, 1998 (63 FR 13789), EPA granted conditional limited approval of Pennsylvania's generic RACT regulations, 25 PA Code Chapters 121 and 129, thereby approving the definitions, provisions and procedures contained within those regulations under which the Commonwealth would require and impose RACT. Subsection 129.91, *Control of major sources of NO_X and VOCs,* requires subject facilities to submit a RACT plan proposal to both the Pennsylvania Department of Environmental Protection (DEP) and to EPA Region III by July 15, 1994 in accordance with subsection 129.92, entitled, *RACT proposal requirements.* Under subsection 129.92, that proposal is to include, among other information: (1) A list of each subject source at the facility; (2) The size or capacity of each affected source, and the types of fuel combusted, and the types and amounts of materials processed or produced at each source; (3) A physical description of each source and its operating characteristics; (4) Estimates of potential and actual emissions from each affected source with supporting documentation; (5) A RACT analysis which meets the requirements of subsection 129.92 (b), including technical and economic support documentation for each affected source; (6) A schedule for implementation as expeditiously as practicable but not later than May 15, 1995; (7) The testing, monitoring, recordkeeping and reporting procedures proposed to demonstrate compliance with RACT; and (8) any additional information requested by the DEP necessary to evaluate the RACT proposal. Under subsection 129.91, the DEP will approve, deny or modify each RACT proposal, and submit each RACT determination to EPA for approval as a SIP revision.

The conditional nature of EPA's March 23, 1998 conditional limited approval did not impose any conditions pertaining to the regulation's procedures for the submittal of RACT plans and analyses by subject sources and approval of case-by case RACT determinations by the DEP. Rather, EPA stated that ''. . . RACT rules *may not merely be procedural rules* (emphasis added) that require the source and the State to later agree to the appropriate level of control; rather the rules must identify the appropriate level of control for source categories or individual sources.''

On May 3, 2001 (66 FR 22123), EPA published a rulemaking determining that Pennsylvania had satisfied the conditions imposed in its conditional limited approval. In that rulemaking, EPA removed the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. EPA received no public comments on its action and that final rule removing the conditional status of Pennsylvania's VOC and NO_X RACT regulations became effective on June 18, 2001. As of that time, Pennsylvania's generic VOC and NO_X RACT regulations retained a limited approval status. On August 24, 2001 (66 FR 44578), EPA proposed to remove the limited nature of its approval of Pennsylvania's generic RACT regulation in the Pittsburgh area. EPA received no public comments on that proposal. Final action converting the limited approval to full approval shall occur once EPA has completed rulemaking to approve either (1) the case-by-case RACT proposals for all sources subject to the RACT requirements currently known in the Pittsburgh-Beaver area or (2) for a sufficient number of sources such that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking (63 FR 13789).

EPA agrees that it has an obligation to review the case-by-case RACT plan approvals and/or permits submitted as individual SIP revisions by Commonwealth to verify and determine if they are consistent with the RACT

requirements of the Act and any relevant EPA guidance. EPA does not agree, however, that this obligation to review the case-by-case RACT determinations submitted by Pennsylvania necessarily extends to our performing our own RACT analyses, independent of the sources' RACT plans/analyses (included as part of the case-by case RACT SIP revisions) or the Commonwealth's analyses. EPA first reviews this submission to ensure that the source and the Commonwealth followed the SIP-approved generic rule when applying for and imposing RACT for a specific source. Then EPA performs a thorough review of the technical and economic analyses conducted by the source and the state. If EPA believes additional information may further support or would undercut the RACT analyses submitted by the state, then EPA may add additional EPA-generated analyses to the record.

While RACT, as defined for an individual source or source category, often does specify an emission rate, such is not always the case. EPA has issued Control Technique Guidelines (CTGs) which states are to use as guidance in development of their RACT determinations/rules for certain sources or source categories. Not every CTG issued by EPA includes an emission rate. There are several examples of CTGs issued by EPA wherein equipment standards and/or work practice standards alone are provided as RACT guidance for all or part of the processes covered. Such examples include the CTGs issued for Bulk gasoline plants, Gasoline service stations—Stage I, Petroleum Storage in Fixed-roof tanks, Petroleum refinery processes, Solvent metal cleaning, Pharmaceutical products, External Floating roof tanks and Synthetic Organic Chemical Manufacturing (SOCMI)/polymer manufacturing. (The publication numbers for these CTG documents may be found at *http://www.epa.gov/ttn/catc/dir1/ctg.txt).*

EPA disagrees with PennFuture's general comment that our failure to conduct our own independent review of control technologies for every case-by-case RACT determination conducted by the Commonwealth has resulted in our proposing to approve some RACT determinations that fail to meet the terms of our own RACT standard. PennFuture submitted comments specific to the case-by-case RACT determinations for only three sources located in the Pittsburgh area, namely for Duquesne Light's Elrama, Phillips and Brunot Island stations. EPA summarizes those comments and provides responses in the final rule pertaining to those sources.

B. Comment: PennFuture comments that when EPA reviewed Pennsylvania's RACT program, it noted that Pennsylvania coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour ''are some of the largest NO_X emitting sources in the Commonwealth and in the Northeast United States'' [63 FR 13789, 13791 (1998)] and as such should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93) to guarantee that sources would achieve quantifiable emissions reductions under the RACT program. PennFuture goes on to comment that because EPA has not conducted and documented a technical review of Pennsylvania case-by case RACT submissions, EPA has not demonstrated that these large boilers are subject to ''numeric emission limitations'' under RACT. EPA must conduct a thorough RACT evaluation or review for each such source, and must document the application of numeric emission limits and quantifiable reductions for each coal-fired boiler with a rated heat input of over 100 million Btu per hour.

Response: Circumstances may exist wherein a state could justify otherwise, however, in general, EPA agrees with PennFuture that coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93).

As provided in the response found in II. A, EPA does not agree that it must conduct its own technical analysis of each of the case-by-case RACT determinations submitted for each RACT source in order to document that its RACT requirements include numeric emission limitations. That determination can be made by EPA when it reviews the plan approval, consent order, or permit issued to such a source as submitted by the Commonwealth as SIP revision. PennFuture's comment did not point to a specific instance where a RACT plan approval, consent order or permit imposing RACT on a coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour did, in fact, lack a numerical emission limitation(s). Nonetheless, pursuant to PennFuture's comment, EPA has re-examined all of the case-by-case RACT SIP submissions made by the Commonwealth for such sources located in the Pittsburgh area. That re-examination, combined with information provided by the Commonwealth, indicates that each case-by-case RACT plan approval, consent order and/or permit for each coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour includes a numeric emission limitation. A listing of each source, its plan approval, consent order and/or permit number and its numerical emission limitation has been placed in the Administrative Records for the case-by-case RACT rulemakings for the Pittsburgh area.

C. Comment: PennFuture asserts that the Commonwealth has not adopted and submitted category RACT rules for all VOC source categories for which federal control technique guidelines (CTGs) have been issued. The commenter refers to Appendix 1 of the Technical Support Document (dated May 14, 2001), prepared by EPA in support of its proposed rule to redesignate the Pittsburgh-Beaver Valley Ozone Nonattainment Area (66 FR 29270), to assert that EPA has failed to require the Commonwealth to submit VOC RACT rules for certain categories of sources. PennFuture specifically names source categories such as equipment leaks from natural gas/gas processing plants, coke oven batteries, iron and steel foundries, and publically owned treatment works and asserts that the Commonwealth has neglected a statutory requirement to adopt category RACT regulations for these and 14 other unnamed VOC source categories.

Response: EPA has not issued CTGs for coke oven batteries, iron and steel foundries and publically owned treatment works. The Appendix 1, referred to by the commenter, lists CTG covered categories as well as source categories taken from two STAPPA/ALAPCO documents entitled, ''Meeting the 15–Percent Rate-of-Progress Requirement Under the Clean Air Act—A Menu of Options'' (September 1993) and ''Controlling Nitrogen Oxides Under the Clean Air Act—A Menu of Options'' (July 1994). The categories referenced by PennFuture are not VOC categories for which EPA has issued CTGs, but were included in Appendix A as examples of some of the types of sources that could be subject to Pennsylvania's generic RACT regulations. The Commonwealth is under no statutory obligation to adopt RACT rules for source *categories* for which EPA has not issued a CTG. In fact, CTGs do not exist for all but one of the categories to which the commenter explicitly refers.

The Act requires that states adopt regulations to impose RACT for ''major sources of VOC,'' located within those

areas of a state where RACT applies under Part D of the Act [182(b)(2)(C)]. This is referred to as the non-CTG VOC RACT requirement. Moreover, EPA disagrees that there is a statutory mandate that a state adopt a source category RACT regulation even for a source category where EPA has issued a CTG. There are two statutory provisions that address RACT for sources covered by a CTG. One provides that states must adopt RACT for ''any category of VOC sources'' covered by a CTG issued prior to November 15, 1990 [182(b)(2)(A)]. The other provides that states must adopt VOC RACT for all ''VOC sources'' covered by a CTG issued after November 15, 1990 [182(b)(2)(B)]. EPA has long interpreted the statutory RACT requirement to be met either by adoption of category-specific rules or by source-specific rules for each source within a category. When initially established, RACT was clearly defined as a case-by-case determination, but EPA provided CTG's to simplify the process for states such that they would not be required to adopt hundreds or thousands of individual rules. See Strelow Memorandum dated December 9, 1976 and 44 FR 53761, September 17, 1979. EPA does not believe that Congress' use of ''source category'' in one provision of section 182(b)(2) was intended to preclude the adoption of source-specific rules.

Thus, where CTG-subject sources are located within those areas of a state where RACT applies under Part D of the Act, the state is obligated to impose RACT for the same universe of sources covered by the CTG. However, that obligation is not required to be met by the adoption and submittal of a source category RACT rule. A state may, instead, opt to impose RACT for such sources in permits, plan approvals, consent orders or in any other state enforceable document and submit those documents to EPA for approval as source-specific SIP revisions. This option has been exercised by many states, and happens most commonly when only a few CTG-subject sources are located in the state. The source-specific approach is generally employed to avoid what can be a lengthy and resource-intensive state rule adoption process for only a few sources that may have different needs and considerations that must be taken into account.

As stated earlier, there is one source category explicitly included in PennFuture's comment for which EPA has issued a CTG, namely natural gas/gas processing plants. The Commonwealth made a negative declaration to EPA on April 13, 1993, stating that as of that date there were no applicable sources in this category. Therefore, the Commonwealth did not adopt a category RACT regulation for natural gas/gas processing plants.

D. Comment: PennFuture cites EPA correspondence [letter from Marcia Spink, EPA, to James Salvaggio, DEP, December 15, 1993] to the Commonwealth which states that establishing any dollar figure in RACT guidance will not provide for the ''automatic'' selection or rejection of a control technology or emission limitation as RACT for a source or source category. With regard to the Pennsylvania DEP's intent to finalize a NO_X RACT Guidance Document for implementation of its NO_X RACT regulation, EPA's 1993 letter stated that the document could improperly be used to establish ''bright line'' or ''cook-book'' approaches, particularly for a regulation applicable to many source categories and suggested that if the guidance document must include dollar figures/ton, it provide approximate ranges by source category. PennFuture comments that DEP issued its ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, and on pp. 8–9 states that the acceptable threshold is $1500 per ton, and that this figure applies to ''all source categories.'' PennFuture notes that EPA later objected to the $1500 per ton methodology as ''not generically acceptable to EPA'' [letter from Thomas Maslany, EPA, to James Salvaggio, DEP, June 24, 1997] and further stated in a **Federal Register** notice that a ''dollar per ton threshold'' is ''inconsistent with the definition of RACT'' [62 FR 43134, 37–38 (1997)].

PennFuture comments that EPA is proposing to approve RACT determinations based on a cost per ton method that EPA had previously rejected, and according to its own clearly expressed standard, EPA must not approve RACT determinations by Pennsylvania DEP that apply this $1500 per ton threshold. The commenter states that PennFuture's review of several of the current DEP evaluations indicate that the Commonwealth applied this standard and provides the examples of Duquesne Light—Elrama (auxiliary boiler); Allegheny Ludlum—Washington (formerly Jessop Steel). PennFuture asserts EPA must reject all Pennsylvania RACT determinations applying the standard of $1500 per ton, or any other ''bright line'' approach, as failing to follow EPA procedures established for Pennsylvania RACT.

Response: EPA still takes the position that a single cost per ton dollar figure may not, in and of itself, form the basis for rejecting a control technology, equipment standard, or work practice standard as RACT. The Technical Support Document prepared by EPA in support of its March 23, 1998 rulemaking [63 FR 13789] clearly indicates that the Commonwealth's document, ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions.'' March 11, 1994, had not been included as part of the SIP submission of the Commonwealth's generic regulation and, therefore, had not been approved by EPA. EPA further notes that the Administrative Record of the March 23, 1998 rulemaking [63 FR 13789], in addition to the correspondence cited by PennFuture, also includes correspondence from DEP to EPA [letter from James Salvaggio, DEP to David Arnold, EPA, September 10, 1997] stating that DEP's RACT guidance document does not establish a maximum dollar per ton for determining the cost effectiveness for RACT determinations and notes that the DEP's $1500 per ton cost effectiveness is a target value and not an absolute maximum. For example, in its analyses of the cost effectiveness of RACT control options submitted by DEP as part of the case-by-case SIP revision for Peoples Natural Gas (PNG) Valley Compressor Station's turbo charged lean burn IC engine (see the Administrative Record for 66 FR 43492), the Commonwealth included DEP interoffice memoranda (Thomas Joseph to Krishnan Ramamurthy, July 14, 1994 and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, July 15, 1994) which spoke directly to the $1500/ton dollar figure as being a guideline and not an upper limit. These memoranda explain that although PNG initially proposed intermediate original equipment manufacturer (OEM) combustion controls which would have reduced NO_X emissions from 254.7 tons per year to 115 tons per year (by 55%) at a cost of $1355 per ton reduced, DEP required the installation of an OEM lean combustion modification that reduced NO_X emissions from 254.7 tons per year to 76 tons per year (by 69%) at a cost of $1684 per ton reduced. The DEP's July 15, 1994 interoffice memorandum says of the PNG RACT determination which exceeded the cost effectiveness screening level of $1500 per ton ''Tom's (Joseph) insistence for the next more stringent level of control than the company's chosen level in the case of PNG was consistent with EPA Region III's sentiment that establishing any dollar figure in RACT guidance will not

provide for an ''automatic'' rejection of a control technology as RACT for a source.''

In no instance, including that for Duquesne Light—Elrama (auxiliary boiler) and Allegheny Ludlum—Washington (formerly Jessop Steel), has EPA proposed to approve a RACT determination submitted by the Commonwealth which was based solely on a conclusion that controls that cost more than $1500/ton were not required as RACT. As explained in the response provided in section II. A. of this document, EPA conducts its review of the entire case-by-case RACT SIP submittal including the source's proposed RACT plan and analyses, Pennsylvania's analyses and the RACT plan approval, consent order or permit itself to insure that the requirements of the SIP-approved generic RACT have been followed. These analyses not only evaluate and consider the costs of potential control options, but also evaluate their technological feasibility.

E. Comment: PennFuture comments that any emission reduction credits (ERCs) earned by sources subject to RACT must be surplus to all applicable state and federal requirements. Under Pennsylvania law, ERCs must be surplus, permanent, quantified, and Federally enforceable. 25 Pa. Code 127.207(1). As to the requirement that ERCs be surplus, the Pennsylvania Code states: ERCs shall be included in the current emission inventory, and may not be required by or be used to meet past or current SIP, attainment demonstration, RFP, emission limitation or compliance plans. Emission reductions necessary to meet NSPS, LAER, RACT, Best Available Technology, BACT and permit or plan approval emissions limitations or another emissions limitation required by the Clean Air Act or the [Air Pollution Control Act] may not be used to generate ERCs. 25 Pa. Code 127.207(1)(i). To be creditable, ERCs must surpass not only RACT requirements but a host of other possible sources of emission limits. PennFuture comments that some of the RACT evaluations at issue in the current EPA notices purport to establish RACT as a baseline for future ERCs. PennFuture does acknowledge that EPA notes in its boilerplate for the notices, that Pennsylvania and EPA have established a series of NO_X-reducing rules, including the recent Chapter 145 rule, to reduce NO_X at large utility and industrial sources. See, for example, 66 FR 42415, 16–17 (August 13, 2001). Because any ERCs must be surplus to the most stringent limitation applicable under state or federal law as described in the Pennsylvania Code provision set forth above, DEP and EPA must not approve ERCs unless they surpass all such limitations in addition to any limits set by RACT.

Response: EPA agrees with this comment by PennFuture. The approval of a case-by-case RACT determination, in and of itself, does not establish the baseline from which further emission reductions may be calculated and assumed creditable under the Commonwealth's SIP-approved NSR and ERC program. Moreover, EPA's review of the Pennsylvania DEP's implementation of its approved SIP-approved NSR and ERC program indicates that the Commonwealth calculates and credits ERCs in accordance with the SIP-approved criteria for doing so as outlined in PennFuture's comment. No source for which EPA is approving a case-by-case RACT determination should assume that its RACT approval alone automatically establishes the baseline against which it may calculate creditable ERCs.

F. Comment: PennFuture comments that as in the case with Pennsylvania Power—Newcastle, EPA should compare RACT proposals to applicable acid rain program emission limits and control strategies. PennFuture contends that EPA previously disapproved a RACT proposal for the Pennsylvania Power—Newcastle plant [62 FR 43959 (1997); 63 FR 23668 (1998)] and that EPA did so on the basis that the acid rain program requires more stringent emission limits. PennFuture asserts that while EPA had originally proposed to approve this proposal, an analysis of comparable boilers and, especially, a comparison to Phase II emission limits under the acid rain program led EPA to conclude that the RACT proposal emission limits were too lenient. [62 FR at 43961]. Therefore, PennFuture contends that for sources subject to the acid rain program, EPA should consider emissions and control strategies for compliance with acid rain emission limits when evaluating proposals for compliance with RACT.

Response: Title IV of the Act, addressing the acid rain program, contains NO_X emission requirements for utilities which must be met *in addition to* any RACT requirements (see NO_X Supplement to the General Preamble at 57 FR 55625, November 25, 1992). The Act provides for a number of control programs that may affect similar sources. For example, new sources may be subject to new source performance standards (NSPS), best available control technology (BACT), and lowest achievable emission rate (LAER). Other controls, under such programs as the acid rain program or the hazardous air pollutant program may also apply to sources. However, the applicability of these other requirements, which are often more stringent than RACT, do not establish what requirements must apply under the RACT program. While these programs may provide information as to the technical and economic feasibility of reduction programs for RACT, there is no presumption that acid rain controls should be mandated as RACT.

EPA stated in the final disapproval of the NO_X RACT determination for PPNC [63 FR at 23669], that the discussion concerning average emission rates for boilers with respect to the acid rain program requirements were included in order to provide a context for EPA's proposed disapproval. EPA made clear in its August 18, 1997 proposed disapproval of Pennsylvania Powers'—Newcastle (PPNC) RACT determination, that the basis for disapproval was a comparison between PPNC's boilers and other similar combustion units, not acid rain limits. In fact, EPA stated in the August 18, 1997 proposed disapproval that ''Without additional knowledge or information, it would be erroneous and premature to conclude that the limits in the acid rain permit are RACT.'' [62 FR at 43961]. EPA clearly stated in the final disapproval for PPNC that it did not use acid rain permit limits, or Pennsylvania's participation in any other NO_X control program, to determine PPNC RACT approvability [63 FR at 23670]. Nor has EPA intended to use participation in NO_X control programs including acid rain, in determining RACT for PPNC or any other subject sources. EPA also stated that the April 30, 1998, PPNC disapproval was based on the absence of pertinent information regarding a computerized combustion optimization system through an enforceable permit, not comparison of acid rain permit limits.

III. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP on behalf of ACHD to reduce NO_X from four sources located in the Pittsburgh area. EPA is approving these SIP submittals because ACHD established and imposed requirements in accordance with the criteria set forth in SIP-approved regulations for imposing RACT or for limiting a source's potential to emit. The ACHD has also imposed record-keeping, monitoring, and testing requirements on these sources sufficient to determine compliance with these requirements.

IV. 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'' (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 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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. 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 four 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 December 14, 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 requirements to control NO_X from four individual sources in 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 3, 2001.

Thomas C. Voltaggio,

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)(181) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(181) Revisions pertaining to NO_X RACT-related requirements for General Motors, Corp.; Oakmont Steel, Inc.; The Peoples Natural Gas, Co.; and U.S. Bureau of Mines located in Allegheny County portion of the Pittsburgh-Beaver Valley ozone nonattainment area, submitted by the Pennsylvania Department of Environmental Protection on July 1, 1997.

(i) *Incorporation by reference.*

(A) Letter dated July 1, 1997, submitted by the Pennsylvania Department of Environmental Protection transmitting several source-specific VOC and/or NO_X RACT related determinations.

(B) Plan Approval and Agreement Upon Consent Orders (COs) and an Enforcement Order (EO) for the following sources:

(*1*) General Motors, Corp., CO 243, effective August 27, 1996, except for condition 2.5.

(*2*) Oakmont Steel, Inc., CO 226, effective May 14, 1996, except for condition 2.5.

(*3*) The Peoples Natural Gas, Co., CO 240, effective August 27, 1996, except for condition 2.5.

(*4*) U.S. Bureau of Mines, EO 215, effective March 8, 1996, except for condition 2.5.

(ii) *Additional materials.* Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the sources listed in paragraph (c)(181)(i)(B) of this section.

* * * * *

[FR Doc. 01–25576 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4171; FRL–7079–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Eight Individual Sources in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking 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 eight major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X). These sources are located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on October 30, 2001.

ADDRESSES: 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, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (215) 814–2104 or by e-mail at spink.marcia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 6, 1995, August 1, 1995, January 10, 1996, January 21, 1997, February 2, 1999, March 3, 1999, and April 19, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several major sources of VOC and/or NO_X. This rulemaking pertains to eight of those sources. The RACT determinations for the other sources are, or have been the subject of separate rulemakings. The Commonwealth's submittals consist of Plan Approvals (PA) and Operating Permits (OP) issued by PADEP. These PAs and OPs impose VOC and/or NO_X RACT requirements for each source. These sources are all located in the Pittsburgh area and consist of: AES Beaver Valley Partners, Inc.—Monaca Plant; Duquesne Light/Pennsylvania Power Company—Bruce Mansfield Plant; West Penn Power Company—Mitchell Station; Apollo Gas Company—Shoemaker Station; Carnegie Natural Gas Company—Fisher Station (formerly Apollo Gas Company); The Peoples Natural Gas Company—Girty Station; The Peoples Natural Gas Company—Valley Station, and Texas Eastern Transmission Corporation—Delmont Station.

On August 20, 2001, EPA published a direct final rule (66 FR 43492) and a companion notice of proposed rulemaking (66 FR 43550) to approve these SIP revisions. On September 7, 2001, we received adverse comments on our direct final rule from the Citizens for Pennsylvania's Future (PennFuture). On September 27, 2001 (66 FR 49292), we published a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect. We indicated in our August 20, 2001 direct final rulemaking that if we received adverse comments, EPA would address all public comments in a subsequent final rule based on the proposed rule (66 FR 43550). This is that subsequent final rule. A description of the RACT determination(s) made for each source was provided in the August 20, 2001 direct final rule and will not be restated here. A summary of the comments submitted by PennFuture germane to this final rulemaking and EPA's responses are provided in Section II of this document.

II. Public Comments and Responses

The Citizens for Pennsylvania's Future (PennFuture) submitted adverse comments on twenty proposed rules published by EPA in the **Federal Register** between August 6 and August 24, 2001 to approve case-by-case RACT SIP submissions from the Commonwealth for NO_X and or VOC sources located in the Pittsburgh area. PennFuture's letter includes general comments and comments specific to EPA's proposals for certain sources. A summary of those comments and EPA's responses are provided below.

A. *Comment:* PennFuture comments that EPA has conducted no independent technical review, and has prepared no technical support document to survey potential control technologies, determine the capital and operating costs of different options, and rank these options in total and marginal cost per ton of NO_X and VOC controlled. In citing the definition of the term ''RACT,'' and the Strelow Memorandum [Roger Strelow, Assistant Administrator for Air and Waste Management, EPA, December 9, 1976, cited in *Michigan v. Thomas,* 805 F.2d 176, 180 (6th Cir. 1986) and at 62 FR 43134, 43136 (1997)], PennFuture appears to comment that in every situation, RACT must include an emission rate. PennFuture asserts that EPA should conduct its own RACT evaluation for each source, or at a minimum document a step-by-step review demonstrating the adequacy of state evaluations, to ensure that appropriate control technology is applied. The commenter also believes that EPA's failure to conduct its own independent review of control technologies has resulted in our proposing to approve some RACT determinations that fail to meet the terms of EPA's own RACT standard.

Response: On March 23, 1998 (63 FR 13789), EPA granted conditional limited approval of Pennsylvania's generic RACT regulations, 25 PA Code Chapters 121 and 129, thereby approving the definitions, provisions and procedures contained within those regulations under which the Commonwealth would require and impose RACT. Subsection 129.91, *Control of major sources of NO_X and VOCs,* requires subject facilities to submit a RACT plan proposal to both the Pennsylvania Department of Environmental Protection (DEP) and to EPA Region III by July 15, 1994 in accordance with subsection 129.92, entitled, *RACT proposal requirements.* Under subsection 129.92, that proposal is to include, among other information: (1) A list of each subject source at the facility; (2) The size or capacity of each affected source, and the types of fuel combusted, and the types and amounts of materials processed or produced at each source; (3) A physical description of each source and its operating characteristics; (4) Estimates of potential and actual emissions from each affected source with supporting documentation; (5) A RACT analysis which meets the requirements of subsection 129.92 (b), including technical and economic support documentation for each affected source; (6) A schedule for implementation as expeditiously as practicable but not later than May 15, 1995; (7) The testing, monitoring, recordkeeping and reporting procedures proposed to demonstrate compliance with RACT; and (8) any additional information requested by the DEP necessary to evaluate the RACT

proposal. Under subsection 129.91, the DEP will approve, deny or modify each RACT proposal, and submit each RACT determination to EPA for approval as a SIP revision.

The conditional nature of EPA's March 23, 1998 conditional limited approval did not impose any conditions pertaining to the regulation's procedures for the submittal of RACT plans and analyses by subject sources and approval of case-by case RACT determinations by the DEP. Rather, EPA stated that ''...RACT rules *may not merely be procedural rules* (emphasis added) that require the source and the State to later agree to the appropriate level of control; rather the rules must identify the appropriate level of control for source categories or individual sources.''

On May 3, 2001 (66 FR 22123), EPA published a rulemaking determining that Pennsylvania had satisfied the conditions imposed in its conditional limited approval. In that rulemaking, EPA removed the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. EPA received no public comments on its action and that final rule removing the conditional status of Pennsylvania's VOC and NO_X RACT regulations became effective on June 18, 2001. As of that time, Pennsylvania's generic VOC and NO_X RACT regulations retained a limited approval status. On August 24, 2001 (66 FR 44578), EPA proposed to remove the limited nature of its approval of Pennsylvania's generic RACT regulation in the Pittsburgh area. EPA received no public comments on that proposal. Final action converting the limited approval to full approval shall occur once EPA has completed rulemaking to approve either (1) the case-by-case RACT proposals for all sources subject to the RACT requirements currently known in the Pittsburgh-Beaver area or (2) for a sufficient number of sources such that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking (63 FR 13789).

EPA agrees that it has an obligation to review the case-by-case RACT plan approvals and/or permits submitted as individual SIP revisions by Commonwealth to verify and determine if they are consistent with the RACT requirements of the Act and any relevant EPA guidance. EPA does not agree, however, that this obligation to review the case-by-case RACT determinations submitted by Pennsylvania necessarily extends to our performing our own RACT analyses, independent of the sources' RACT plans/analyses (included as part of the case-by case RACT SIP revisions) or the Commonwealth's analyses. EPA first reviews this submission to ensure that the source and the Commonwealth followed the SIP-approved generic rule when applying for and imposing RACT for a specific source. Then EPA performs a thorough review of the technical and economic analyses conducted by the source and the state. If EPA believes additional information may further support or would undercut the RACT analyses submitted by the state, then EPA may add additional EPA-generated analyses to the record.

While RACT, as defined for an individual source or source category, often does specify an emission rate, such is not always the case. EPA has issued Control Technique Guidelines (CTGs) which states are to use as guidance in development of their RACT determinations/rules for certain sources or source categories. Not every CTG issued by EPA includes an emission rate. There are several examples of CTGs issued by EPA wherein equipment standards and/or work practice standards alone are provided as RACT guidance for all or part of the processes covered. Such examples include the CTGs issued for Bulk gasoline plants, Gasoline service stations—Stage I, Petroleum Storage in Fixed-roof tanks, Petroleum refinery processes, Solvent metal cleaning, Pharmaceutical products, External Floating roof tanks and Synthetic Organic Chemical Manufacturing (SOCMI)/polymer manufacturing. (The publication numbers for these CTG documents may be found at *http://www.epa.gov/ttn/catc/dir1/ctg.txt).*

EPA disagrees with PennFuture's general comment that our failure to conduct our own independent review of control technologies for every case-by-case RACT determination conducted by the Commonwealth has resulted in our proposing to approve some RACT determinations that fail to meet the terms of our own RACT standard. PennFuture submitted comments specific to the case-by-case RACT determinations for only three sources located in the Pittsburgh area, namely for Duquesne Light's Elrama, Phillips and Brunot Island stations. EPA summarizes those comments and provides responses in the final rule pertaining to those sources.

B. Comment: PennFuture comments that when EPA reviewed Pennsylvania's RACT program, it noted that Pennsylvania coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour ''are some of the largest NO_X emitting sources in the Commonwealth and in the Northeast United States' [63 FR 13789, 13791 (1998)] and as such should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93) to guarantee that sources would achieve quantifiable emissions reductions under the RACT program. PennFuture goes on to comment that because EPA has not conducted and documented a technical review of Pennsylvania case-by-case RACT submissions, EPA has not demonstrated that these large boilers are subject to ''numeric emission limitations'' under RACT. EPA must conduct a thorough RACT evaluation or review for each such source, and must document the application of numeric emission limits and quantifiable reductions for each coal-fired boiler with a rated heat input of over 100 million Btu per hour.

Response: Circumstances may exist wherein a state could justify otherwise, however, in general, EPA agrees with PennFuture that coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93).

As provided in the response found in II. A, EPA does not agree that it must conduct its own technical analysis of each of the case-by-case RACT determinations submitted for each RACT source in order to document that its RACT requirements include numeric emission limitations. That determination can be made by EPA when it reviews the plan approval, consent order, or permit issued to such a source as submitted by the Commonwealth as SIP revision. PennFuture's comment did not point to a specific instance where a RACT plan approval, consent order or permit imposing RACT on a coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour did, in fact, lack a numerical emission limitation(s). Nonetheless, pursuant to PennFuture's comment, EPA has re-examined all of the case-by-case RACT SIP submissions made by the Commonwealth for such sources located in the Pittsburgh area. That re-examination, combined with information provided by the Commonwealth, indicates that each case-by-case RACT plan approval, consent order and/or permit for each coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour includes a numeric emission limitation. A listing of each

source, its plan approval, consent order and/or permit number and its numerical emission limitation has been placed in the Administrative Records for the case-by-case RACT rulemakings for the Pittsburgh area.

C. Comment: PennFuture asserts that the Commonwealth has not adopted and submitted category RACT rules for all VOC source categories for which federal control technique guidelines (CTGs) have been issued. The commenter refers to Appendix 1 of the Technical Support Document (dated May 14, 2001), prepared by EPA in support of its proposed rule to redesignate the Pittsburgh-Beaver Valley Ozone Nonattainment Area (66 FR 29270), to assert that EPA has failed to require the Commonwealth to submit VOC RACT rules for certain categories of sources. PennFuture specifically names source categories such as equipment leaks from natural gas/gas processing plants, coke oven batteries, iron and steel foundries, and publically owned treatment works and asserts that the Commonwealth has neglected a statutory requirement to adopt category RACT regulations for these and 14 other unnamed VOC source categories.

Response: EPA has not issued CTGs for coke oven batteries, iron and steel foundries and publically owned treatment works. The Appendix 1, referred to by the commenter, lists CTG covered categories as well as source categories taken from two STAPPA/ALAPCO documents entitled, ''Meeting the 15-Percent Rate-of-Progress Requirement Under the Clean Air Act—A Menu of Options' (September 1993) and ''Controlling Nitrogen Oxides Under the Clean Air Act—A Menu of Options'' (July 1994). The categories referenced by PennFuture are not VOC categories for which EPA has issued CTGs, but were included in Appendix A as examples of some of the types of sources that could be subject to Pennsylvania's generic RACT regulations. The Commonwealth is under no statutory obligation to adopt RACT rules for source *categories* for which EPA has not issued a CTG. In fact, CTGs do not exist for all but one of the categories to which the commenter explicitly refers.

The Act requires that states adopt regulations to impose RACT for ''major sources of VOC,'' located within those areas of a state where RACT applies under Part D of the Act [182(b)(2)(C)]. This is referred to as the non-CTG VOC RACT requirement. Moreover, EPA disagrees that there is a statutory mandate that a state adopt a source category RACT regulation even for a source category where EPA has issued a CTG. There are two statutory provisions that address RACT for sources covered by a CTG. One provides that states must adopt RACT for ''any category of VOC sources'' covered by a CTG issued prior to November 15, 1990 [182(b)(2)(A)]. The other provides that states must adopt VOC RACT for all ''VOC sources'' covered by a CTG issued after November 15, 1990 [182(b)(2)(B)]. EPA has long interpreted the statutory RACT requirement to be met either by adoption of category-specific rules or by source-specific rules for each source within a category. When initially established, RACT was clearly defined as a case-by-case determination, but EPA provided CTG's to simplify the process for states such that they would not be required to adopt hundreds or thousands of individual rules. See Strelow Memorandum dated December 9, 1976 and 44 FR 53761, September 17, 1979. EPA does not believe that Congress' use of ''source category'' in one provision of section 182(b)(2) was intended to preclude the adoption of source-specific rules.

Thus, where CTG-subject sources are located within those areas of a state where RACT applies under Part D of the Act, the state is obligated to impose RACT for the same universe of sources covered by the CTG. However, that obligation is not required to be met by the adoption and submittal of a source category RACT rule. A state may, instead, opt to impose RACT for such sources in permits, plan approvals, consent orders or in any other state enforceable document and submit those documents to EPA for approval as source-specific SIP revisions. This option has been exercised by many states, and happens most commonly when only a few CTG-subject sources are located in the state. The source-specific approach is generally employed to avoid what can be a lengthy and resource-intensive state rule adoption process for only a few sources that may have different needs and considerations that must be taken into account.

As stated earlier, there is one source category explicitly included in PennFuture's comment for which EPA has issued a CTG, namely natural gas/gas processing plants. The Commonwealth made a negative declaration to EPA on April 13, 1993, stating that as of that date there were no applicable sources in this category. Therefore, the Commonwealth did not adopt a category RACT regulation for natural gas/gas processing plants.

D. Comment: PennFuture cites EPA correspondence [letter from Marcia Spink, EPA, to James Salvaggio, DEP, December 15, 1993] to the Commonwealth which states that establishing any dollar figure in RACT guidance will not provide for the ''automatic'' selection or rejection of a control technology or emission limitation as RACT for a source or source category. With regard to the Pennsylvania DEP's intent to finalize a NO_X RACT Guidance Document for implementation of its NO_X RACT regulation, EPA's 1993 letter stated that the document could improperly be used to establish ''bright line'' or ''cook-book'' approaches, particularly for a regulation applicable to many source categories and suggested that if the guidance document must include dollar figures/ton, it provide approximate ranges by source category. PennFuture comments that DEP issued its ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, and on pp. 8–9 states that the acceptable threshold is $1500 per ton, and that this figure applies to ''all source categories.'' PennFuture notes that EPA later objected to the $1500 per ton methodology as ''not generically acceptable to EPA'' [letter from Thomas Maslany, EPA, to James Salvaggio, DEP, June 24, 1997] and further stated in a **Federal Register** notice that a ''dollar per ton threshold'' is ''inconsistent with the definition of RACT'' [62 FR 43134, 37–38 (1997)].

PennFuture comments that EPA is proposing to approve RACT determinations based on a cost per ton method that EPA had previously rejected, and according to its own clearly expressed standard, EPA must not approve RACT determinations by Pennsylvania DEP that apply this $1500 per ton threshold. The commenter states that PennFuture's review of several of the current DEP evaluations indicate that the Commonwealth applied this standard and provides the examples of Duquesne Light—Elrama (auxiliary boiler); Allegheny Ludlum—Washington (formerly Jessop Steel). PennFuture asserts EPA must reject all Pennsylvania RACT determinations applying the standard of $1500 per ton, or any other ''bright line'' approach, as failing to follow EPA procedures established for Pennsylvania RACT.

Response: EPA still takes the position that a single cost per ton dollar figure may not, in and of itself, form the basis for rejecting a control technology, equipment standard, or work practice standard as RACT. The Technical Support Document prepared by EPA in support of its March 23, 1998 rulemaking [63 FR 13789] clearly indicates that the Commonwealth's document, ''Guidance Document on

Reasonably Available Control Technology for Sources of NO_X Emissions.'' March 11, 1994, had not been included as part of the SIP submission of the Commonwealth's generic regulation and, therefore, had not been approved by EPA. EPA further notes that the Administrative Record of the March 23, 1998 rulemaking [63 FR 13789], in addition to the correspondence cited by PennFuture, also includes correspondence from DEP to EPA [letter from James Salvaggio, DEP to David Arnold, EPA, September 10, 1997] stating that DEP's RACT guidance document does not establish a maximum dollar per ton for determining the cost effectiveness for RACT determinations and notes that the DEP's $1500 per ton cost effectiveness is a target value and not an absolute maximum. For example, in its analyses of the cost effectiveness of RACT control options submitted by DEP as part of the case-by-case SIP revision for Peoples Natural Gas (PNG) Valley Compressor Station's turbo charged lean burn IC engine (see the Administrative Record for 66 FR 43492), the Commonwealth included DEP interoffice memoranda (Thomas Joseph to Krishnan Ramamurthy, July 14, 1994 and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, July 15, 1994) which spoke directly to the $1500/ton dollar figure as being a guideline and not an upper limit. These memoranda explain that although PNG initially proposed intermediate original equipment manufacturer (OEM) combustion controls which would have reduced NO_X emissions from 254.7 tons per year to 115 tons per year (by 55%) at a cost of $1355 per ton reduced, DEP required the installation of an OEM lean combustion modification that reduced NO_X emissions from 254.7 tons per year to 76 tons per year (by 69%) at a cost of $1684 per ton reduced. The DEP's July 15, 1994 interoffice memorandum says of the PNG RACT determination which exceeded the cost effectiveness screening level of $1500 per ton '' Tom's (Joseph) insistence for the next more stringent level of control than the company's chosen level in the case of PNG was consistent with EPA Region III's sentiment that establishing any dollar figure in RACT guidance will not provide for an ''automatic'' rejection of a control technology as RACT for a source.''

In no instance, including that for Duquesne Light—Elrama (auxiliary boiler) and Allegheny Ludlum—Washington (formerly Jessop Steel), has EPA proposed to approve a RACT determination submitted by the Commonwealth which was based solely on a conclusion that controls that cost more than $1500/ton were not required as RACT. As explained in the response provided in section II. A. of this document, EPA conducts its review of the entire case-by-case RACT SIP submittal including the source's proposed RACT plan and analyses, Pennsylvania's analyses and the RACT plan approval, consent order or permit itself to insure that the requirements of the SIP-approved generic RACT have been followed. These analyses not only evaluate and consider the costs of potential control options, but also evaluate their technological feasibility.

E. Comment: PennFuture comments that any emission reduction credits (ERCs) earned by sources subject to RACT must be surplus to all applicable state and federal requirements. Under Pennsylvania law, ERCs must be surplus, permanent, quantified, and Federally enforceable. 25 Pa.Code 127.207(1). As to the requirement that ERCs be surplus, the Pennsylvania Code states: ERCs shall be included in the current emission inventory, and may not be required by or be used to meet past or current SIP, attainment demonstration, RFP, emission limitation or compliance plans. Emission reductions necessary to meet NSPS, LAER, RACT, Best Available Technology, BACT and permit or plan approval emissions limitations or another emissions limitation required by the Clean Air Act or the [Air Pollution Control Act] may not be used to generate ERCs. 25 Pa.Code 127.207(1)(i). To be creditable, ERCs must surpass not only RACT requirements but a host of other possible sources of emission limits. PennFuture comments that some of the RACT evaluations at issue in the current EPA notices purport to establish RACT as a baseline for future ERCs. PennFuture does acknowledge that EPA notes in its boilerplate for the notices, that Pennsylvania and EPA have established a series of NO_X-reducing rules, including the recent Chapter 145 rule, to reduce NO_X at large utility and industrial sources. See, for example, 66 FR 42415, 16–17 (August 13, 2001). Because any ERCs must be surplus to the most stringent limitation applicable under state or federal law as described in the Pennsylvania Code provision set forth above, DEP and EPA must not approve ERCs unless they surpass all such limitations in addition to any limits set by RACT.

Response: EPA agrees with this comment by PennFuture. The approval of a case-by-case RACT determination, in and of itself, does not establish the baseline from which further emission reductions may be calculated and assumed creditable under the Commonwealth's SIP-approved NSR and ERC program. Moreover, EPA's review of the Pennsylvania DEP's implementation of its approved SIP-approved NSR and ERC program indicates that the Commonwealth calculates and credits ERCs in accordance with the SIP-approved criteria for doing so as outlined in PennFuture's comment. No source for which EPA is approving a case-by-case RACT determination should assume that its RACT approval alone automatically establishes the baseline against which it may calculate creditable ERCs.

F. Comment: PennFuture comments that as in the case with Pennsylvania Power—Newcastle, EPA should compare RACT proposals to applicable acid rain program emission limits and control strategies. PennFuture contends that EPA previously disapproved a RACT proposal for the Pennsylvania Power—Newcastle plant [62 FR 43959 (1997); 63 FR 23668 (1998)] and that EPA did so on the basis that the acid rain program requires more stringent emission limits. PennFuture asserts that while EPA had originally proposed to approve this proposal, an analysis of comparable boilers and, especially, a comparison to Phase II emission limits under the acid rain program led EPA to conclude that the RACT proposal emission limits were too lenient. [62 FR at 43961]. Therefore, PennFuture contends that for sources subject to the acid rain program, EPA should consider emissions and control strategies for compliance with acid rain emission limits when evaluating proposals for compliance with RACT.

Response: Title IV of the Act, addressing the acid rain program, contains NO_X emission requirements for utilities which must be met *in addition to* any RACT requirements (see NO_X Supplement to the General Preamble at 57 FR 55625, November 25, 1992). The Act provides for a number of control programs that may affect similar sources. For example, new sources may be subject to new source performance standards (NSPS), best available control technology (BACT), and lowest achievable emission rate (LAER). Other controls, under such programs as the acid rain program or the hazardous air pollutant program may also apply to sources. However, the applicability of these other requirements, which are often more stringent than RACT, do not establish what requirements must apply under the RACT program. While these

programs may provide information as to the technical and economic feasibility of reduction programs for RACT, there is no presumption that acid rain controls should be mandated as RACT.

EPA stated in the final disapproval of the NO_X RACT determination for PPNC [63 FR at 23669], that the discussion concerning average emission rates for boilers with respect to the acid rain program requirements were included in order to provide a context for EPA's proposed disapproval. EPA made clear in its August 18, 1997 proposed disapproval of Pennsylvania Powers'—Newcastle (PPNC) RACT determination, that the basis for disapproval was a comparison between PPNC's boilers and other similar combustion units, not acid rain limits. In fact, EPA stated in the August 18, 1997 proposed disapproval that ''Without additional knowledge or information, it would be erroneous and premature to conclude that the limits in the acid rain permit are RACT.'' [62 FR at 43961]. EPA clearly stated in the final disapproval for PPNC that it did not use acid rain permit limits, or Pennsylvania's participation in any other NO_X control program, to determine PPNC RACT approvability [63 FR at 23670]. Nor has EPA intended to use participation in NO_X control programs including acid rain, in determining RACT for PPNC or any other subject sources. EPA also stated that the April 30, 1998, PPNC disapproval was based on the absence of pertinent information regarding a computerized combustion optimization system through an enforceable permit, not comparison of acid rain permit limits.

III. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP to establish and require VOC and NO_X RACT for eight major of sources located in the Pittsburgh area. EPA is approving these RACT SIP submittals because PADEP established and imposed these RACT requirements in accordance with the criteria set forth in its SIP-approved RACT regulations applicable to these sources. The Commonwealth has also imposed record-keeping, monitoring, and testing requirements on these sufficient to determine compliance with the applicable RACT determinations.

IV. 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'' (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 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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. 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 eight 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 December 14, 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 eight individual sources in the Pittsburgh Beaver Valley 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 3, 2001.

Thomas C. Voltaggio,

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)(176) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(176) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NO_X RACT, for eight sources located in the Pittsburgh-Beaver Valley area submitted by the Pennsylvania Department of Environmental Protection on January 6, 1995, August 1, 1995, January 10, 1996, January 21, 1997, February 2, 1999, March 3, 1999, and April 19, 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 on the following dates: January 6, 1995, August 1, 1995, January 10, 1996, January 21, 1997, February 2, 1999, March 3, 1999, and April 19, 2001.

(B) The following companies' Plan approvals (PA) or Operating permits (OP):

(*1*) Pennsylvania Power Company, Bruce Mansfield Plant, PA 04–000–235, effective December 29, 1994 except for the expiration date.

(*2*) West Penn Power Company, Mitchell Station, PA 63–000–016, effective June 12, 1995, except for the expiration date.

(*3*) Carnegie Natural Gas Company, Fisher Station, OP 03–000–182, effective December 2, 1998, except for the Permit Term.

(*4*) Apollo Gas Company, Shoemaker Station, OP 03–000–183, effective September 12, 1996, except for the Permit Term.

(*5*) Texas Eastern Transmission Corporation, Delmont Station, OP 65–000–839, effective January 9, 1997, except for the Permit Term.

(*6*) The Peoples Natural Gas Company, Valley Station, PA 03–000–125, effective October 31, 1994 except for the expiration date and the time limits in condition 6.

(*7*) The Peoples Natural Gas Company, Girty Station, PA 03–000–076, effective as extended on October 27, 1995, except for the expiration date and time limit in condition 6.

(*8*) AES Beaver Valley Partners, Monaca Plant, OP 04–000–446, effective as revised on March 23, 2001, except for the Permit Term.

(ii) *Additional materials.*

(A) Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(176)(i)(B) of this section.

(B) Two Pennsylvania Department of Environmental Protection Interoffice Memoranda: Thomas Joseph to Krishnan Ramamurthy, ''1500 $ per Ton'' dated July 14, 1994; and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, ''RACT Cost Effectiveness Screening Level'' dated July 15, 1994 pertaining to The Peoples Natural Gas Company, Valley Station.

* * * * *

[FR Doc. 01–25573 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4170; FRL–7080–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO_X RACT Determination for Armco, Inc., Butler Operations Main Plant and Butler Operations Stainless Plant in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking 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 Armco, Inc., Butler Operations Main Plant and Butler Operations Stainless Plant, major sources of nitrogen oxides (NO_X) located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on October 30, 2001.

ADDRESSES: 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, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink (215) 814–2104 or by e-mail at spink.marcia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 21, 1997, PADEP submitted revisions to the Pennsylvania SIP which establish and impose case-by-case RACT for several sources of VOC and/or NO_X. This rulemaking pertains to two of those sources, the Armco Inc., Butler Operations Main Plant and the Armco Inc., Butler Operations Stainless Plant. Remaining sources are or have been the subject of separate rulemakings.

On August 22, 2001, EPA published a direct final rule (66 FR 44053) and a companion notice of proposed rulemaking (66 FR 44097) to approve these SIP revisions. On September 7, 2001, we received adverse comments on our direct final rule from the Citizens for Pennsylvania's Future (PennFuture). On September 28, 2001 (66 FR 49540), we published a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect. We indicated in our August 22, 2001 direct final rulemaking that if we received adverse comments, EPA would address all public comments in a subsequent final rule based on the proposed rule (66 FR 44097). This is that subsequent final rule. A description of the RACT determination made for the Armco Inc., Butler Operations Main Plant and the Armco Inc., Butler Operations Stainless Plant were provided in the August 22, 2001 direct final rule and will not be restated here. A summary of the comments submitted by PennFuture germane to this final rulemaking and EPA's responses are provided in Section II of this document.

II. Summary of the Comments Received and EPA's Responses

The Citizens for Pennsylvania's Future (PennFuture) submitted adverse comments on twenty proposed rules published by EPA in the **Federal**

Register between August 6 and August 24, 2001 to approve case-by-case RACT SIP submissions from the Commonwealth for NO_X and or VOC sources located in the Pittsburgh area. PennFuture's letter includes general comments and comments specific to EPA's proposals for certain sources. A summary of those comments and EPA's responses are provided below.

A. Comment: PennFuture comments that EPA has conducted no independent technical review, and has prepared no technical support document to survey potential control technologies, determine the capital and operating costs of different options, and rank these options in total and marginal cost per ton of NO_X and VOC controlled. In citing the definition of the term ''RACT,'' and the Strelow Memorandum [Roger Strelow, Assistant Administrator for Air and Waste Management, EPA, December 9, 1976, cited in *Michigan* v. *Thomas,* 805 F.2d 176, 180 (6th Cir. 1986) and at 62 FR 43134, 43136 (1997)], PennFuture appears to comment that in every situation, RACT must include an emission rate. PennFuture asserts that EPA should conduct its own RACT evaluation for each source, or at a minimum document a step-by-step review demonstrating the adequacy of state evaluations, to ensure that appropriate control technology is applied. The commenter also believes that EPA's failure to conduct its own independent review of control technologies has resulted in our proposing to approve some RACT determinations that fail to meet the terms of EPA's own RACT standard.

Response: On March 23, 1998 (63 FR 13789), EPA granted conditional limited approval of Pennsylvania's generic RACT regulations, 25 PA Code Chapters 121 and 129, thereby approving the definitions, provisions and procedures contained within those regulations under which the Commonwealth would require and impose RACT. Subsection 129.91, *Control of major sources of NO_X and VOCs,* requires subject facilities to submit a RACT plan proposal to both the Pennsylvania Department of Environmental Protection (DEP) and to EPA Region III by July 15, 1994 in accordance with subsection 129.92, entitled, *RACT proposal requirements.* Under subsection 129.92, that proposal is to include, among other information: (1) A list of each subject source at the facility; (2) The size or capacity of each affected source, and the types of fuel combusted, and the types and amounts of materials processed or produced at each source; (3) A physical description of each source and its operating characteristics; (4) Estimates of potential and actual emissions from each affected source with supporting documentation; (5) A RACT analysis which meets the requirements of subsection 129.92(b), including technical and economic support documentation for each affected source; (6) A schedule for implementation as expeditiously as practicable but not later than May 15, 1995; (7) The testing, monitoring, recordkeeping and reporting procedures proposed to demonstrate compliance with RACT; and (8) any additional information requested by the DEP necessary to evaluate the RACT proposal. Under subsection 129.91, the DEP will approve, deny or modify each RACT proposal, and submit each RACT determination to EPA for approval as a SIP revision.

The conditional nature of EPA's March 23, 1998 conditional limited approval did not impose any conditions pertaining to the regulation's procedures for the submittal of RACT plans and analyses by subject sources and approval of case-by case RACT determinations by the DEP. Rather, EPA stated that ''* * * RACT rules *may not merely be procedural rules* (emphasis added) that require the source and the State to later agree to the appropriate level of control; rather the rules must identify the appropriate level of control for source categories or individual sources.''

On May 3, 2001 (66 FR 22123), EPA published a rulemaking determining that Pennsylvania had satisfied the conditions imposed in its conditional limited approval. In that rulemaking, EPA removed the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. EPA received no public comments on its action and that final rule removing the conditional status of Pennsylvania's VOC and NO_X RACT regulations became effective on June 18, 2001. As of that time, Pennsylvania's generic VOC and NO_X RACT regulations retained a limited approval status. On August 24, 2001 (66 FR 44578), EPA proposed to remove the limited nature of its approval of Pennsylvania's generic RACT regulation in the Pittsburgh area. EPA received no public comments on that proposal. Final action converting the limited approval to full approval shall occur once EPA has completed rulemaking to approve either (1) the case-by-case RACT proposals for all sources subject to the RACT requirements currently known in the Pittsburgh-Beaver area *or* (2) for a sufficient number of sources such that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking (63 FR 13789).

EPA agrees that it has an obligation to review the case-by-case RACT plan approvals and/or permits submitted as individual SIP revisions by Commonwealth to verify and determine if they are consistent with the RACT requirements of the Act and any relevant EPA guidance. EPA does not agree, however, that this obligation to review the case-by-case RACT determinations submitted by Pennsylvania necessarily extends to our performing our own RACT analyses, independent of the sources' RACT plans/analyses (included as part of the case-by-case RACT SIP revisions) or the Commonwealth's analyses. EPA first reviews this submission to ensure that the source and the Commonwealth followed the SIP-approved generic rule when applying for and imposing RACT for a specific source. Then EPA performs a thorough review of the technical and economic analyses conducted by the source and the state. If EPA believes additional information may further support or would undercut the RACT analyses submitted by the state, then EPA may add additional EPA-generated analyses to the record.

While RACT, as defined for an individual source or source category, often does specify an emission rate, such is not always the case. EPA has issued Control Technique Guidelines (CTGs) which states are to use as guidance in development of their RACT determinations/rules for certain sources or source categories. Not every CTG issued by EPA includes an emission rate. There are several examples of CTGs issued by EPA wherein equipment standards and/or work practice standards alone are provided as RACT guidance for all or part of the processes covered. Such examples include the CTGs issued for Bulk gasoline plants, Gasoline service stations—Stage I, Petroleum Storage in Fixed-roof tanks, Petroleum refinery processes, Solvent metal cleaning, Pharmaceutical products, External Floating roof tanks and Synthetic Organic Chemical Manufacturing (SOCMI)/polymer manufacturing. (The publication numbers for these CTG documents may be found at *http://www.epa.gov/ttn/catc/dir1/ctg.txt).*

EPA disagrees with PennFuture's general comment that our failure to conduct our own independent review of control technologies for every case-by-case RACT determination conducted by the Commonwealth has resulted in our proposing to approve some RACT determinations that fail to meet the terms of our own RACT standard.

PennFuture submitted comments specific to the case-by-case RACT determinations for only three sources located in the Pittsburgh area, namely for Duquesne Light's Elrama, Phillips and Brunot Island stations. EPA summarizes those comments and provides responses in the final rule pertaining to those sources.

B. Comment: PennFuture comments that when EPA reviewed Pennsylvania's RACT program, it noted that Pennsylvania coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour ''are some of the largest NO_X emitting sources in the Commonwealth and in the Northeast United States'' [63 FR 13789, 13791 (1998)] and as such should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93) to guarantee that sources would achieve quantifiable emissions reductions under the RACT program. PennFuture goes on to comment that because EPA has not conducted and documented a technical review of Pennsylvania case-by-case RACT submissions, EPA has not demonstrated that these large boilers are subject to ''numeric emission limitations'' under RACT. EPA must conduct a thorough RACT evaluation or review for each such source, and must document the application of numeric emission limits and quantifiable reductions for each coal-fired boiler with a rated heat input of over 100 million Btu per hour.

Response: Circumstances may exist wherein a state could justify otherwise, however, in general, EPA agrees with PennFuture that coal-fired boilers with a rated heat input of equal to or greater than 100 million Btu per hour should have numeric emission limitations imposed as RACT whether or not they install presumptive RACT (under 25 Pa.Code 129.93).

As provided in the response found in II. A, EPA does not agree that it must conduct its own technical analysis of each of the case-by-case RACT determinations submitted for each RACT source in order to document that its RACT requirements include numeric emission limitations. That determination can be made by EPA when it reviews the plan approval, consent order, or permit issued to such a source as submitted by the Commonwealth as SIP revision. PennFuture's comment did not point to a specific instance where a RACT plan approval, consent order or permit imposing RACT on a coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour did, in fact, lack a numerical emission limitation(s). Nonetheless, pursuant to PennFuture's comment, EPA has re-examined all of the case-by-case RACT SIP submissions made by the Commonwealth for such sources located in the Pittsburgh area. That re-examination, combined with information provided by the Commonwealth, indicates that each case-by-case RACT plan approval, consent order and/or permit for each coal-fired boiler with a rated heat input of equal to or greater than 100 million Btu per hour includes a numeric emission limitation. A listing of each source, its plan approval, consent order and/or permit number and its numerical emission limitation has been placed in the Administrative Records for the case-by-case RACT rulemakings for the Pittsburgh area.

C. Comment: PennFuture asserts that the Commonwealth has not adopted and submitted category RACT rules for all VOC source categories for which federal control technique guidelines (CTGs) have been issued. The commenter refers to Appendix 1 of the Technical Support Document (dated May 14, 2001), prepared by EPA in support of its proposed rule to redesignate the Pittsburgh-Beaver Valley Ozone Nonattainment Area (66 FR 29270), to assert that EPA has failed to require the Commonwealth to submit VOC RACT rules for certain categories of sources. PennFuture specifically names source categories such as equipment leaks from natural gas/gas processing plants, coke oven batteries, iron and steel foundries, and publically owned treatment works and asserts that the Commonwealth has neglected a statutory requirement to adopt category RACT regulations for these and 14 other unnamed VOC source categories.

Response: EPA has not issued CTGs for coke oven batteries, iron and steel foundries and publically owned treatment works. The Appendix 1, referred to by the commenter, lists CTG covered categories as well as source categories taken from two STAPPA/ALAPCO documents entitled, ''Meeting the 15-Percent Rate-of-Progress Requirement Under the Clean Air Act—A Menu of Options'' (September 1993) and ''Controlling Nitrogen Oxides Under the Clean Air Act—A Menu of Options'' (July 1994). The categories referenced by PennFuture are not VOC categories for which EPA has issued CTGs, but were included in Appendix A as examples of some of the types of sources that could be subject to Pennsylvania's generic RACT regulations. The Commonwealth is under no statutory obligation to adopt RACT rules for source *categories* for which EPA has not issued a CTG. In fact, CTGs do not exist for all but one of the categories to which the commenter explicitly refers.

The Act requires that states adopt regulations to impose RACT for ''major sources of VOC,'' located within those areas of a state where RACT applies under Part D of the Act [182(b)(2)(C)]. This is referred to as the non-CTG VOC RACT requirement. Moreover, EPA disagrees that there is a statutory mandate that a state adopt a source category RACT regulation even for a source category where EPA has issued a CTG. There are two statutory provisions that address RACT for sources covered by a CTG. One provides that states must adopt RACT for ''any category of VOC sources'' covered by a CTG issued prior to November 15, 1990 [182(b)(2)(A)]. The other provides that states must adopt VOC RACT for all ''VOC sources'' covered by a CTG issued after November 15, 1990 [182(b)(2)(B)]. EPA has long interpreted the statutory RACT requirement to be met either by adoption of category-specific rules or by source-specific rules for each source within a category. When initially established, RACT was clearly defined as a case-by-case determination, but EPA provided CTG's to simplify the process for states such that they would not be required to adopt hundreds or thousands of individual rules. See Strelow Memorandum dated December 9, 1976 and 44 FR 53761, September 17, 1979. EPA does not believe that Congress' use of ''source category'' in one provision of section 182(b)(2) was intended to preclude the adoption of source-specific rules.

Thus, where CTG-subject sources are located within those areas of a state where RACT applies under Part D of the Act, the state is obligated to impose RACT for the same universe of sources covered by the CTG. However, that obligation is not required to be met by the adoption and submittal of a source category RACT rule. A state may, instead, opt to impose RACT for such sources in permits, plan approvals, consent orders or in any other state enforceable document and submit those documents to EPA for approval as source-specific SIP revisions. This option has been exercised by many states, and happens most commonly when only a few CTG-subject sources are located in the state. The source-specific approach is generally employed to avoid what can be a lengthy and resource-intensive state rule adoption process for only a few sources that may have different needs and considerations that must be taken into account.

As stated earlier, there is one source category explicitly included in PennFuture's comment for which EPA has issued a CTG, namely natural gas/gas processing plants. The Commonwealth made a negative declaration to EPA on April 13, 1993, stating that as of that date there were no applicable sources in this category. Therefore, the Commonwealth did not adopt a category RACT regulation for natural gas/gas processing plants.

D. Comment: PennFuture cites EPA correspondence [letter from Marcia Spink, EPA, to James Salvaggio, DEP, December 15, 1993] to the Commonwealth which states that establishing any dollar figure in RACT guidance will not provide for the ''automatic'' selection or rejection of a control technology or emission limitation as RACT for a source or source category. With regard to the Pennsylvania DEP's intent to finalize a NO_X RACT Guidance Document for implementation of its NO_X RACT regulation, EPA's 1993 letter stated that the document could improperly be used to establish ''bright line'' or ''cook-book'' approaches, particularly for a regulation applicable to many source categories and suggested that if the guidance document must include dollar figures/ton, it provide approximate ranges by source category. PennFuture comments that DEP issued its ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions,'' March 11, 1994, and on pp. 8–9 states that the acceptable threshold is $1500 per ton, and that this figure applies to ''all source categories.'' PennFuture notes that EPA later objected to the $1500 per ton methodology as ''not generically acceptable to EPA'' [letter from Thomas Maslany, EPA, to James Salvaggio, DEP, June 24, 1997] and further stated in a **Federal Register** notice that a ''dollar per ton threshold'' is ''inconsistent with the definition of RACT'' [62 FR 43134, 37–38 (1997)].

PennFuture comments that EPA is proposing to approve RACT determinations based on a cost per ton method that EPA had previously rejected, and according to its own clearly expressed standard, EPA must not approve RACT determinations by Pennsylvania DEP that apply this $1500 per ton threshold. The commenter states that PennFuture's review of several of the current DEP evaluations indicate that the Commonwealth applied this standard and provides the examples of Duquesne Light—Elrama (auxiliary boiler); Allegheny Ludlum—Washington (formerly Jessop Steel). PennFuture asserts EPA must reject all Pennsylvania RACT determinations applying the standard of $1500 per ton, or any other ''bright line'' approach, as failing to follow EPA procedures established for Pennsylvania RACT.

Response: EPA still takes the position that a single cost per ton dollar figure may not, in and of itself, form the basis for rejecting a control technology, equipment standard, or work practice standard as RACT. The Technical Support Document prepared by EPA in support of its March 23, 1998 rulemaking [63 FR 13789] clearly indicates that the Commonwealth's document, ''Guidance Document on Reasonably Available Control Technology for Sources of NO_X Emissions.'' March 11, 1994, had not been included as part of the SIP submission of the Commonwealth's generic regulation and, therefore, had not been approved by EPA. EPA further notes that the Administrative Record of the March 23, 1998 rulemaking [63 FR 13789], in addition to the correspondence cited by PennFuture, also includes correspondence from DEP to EPA [letter from James Salvaggio, DEP to David Arnold, EPA, September 10, 1997] stating that DEP's RACT guidance document does not establish a maximum dollar per ton for determining the cost effectiveness for RACT determinations and notes that the DEP's $1500 per ton cost effectiveness is a target value and not an absolute maximum. For example, in its analyses of the cost effectiveness of RACT control options submitted by DEP as part of the case-by-case SIP revision for Peoples Natural Gas (PNG) Valley Compressor Station's turbo charged lean burn IC engine (see the Administrative Record for 66 FR 43492), the Commonwealth included DEP interoffice memoranda (Thomas Joseph to Krishnan Ramamurthy, July 14, 1994 and Krishnan Ramamurthy to Thomas McGinley, Babu Patel, Ronald Davis, Richard Maxwell, and Devendra Verma, July 15, 1994) which spoke directly to the $1500/ton dollar figure as being a guideline and not an upper limit. These memoranda explain that although PNG initially proposed intermediate original equipment manufacturer (OEM) combustion controls which would have reduced NO_X emissions from 254.7 tons per year to 115 tons per year (by 55%) at a cost of $1355 per ton reduced, DEP required the installation of an OEM lean combustion modification that reduced NO_X emissions from 254.7 tons per year to 76 tons per year (by 69%) at a cost of $1684 per ton reduced. The DEP's July 15, 1994 interoffice memorandum says of the PNG RACT determination which exceeded the cost effectiveness screening level of $1500 per ton ''Tom's (Joseph) insistence for the next more stringent level of control than the company's chosen level in the case of PNG was consistent with EPA Region III's sentiment that establishing any dollar figure in RACT guidance will not provide for an 'automatic' rejection of a control technology as RACT for a source.''

In no instance, including that for Duquesne Light—Elrama (auxiliary boiler) and Allegheny Ludlum—Washington (formerly Jessop Steel), has EPA proposed to approve a RACT determination submitted by the Commonwealth which was based solely on a conclusion that controls that cost more than $1500/ton were not required as RACT. As explained in the response provided in section II. A. of this document, EPA conducts its review of the entire case-by-case RACT SIP submittal including the source's proposed RACT plan and analyses, Pennsylvania's analyses and the RACT plan approval, consent order or permit itself to insure that the requirements of the SIP-approved generic RACT have been followed. These analyses not only evaluate and consider the costs of potential control options, but also evaluate their technological feasibility.

E. Comment: PennFuture comments that any emission reduction credits (ERCs) earned by sources subject to RACT must be surplus to all applicable state and federal requirements. Under Pennsylvania law, ERCs must be surplus, permanent, quantified, and Federally enforceable. 25 Pa.Code 127.207(1). As to the requirement that ERCs be surplus, the Pennsylvania Code states: ERCs shall be included in the current emission inventory, and may not be required by or be used to meet past or current SIP, attainment demonstration, RFP, emission limitation or compliance plans. Emission reductions necessary to meet NSPS, LAER, RACT, Best Available Technology, BACT and permit or plan approval emissions limitations or another emissions limitation required by the Clean Air Act or the [Air Pollution Control Act] may not be used to generate ERCs. 25 Pa.Code 127.207(1)(i). To be creditable, ERCs must surpass not only RACT requirements but a host of other possible sources of emission limits. PennFuture comments that some of the RACT evaluations at issue in the current EPA notices purport to establish RACT as a baseline for future ERCs. PennFuture does acknowledge that EPA notes in its boilerplate for the notices, that Pennsylvania and EPA have

established a series of NO_X-reducing rules, including the recent Chapter 145 rule, to reduce NO_X at large utility and industrial sources. See, for example, 66 FR 42415, 16–17 (August 13, 2001). Because any ERCs must be surplus to the most stringent limitation applicable under state or federal law as described in the Pennsylvania Code provision set forth above, DEP and EPA must not approve ERCs unless they surpass all such limitations in addition to any limits set by RACT.

Response: EPA agrees with this comment by PennFuture. The approval of a case-by-case RACT determination, in and of itself, does not establish the baseline from which further emission reductions may be calculated and assumed creditable under the Commonwealth's SIP-approved NSR and ERC program. Moreover, EPA's review of the Pennsylvania DEP's implementation of its approved SIP-approved NSR and ERC program indicates that the Commonwealth calculates and credits ERCs in accordance with the SIP-approved criteria for doing so as outlined in PennFuture's comment. No source for which EPA is approving a case-by-case RACT determination should assume that its RACT approval alone automatically establishes the baseline against which it may calculate creditable ERCs.

F. Comment: PennFuture comments that as in the case with Pennsylvania Power—Newcastle, EPA should compare RACT proposals to applicable acid rain program emission limits and control strategies. PennFuture contends that EPA previously disapproved a RACT proposal for the Pennsylvania Power—Newcastle plant [62 FR 43959 (1997); 63 FR 23668 (1998)] and that EPA did so on the basis that the acid rain program requires more stringent emission limits. PennFuture asserts that while EPA had originally proposed to approve this proposal, an analysis of comparable boilers and, especially, a comparison to Phase II emission limits under the acid rain program led EPA to conclude that the RACT proposal emission limits were too lenient. [62 FR at 43961]. Therefore, PennFuture contends that for sources subject to the acid rain program, EPA should consider emissions and control strategies for compliance with acid rain emission limits when evaluating proposals for compliance with RACT.

Response: Title IV of the Act, addressing the acid rain program, contains NO_X emission requirements for utilities which must be met in addition to any RACT requirements (see NO_X Supplement to the General Preamble at 57 FR 55625, November 25, 1992). The Act provides for a number of control programs that may affect similar sources. For example, new sources may be subject to new source performance standards (NSPS), best available control technology (BACT), and lowest achievable emission rate (LAER). Other controls, under such programs as the acid rain program or the hazardous air pollutant program may also apply to sources. However, the applicability of these other requirements, which are often more stringent than RACT, do not establish what requirements must apply under the RACT program. While these programs may provide information as to the technical and economic feasibility of reduction programs for RACT, there is no presumption that acid rain controls should be mandated as RACT.

EPA stated in the final disapproval of the NO_X RACT determination for PPNC [63 FR at 23669], that the discussion concerning average emission rates for boilers with respect to the acid rain program requirements were included in order to provide a context for EPA's proposed disapproval. EPA made clear in its August 18, 1997 proposed disapproval of Pennsylvania Powers'—Newcastle (PPNC) RACT determination, that the basis for disapproval was a comparison between PPNC's boilers and other similar combustion units, not acid rain limits. In fact, EPA stated in the August 18, 1997 proposed disapproval that ''Without additional knowledge or information, it would be erroneous and premature to conclude that the limits in the acid rain permit are RACT.'' [62 FR at 43961]. EPA clearly stated in the final disapproval for PPNC that it did not use acid rain permit limits, or Pennsylvania's participation in any other NO_X control program, to determine PPNC RACT approvability [63 FR at 23670]. Nor has EPA intended to use participation in NO_X control programs including acid rain, in determining RACT for PPNC or any other subject sources. EPA also stated that the April 30, 1998, PPNC disapproval was based on the absence of pertinent information regarding a computerized combustion optimization system through an enforceable permit, not comparison of acid rain permit limits.

III. Final Action

EPA is approving PA 10–001–M and PA 10–001–S, issued by PADEP to the Armco Inc., Butler Operations Main Plant and Armco Inc., Butler Operations Stainless Plant, respectively, as revisions to the Pennsylvania SIP. The permits were submitted by PADEP to establish and impose NO_X RACT for Armco Inc., Butler Operations Main and Stainless Plant, major sources located in the Pittsburgh area.

IV. 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'' (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 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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. 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 two 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 December 14, 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 NO_X from the Armco Inc., Butler Operations Main Plant and Armco Inc., Butler Operations Stainless Plant 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 3, 2001.

Thomas C. Voltaggio,

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)(175) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(175) Revisions pertaining to NO_X RACT determinations for the Armco Inc., Butler Operations Main Plant and Armco Inc., Butler Operations Stainless Plant, submitted by the Pennsylvania Department of Environmental Protection on January 21, 1997.

(i) *Incorporation by reference.*

(A) Letter submitted on January 21, 1997 by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT plan approvals in the form of permits.

(B) Permit Number: PA 10–001–M, effective February 23, 1996, for the Armco Inc., Butler Operations Main Plant in Butler, Butler County.

(C) Permit Number: PA 10–001–S, effective February 23, 1996, for the Armco Inc., Butler Operations Stainless Plant in Butler, Butler County.

(ii) *Additional materials.* Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determination for the sources listed in paragraphs (c)(175)(i)(B) and (C) of this section.

* * * * *

[FR Doc. 01–25572 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL 165–2; FRL–7056–6]

Approval and Promulgation of Implementation Plans; Illinois Trading Program

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving the Illinois trading program, submitted on December 16, 1997. This program is a cap and trade program, designed to reduce emissions of volatile organic compounds (VOC) in the Chicago ozone nonattainment area below the levels required by reasonably available control technology (RACT) and other regulations. Illinois requires participation by major industrial VOC sources. Each participating source must hold allowances equivalent to its emissions, and Illinois issues allowances to each source equivalent to 12 percent less than baseline actual emissions. Sources may buy and sell allowances, thereby redistributing allowable emissions, but the sum of emissions from the sources involved must in any case reflect a 12 percent reduction from total baseline levels. USEPA reviewed Illinois' estimates of program benefits and concluded that the program would reduce VOC emissions by 10.9 tons per day.

On December 27, 2000, at 65 FR 81799, USEPA proposed to approve this program provided Illinois satisfactorily resolved five issues. Illinois' response to the proposed rulemaking resolved four of these issues, by clarifying the timetable for suitable enforcement authority, satisfying USEPA's environmental justice policy, prohibiting credit issuance to minor sources in the absence of an area-wide net emissions decrease (''demand shifting''), and committing to remedy any problems identified in its annual program review. Illinois addressed the fifth issue by a letter to USEPA dated August 23, 2001. In this letter, Illinois requested that USEPA defer rulemaking on section 205.150(e), which exempts new sources that satisfy the trading program's seasonal offset requirements from the requirement for full year offsets. Because USEPA is deferring rulemaking on this section, the State Implementation Plan (SIP) continues to require full year offsets, satisfying the fifth prerequisite for program approval.

USEPA received multiple comments on its proposed rulemaking, regarding

environmental justice, ''open market trading program'' features of the Illinois program, and numerous other topics. USEPA believes that the Illinois program is designed to make environmental justice problems unlikely, and believes that Illinois has suitable processes for identifying and remedying such problems should they occur. USEPA further believes that Illinois is providing suitable information to the public and is providing suitable opportunities for public input, and believes that Illinois has satisfied USEPA's environmental justice policy in other respects as well. USEPA is satisfied that the Illinois program is fundamentally a cap and trade program and cannot in any significant way be considered an open market trading program. After reviewing the various comments, and aside from one section of Illinois' rules (pertaining to offsets for new sources and major modifications) for which USEPA is deferring rulemaking, USEPA has concluded that the Illinois program satisfies relevant guidance and Clean Air Act requirements.

EFFECTIVE DATE: This action will be effective on November 14, 2001.

ADDRESSES: Copies of Illinois' submittals and other information are available for inspection during normal business hours at the following address: (We recommend that you telephone John Summerhays at (312) 886–6067, before visiting the Region 5 Office.)

United States Environmental Protection Agency, Region 5, Air Programs Branch (AR–18J), Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Environmental Scientist, United States Environmental Protection Agency, Region 5, Air Programs Branch (AR–18J), Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6067, (*summerhays.john@epa.gov*).

SUPPLEMENTARY INFORMATION: This supplementary information section is organized as follows:

I. What did USEPA propose?
II. What comments did USEPA receive?
III. How did Illinois EPA respond to prerequisites for approval?
IV. What are USEPA's responses to comments?
1. Environmental justice comments
2. Comments on ''open market trading features''
3. Additional comments by NRDC et al.
4. Additional comments by ED dated March 26, 2001
5. Additional comments by ED dated January 26, 2001
6. Additional comments by Alex Johnson
7. Additional comments by Richard Kosobud
8. Additional comment by IEPA
V. What action is USEPA taking?
VI. Administrative Requirements

I. What Did USEPA Propose?

USEPA proposed to approve the Illinois trading program provided that Illinois took five specified actions. In particular, USEPA proposed that Illinois must: (1) Clarify the timeline and penalties for violating sources, (2) satisfy USEPA's trading program policy on environmental justice, (3) provide for full-year offsets for new sources and major modifications, (4) commit to discount credits where emission reductions are potentially accompanied by emission increases elsewhere, and (5) commit to remedy any problems identified in its periodic program review.

USEPA published its notice of proposed rulemaking on December 27, 2000, at 65 FR 81799. This notice included an extensive description of the Illinois trading program, followed by a discussion of the criteria USEPA used to review the program, a review of the features of the Illinois program, and a review of the emission reductions attributable to the program.

In brief, the Illinois trading program is a cap and trade program designed to reduce emissions of volatile organic compounds (VOC) in the Chicago ozone nonattainment area. Major VOC sources, i.e. industrial facilities emitting at least 25 tons per year, including at least 10 tons between May and September, are required to participate. Each such source must determine its baseline actual emissions. The state issues allowances generally equivalent to 12 percent less than the baseline emissions.

The principal compliance obligation upon sources is to hold allowances at least equal to emissions each year. Sources have several options for complying with this requirement. The first option is simply to reduce emissions to 12 percent below baseline emissions. Under this option, the source has no need to buy or sell allowances. A second option is to reduce emissions more than 12 percent below baseline emissions. Under this option, the source would receive more allowances from the state than it would need to accommodate its emissions, and the source could choose to sell the excess allowances. A third option is to reduce emissions less than 12 percent below baseline emissions or even increase emissions. This option would require purchase of allowances, presumably from a source that under the second option reduced its emissions enough below its target 12 percent reduction level to accommodate the excess emissions of the purchasing source, i.e., the amount by which the purchasing sources exceeds its target, 12 percent reduced, emission level.

The third option creates concern about environmental justice. This concern arises because some of the VOC emissions include hazardous air pollutants (HAPs). Particularly at issue is the potential for increased emissions of HAPs in low income and minority communities and other communities of concern. In one form of this issue, the fact that companies not only may fail to achieve 12 percent emission reductions but may in fact increase emissions means that the program allows increases of emissions of VOC and potentially of HAPs. Another form of this issue reflects concern that even when a source reduces emissions by an amount short of 12 percent, the source may be viewed as reducing its HAPs emissions by less than it should. This concern is discussed in the notice of proposed rulemaking. Because several commenters commented on this issue, a later section of this document discusses this issue at length.

II. What Comments Did USEPA Receive?

USEPA received nine comment letters. Because the initial comment period closed before being reopened, some groups sent comments on both January 26, 2001, and March 26, 2001. USEPA received the following comment letters from the following groups:

Citizens for a Better Environment (CBE)/American Lung Association of Metropolitan Chicago (ALAMC)—comments sent March 26, 2001

Environmental Defense (ED)—comments sent January 26, 2001, and comments sent March 26, 2001

Illinois Environmental Protection Agency (IEPA)—comments sent March 26, 2001

Alex Johnson—comments sent March 27, 2001

Richard Kosobud (professor at University of Illinois at Chicago)—comments sent March 22, 2001

Natural Resources Defense Council (NRDC)/CBE/ALAMC/Public Employees for Environmental Responsibility (PEER)—comments sent January 26, 2001

NRDC/ALAMC—comments sent March 26, 2001

PEER—Comments on several open market trading programs sent March 9, 2001

The letter from IEPA focuses on the issues identified in the notice of

proposed rulemaking for the state to address. These issues are addressed in a separate section immediately following. The section after that will address one additional comment by IEPA and comments from the other commenters.

Several commenters identified concerns regarding the potential that trading of volatile organic compound emissions has to increase emissions of HAPs in areas already overburdened with emissions of HAPs, one form of an issue known as the environmental justice issue. In addition, several comment letters presented the view that the Illinois program has features of open market-type trading programs, and commented that these features create a variety of problems. For clarity, the section of this notice addressing comments has a subsection for each of these two topics addressing all comments on each topic. Since the remainder of the comments cannot be so readily categorized, the remaining comments will be addressed in subsections organized by commenter.

The comments submitted by NRDC and ALAMC on March 26, 2001, generally include the comments submitted by NRDC, CBE, ALAMC, and PEER on January 26, 2001. For convenience, these comment letters will be addressed jointly, and this notice will refer to these commenters as NRDC et al.

III. How Did Illinois EPA Respond to Prerequisites for Approval?

As noted previously, USEPA proposed to approve the Illinois trading program provided Illinois resolved five issues. Illinois' comment letter addresses each of these issues in turn. The following discussion identifies Illinois' actions and USEPA's review for each of these five items in the same order.

The first prerequisite for approval was that Illinois clarify the timeline and penalties for violating sources. Illinois provided this clarification. Illinois noted the need to complete the process of accounting for one ozone season's emissions before the next ozone season begins, and the state's comments include a detailed schedule by which such accounting is achieved.

In Illinois' program, if a source fails to hold sufficient allowances by December 31 to accommodate their emissions that ozone season, it must provide ''excursion compensation.'' Illinois identifies and notifies these sources within about a week of December 31. Pursuant to section 205.720, sources must compensate for the excess emissions plus a 20 percent (or, for repeat offenders, 50 percent) surcharge. Sources may ask within 15 days that this 120 percent (or 150 percent) compensation be taken in the form of a reduction of the next year's issuance of allowances. Alternatively, 20 days after notifying the source of its excess emissions, Illinois sends the source a bill for the purchase of the necessary allowances from the State's special compliance fund. If the company has not paid this bill within 45 days, the source is in violation.

For example, if a source receives notification of an emissions excursion on January 7, it would have until January 22 to request the requisite deduction from the upcoming issuance of allowances. In absence of such a request, Illinois would send the source a bill on January 27 for the then mandatory purchase of allowances. Assuming 2 days for delivery of this bill, the source would have until March 15 to pay the bill. After that date, if the source has not paid its bill, the source would be in violation and traditional enforcement action could begin. Violating sources are liable for full enforcement authorized under Clean Air Act section 113, including penalties up to $27,500 per day.

This schedule is consistent with the schedule inferred by USEPA in its proposed rulemaking. USEPA finds this a suitable timetable for enforcement action with penalties sufficient to deter noncompliance.

The second prerequisite for approval was that Illinois satisfy USEPA's policy on environmental justice. In particular, USEPA noted a need for Illinois to ''commit to review effects of the trading program on the distribution of hazardous air pollutant emissions in its annual program review, distribute that review for public comment, and commit to address any identified problems. Illinois noted that its rule in fact requires the state to conduct the review sought by USEPA (including reviewing program effects on ''trends and spatial distributions of hazardous air pollutants'' (cf. section 205.760(a)(9)) and to make the report available to all interested parties. Illinois committed to widespread distribution of the report, sending copies to everyone that expressed interest in the program and making the report available on its internet site.

Illinois described its ongoing efforts for continuing public review during the implementation of the program. Illinois noted in particular the proposal of a rule to require HAPs emissions reporting so that the impact of the program on HAPs emissions can be analyzed more precisely. Finally, Illinois committed in its letter to address any problems identified in its annual program review. These statements satisfy the second prerequisite for approval, and lead USEPA to conclude that Illinois has satisfied USEPA's environmental justice policy for trading programs. Subsequent sections of this notice provide further discussion of environmental justice issues.

The third prerequisite for approval was that Illinois modify its new source requirements to assure that emission reductions (from any time during the year) be obtained to offset the full year emissions from new sources and major modifications in the Chicago area. Illinois' comment letter, dated March 26, 2001, objects to this proposed USEPA view and argues that providing offsets on an ozone season basis is fully consistent with the Clean Air Act and should be approved by USEPA.

Subsequently, on August 23, 2001, Illinois amended its rulemaking request, requesting that USEPA conduct rulemaking on section 205.150(e) separately from rulemaking on the remainder of Part 205. Section 205.150(e) states that major new sources and sources with major modifications that obtain the necessary allotment trading units (ATUs, providing offsets on a ozone season basis) are considered to satisfy applicable offset requirements (otherwise requiring offsets on a full year basis).

USEPA is in fact deferring action on section 205.150(e). By this deferral, USEPA is excluding the exemption from and retaining the requirement for full year offsets. Thus, pending further rulemaking on section 205.150(e), the prerequisite for program approval is satisfied because the approved SIP continues to require offsets on a full year basis.

USEPA is continuing to review whether Illinois may provide offsets on an ozone season basis. USEPA has solicited comments on a proposed view that Illinois must require full year offsets and is not soliciting comments on this issue at this time. Depending on the results of its review, USEPA intends either to publish final disapproval or proposed approval of section 205.150(e).

The fourth prerequisite for approval was that Illinois avoid issuing credits for ''demand shifting,'' i.e., that Illinois assure that no credits would be issued to the extent an emission reduction at one source simply reflects a shift in production to another source that is not accountable for its emission increase. The notice of proposed rulemaking noted that Illinois' rules explicitly prohibit credit issuance to small industrial sources whose emissions may

be shifting to another small source in the area. However, the notice requested that Illinois commit to avoid credit issuance in cases of demand shifting involving commercial and mobile sources.

Illinois responded that its rules in fact already prohibit credit issuance to the extent mobile and area sources experience demand shifting. The rules provide for credit issuance only to the extent that emissions are reduced in the overall business sector. Thus, Illinois will issue no credits in cases where demand shifting results in no net emission reduction. This satisfies USEPA's concern.

The fifth prerequisite for approval was that Illinois commit to remedy any problems identified in its periodic program review. Illinois noted that the periodic program review was intended to help fulfill the purpose of identifying and thus facilitating resolution of problems. Illinois then stated that ''Illinois EPA is committed to addressing any problems'' identified in the annual program review or identified elsewhere. USEPA is satisfied with this commitment.

IV. What Are USEPA's Responses to Comments?

1. Environmental Justice Comments

Comment: Several commenters expressed concern that Illinois' program has the potential to foster redistributions of emissions causing areas already having excessive air pollution to become exposed to even more emissions. These commenters recognize that Illinois' program targets emissions of volatile organic compound (VOC) emissions; their concern focuses on the components of VOC such as benzene that are hazardous. All commenters addressed this concern.

NRDC et al., quote from Executive Order 12898 (requiring agencies to assure environmental justice) and quote the description of the issue that USEPA provided in its notice of proposed rulemaking (65 FR 81804, December 27, 2000). NRDC et al., further quote USEPA's proposed view that features such as Illinois' emissions cap ''help assure that a participating source would be unlikely to increase its HAP emissions to unacceptable levels.'' NRDC et al., find this a ''reprehensible failure by USEPA to recognize the disproportionate potential risk that adjacent communities are being forced to accept from increased HAP emissions made possible under the Illinois Trading Program.''

NRDC et al., dispute USEPA's view that the public has had ''suitable opportunities to provide informed input into the development and implementation of the program.'' NRDC et al., cite several examples of gaps in public information. According to these commenters, Illinois has provided no information as to how emissions information for HAPs will be tracked, and no agreement has been reached on how the Annual Report will address HAPs emissions information.

NRDC et al., state that Illinois had sufficient information to consider the control costs of the finite number of program participants and thereby to assess ''the shifts in emissions reductions likely to occur.'' NRDC et al., have no doubt that some of these sources are in ''communities disproportionately comprised of low income and/or minority populations * * * already overburdened with pollutants.'' NRDC et al., state that ALAMC raised these concerns during Illinois' development of its rule. In NRDC et al.'s, view, IEPA had the data ''to anticipate and protect against the shifting of the burden of HAPs into [communities of concern], IEPA had the responsibility to provide such an analysis, and USEPA has the responsibility to require such an analysis.

CBE/ALAMC comment that ''we agree with USEPA'' that one may be concerned about ''the potential [this] program has to worsen air quality in any location.'' CBE/ALAMC then argue that low income and minority communities will be most likely to be subject to such disparate impacts, because these communities ''tend to live in the vicinity of older stationery sources [that are] most likely to * * * 'buy' their way out of [emission reduction requirements].''

IEPA supports USEPA's policy and the proposed views on the Illinois program. IEPA observes that its trading program imposes requirements for reductions of emissions below the levels permissible under other regulations, and allows no emissions that are prohibited by other regulations. IEPA agrees with USEPA that the Illinois program for this and other reasons is unlikely to yield localized increases in HAPs emissions.

IEPA describes the workgroup of interested parties that has led to proposed rule revisions to require enhanced reporting of hazardous air pollutant emissions by program participants, demonstrating the continuing involvement of the public in review of the program during its implementation. IEPA observes that the program provides an annual program review, which IEPA commits to provide ''to all members of the public that have expressed interest'' and to make the report available via its Internet site. IEPA further commits to address any problems identified during this review.

ED observes that emissions trading can help address environmental justice concerns. ED states that cap and trade programs hold sources directly accountable for their overall emission levels and are likely to outperform command and control regulations in achieving sustained reductions in emissions. ED observes that ''the cost-savings and flexibility produced through emissions trading [allows] policy-makers [to] set more ambitious emissions reduction requirements''. ED cites particular benefits to programs that pursue substantial reductions, for example to achieve air quality standards. ED states that emissions trading markets can stimulate emissions overcontrol and encourage environmental innovation, benefitting all affected populations including communities of concern.

ED comments that ''the fundamental economic benefit of emissions trading allowing environmental objectives and mandates to be met more cost-effectively'' are particularly important to communities of concern because ''they are, arguably, most in need both of protection from environmental threats and of access to economic opportunity, the development of which can be blunted by unnecessarily costly emissions control programs.'' ED states further that command and control-based limitations are inevitably subject to political considerations, which can be affected by the socio-economic status or racial or ethnic identity of the affected populations, whereas emissions trading programs all but eliminate the role of political discretion.

Finally, ED comments on the benefits of ''transparency,'' i.e., that the trading program enhances public knowledge of existing problem areas and whether emissions trading is having beneficial or detrimental effects in particular areas. ED states ''[i]t is difficult to know a priori'' how emission trades themselves will affect communities of concern, and so ED believes it is incumbent on Illinois to obtain data on program results and to identify ''sound analytical methods to be used in assessing the performance of the program as it affects communities of concern.'' ED believes that ''assessing individual trades is likely to be misleading * * *, while assessing overall program impacts will be key to understanding its effects on communities of concern.'' ED concludes that this process will also help Illinois identify remedies if the program is found to cause disparate impacts.

Kosobud notes that fundamentally, as a result of the trading program, ''[e]veryone in the region benefits from cleaner air''. Kosobud addresses concerns ''that trading could cluster emissions in certain neighborhoods. [His] appraisal of the early results indicates no such clusters have occurred.'' While noting that further information on HAPs emissions will provide a better basis for assessing this question in the future, Kosobud observes that potential impacts are limited because sources remain ''subject to traditional regulation including the more rigorous rules for HAPs'', and sources ''have discretion only for'' the 12 percent reduction requirement of the trading program.

PEER comments on the environmental justice impacts of open market trading. These comments are addressed in the next section, concerning comments relating to open market trading.

Response: Comments regarding environmental justice generally involve an implicit comparison. The first step in responding to these comments is to define the comparison. Most commenters appear to be comparing conditions after the program begins to conditions before the program begins. For example, NRDC et al., express concern about the potential for ''increased HAP emissions made possible by the Illinois trading program.''

Comparing emissions before and after program start-up includes changes over time that are not effects of the program. For example, a source may increase production over time without installing pollution controls. This would yield an emission increase that would be included in a comparison of before versus after program start-up that should not be attributed to the program.

A more appropriate comparison is to compare prospective emissions after program startup to prospective emissions at the same time assuming no program. This comparison actually assesses the impact of the program, assessing whether the trading program can yield emission increases that would not otherwise be allowed.

Current programs allow emissions to increase. The Illinois trading program does not allow any emissions increases that are not allowable under other applicable regulations. With the trading program just as without it, emissions per unit production may not increase above levels reflecting reasonably available control technology (RACT). The trading program also provides no incentive to increase emissions; no source would increase emissions simply because Illinois has adopted a trading program. In fact, the trading program provides strong incentives against emission increases, both because the program requires that most sources reduce emissions and because the trading program imposes a cost for purchasing credits that discourages emission increases. Therefore, USEPA concludes that a comparison based on projected emissions would show no sources having greater emissions and numerous sources showing lesser emissions with versus without the trading program.

A second appropriate comparison is to compare the scenario involving the trading program against a scenario involving the same emission reductions achieved by alternative means. This begs the question of how the alternative reductions are obtained.

One form of this comparison is to define the alternative to reflect Illinois adoption of RACT regulations to achieve equivalent reductions. The usual presumption is that RACT regulations would yield a different distribution of reductions, with emissions being higher at some sources and lower at others. However, quantifying these differences is difficult at best. First, Illinois in its rule adoption process concluded that it could not identify RACT regulations that could achieve reductions equivalent to its trading program. More generally, no commenter identified a set of RACT regulations that could achieve equivalent reductions, and it is in fact questionable whether such a set of regulations can be identified. It is impossible to quantify how the reductions from an undefined RACT program would compare to the reductions from the Illinois trading program.

Second, even if one could define a RACT alternative, and assuming that one could then quantify the distribution of reductions from the alternative (as well as the increases due to production increases), the comparison would still require quantifying the distribution of reductions from the trading program. Such quantifying is difficult.

NRDC et al., argue that Illinois' economic impact analysis gave it solid data to project which sources were likely to purchase credits (i.e., emit more than baseline emissions minus 12 percent) and which sources were likely to sell credits (i.e., emit less than baseline emissions minus 12 percent). In USEPA's experience, such analyses do not yield data that are sufficiently reliable to conduct the type of assessment NRDC et al., seek. While economic impact analyses can give a useful estimate of the overall impact of a set of regulations, these analyses do not reflect the source-specific factors that would need to be considered to judge which particular locations might be most likely to experience net credit purchases. Consequently, USEPA does not require Illinois to conduct the type of analysis sought by NRDC et al.

Elsewhere in their comments, NRDC et al. argue that large swings in emissions could occur because ''the operations of market mechanisms are anything if not unpredictable.'' This latter comment contradicts their assertion that Illinois could have readily predicted source-specific shifts in emissions. In fact, assessing stability of aggregate emissions (for example by the examination of production data described in the notice of proposed rulemaking) is more feasible than predicting the future actions of individual sources.

One possibility is that the trading program would produce emission reductions identical to those that would be imposed via RACT rulemaking. RACT rulemakings tend to be dominated by issues of cost and feasibility. Illinois' trading program is designed to allow sources themselves to determine which combination of controls are feasible and can be achieved at least cost. Thus, in theory, the Illinois trading program could provide the same set of reductions that RACT rulemaking would seek to provide. In practice, the trading program provides incentive for process changes that may be very cost-effective but generally cannot be imposed by regulation. Thus, speculation on the difference between emission reductions with a trading program versus with a RACT regulation must include speculation on the extent to which sources in a trading program would reduce emissions via process changes versus installation of control equipment.

Another form of this comparison is to define the alternative scenario as one in which all sources subject to the trading program regulations instead must reduce emissions by no more or less than 12 percent. This alternative scenario is as if Illinois' regulation could be subdivided into an emission reduction component and a trading component, and removing the trading component. As compared to this alternative, the Illinois trading program will of course have higher emissions in some locations and lower emissions in other locations. However, USEPA believes that communities of concern (which are presumed to have disparate pollution burdens) are as likely to experience lower emission than higher emissions. In any case, it is doubtful that Illinois could have adopted a

regulation that required all sources to reduce emissions by 12 percent without option for trading. Therefore, an alternative constructed in this fashion is probably not a realistic alternative.

CBE/ALAMC and ED provide rationales by which the Illinois trading program would be likely to yield emission reductions that favor or disfavor communities of concern. CBE/ALAMC argues that communities of concern, in particular low income and minority communities, tend to have older sources that are prone to be difficult to control and that are therefore prone to have less emission reduction than other areas. ED observes that such communities will tend to fare better with a trading program than with traditional RACT-type regulations, because ''vulnerable populations' relative lack of political leverage'' will tend to be a more important factor in developing RACT-type regulations than in a trading program.

These comments by CBE/ALAMC and ED implicitly reflect comparison to alternative control scenarios that may not be realistic alternatives. Nevertheless, the annual program review will address the actual effects of Illinois' program.

USEPA agrees with Kosobud that preliminary evidence indicates that the program is providing relatively uniform reductions across the Chicago area. USEPA intends to continue to monitor the distribution of emission reductions that result from the Illinois trading program. If the program results in a problematic distribution of emission reductions, USEPA will request that Illinois remedy the situation.

Comment: CBE/ALAMC comment on USEPA's description of workgroup efforts to define the HAPs emissions information that sources must report and to define the information for Illinois to provide in its annual report. CBE/ALAMC disagree with USEPA's claim that the workgroup achieved consensus on emission reporting requirements. CBE/ALAMC observe that rule revisions to adopt these emission reporting requirements are being subject to unusual hearing requirements and have not been adopted even as the second year of the trading program begins. CBE/ALAMC note that the workgroup has had ''little, if any, discussion'' of how to analyze and report the information on HAPs emissions to be collected. CBE/ALAMC identify several questions that remain to be addressed, including whether the annual report will give community-specific information on trades and HAPs impacts, what opportunity the public will have to comment on the annual reports, and whether Illinois will address the public's comments and make any warranted program changes.

CBE/ALAMC express concern in particular that the workgroup has not defined what constitutes an environmental injustice. CBE/ALAMC describe and dispute an industry view that environmental injustice cannot be identified without a complete risk assessment. CBE/ALAMC argue instead that ''any community that is subject to an increase in HAPs [emissions]—or even a community whose HAP emissions are not reduced to the level commensurate with those that are being achieved in other communities—is suffering a disparate impact.''

CBE/ALAMC then note that even more difficult than defining environmental justice is addressing problems after they occur. CBE/ALAMC state that ''IEPA should have been required to address these issues before the program was implemented.'' CBE/ALAMC state that ALAMC urged during Illinois' rule development process that steps be taken to ''prevent the problem from happening in the first place.'' CBE/ALAMC now doubt ''that IEPA will be able to identify and mitigate any EJ or disparate impacts . . . in a timely manner, if at all. Not only do these potential problems need to be well defined, but a detailed course of action to correct them needs to be in place before USEPA should even consider approving this program.''

Johnson comments that Illinois ''fails to address several critical, common sense provisions'' of USEPA's guidance on environmental justice. Johnson states that ''Illinois has yet to propose and commit to an adequate program to evaluate [the program's] potential to increase exposures of selected populations to hazardous air pollutants.'' Johnson disputes USEPA's statement that the workgroup on the annual program review ''has achieved general consensus * * * to require companies to report emissions of individual HAPs''. Johnson believes that ''[n]o consensus * * * has been achieved. Rather, Illinois has only proposed a rule based upon divergent concerns.'' Finally, Johnson comments with respect to ''the most important element'' of USEPA's recent guidance, namely that the state must ''provide for an opportunity to remedy any problems that are identified following [program] startup''. Johnson expresses the view that a ''sounder * * * policy'' would go beyond providing an opportunity for mitigation and instead require actual mitigation, but Johnson objects that Illinois does not even provide the opportunity for mitigation.

Response: The primary purpose of this rulemaking is to evaluate the rules that Illinois submitted and the emission reductions that these rules are intended to achieve. Nevertheless, USEPA requires that states submitting trading programs that include VOC (and thus potentially involve trading of HAPs) must provide an ongoing public input and review process to evaluate whether the programs yield an equitable distribution of impacts on HAP emissions.

USEPA continues to believe that Illinois is taking appropriate steps to assure an informed, public debate of the impacts of its trading program on emissions of hazardous air pollutants. USEPA did not claim that all parties agree on all details of a rule on emissions reporting; USEPA instead more accurately observed that a workgroup convened by the state had ''achieved general consensus on a draft rule,'' in particular a general consensus ''to require companies to report emissions of individual HAP species.'' Subsequent to USEPA's notice of proposed rulemaking, Illinois has now published and distributed its first annual report on the program. Contrary to CBE/ALAMC's concerns about lack of discussion of methods for analyzing whether disparate impacts had occurred, Illinois extensively solicited input from the business and environmental members of its workgroup on such methods and other aspects of this report.

USEPA acknowledges that business representatives and environmental groups can have differing definitions of environmental justice and disparate impacts. Given the variety of possible scenarios, it is reasonable for Illinois to focus on analyzing actual data and to avoid extensive preliminary debate on methods for analyzing an array of hypothetical scenarios, most of which would not actually occur.

As sought by Johnson, Illinois has committed to an ongoing process for reviewing the program's impact on hazardous air pollutant emissions and to remedy any problems that are identified. USEPA does not share Johnson's view that USEPA should require the state to adopt specific provisions mandating mitigation of any environmental justice problems that arise. USEPA further disagrees with Johnson's statement that Illinois provides no opportunity for such mitigation.

USEPA reviewed Illinois' program according to guidance on three elements of programs well designed to address environmental justice concerns. The key first element is a program design that

makes environmental justice problems unlikely. Illinois does so by requiring program participants to continue to comply with all RACT and hazardous air pollutant regulations and establishing an overall emission reduction requirement, which discourages the otherwise likely local emission increases. The second element is an ongoing public information and review process. This process should identify whether problems are arising that can be addressed with simple permit revisions, whether problems are arising that would require rule revisions, or whether as expected no significant problems are arising. It is important here to note that the range of potential issues is wide, and so it is unrealistic to expect the state to adopt a rule that provides for program revisions to address any possible desired remedy. The third element is the state's commitment to remedy any problems that are identified. By incorporating these elements into its program, USEPA believes that Illinois has taken appropriate steps to address concerns about environmental justice.

2. Comments on ''Open Market Trading Features''

Comment: ED comments extensively on the ''elements of an 'open market' system'' incorporated in Illinois'' program. Because Illinois allows generation of trading credits from small industrial, mobile, and area sources, ED views Illinois' program as a hybrid and not a true cap and trade program. ED believes that this incorporation of open market features into Illinois' program should prompt USEPA to reconsider whether Illinois' program will achieve the intended emission reductions.

ED compares Illinois' program unfavorably with the acid rain program. ED describes the acid rain program as allowing sources not otherwise subject to the program to voluntarily opt into the program, to receive allowances reflecting a cap on current actual emissions and to be allowed to sell allowances to the extent the sources reduce emissions below their cap. ED describes Subpart E of Illinois' trading rules as providing short-term, ''discrete'' credits. ED concludes that existence of these open market style credits ''fundamentally weakens the integrity of the emissions cap [and] undermines the economic incentives [for] investments in emissions reductions.''

NRDC et al., comment without elaboration that the Illinois program ''incorporates many features of the open market trading rule proposed in 1995 * * *.'' NRDC et al., also claim that Illinois' program ''allows sources to meet (and circumvent) otherwise applicable requirements with [unreliable] pollution credits'' and thus ''will relax existing SIP measures.'' Elsewhere in their comments, NRDC et al., 'cite the ''use of credits from outside the 'capped' sources, from mobile, area and small industrial sources,'' allowing ''inter-sector trading of discrete (i.e., mass-based) credits, in many cases quantified retrospectively.'' NRDC et al., view these features as evidence that ''the Illinois trading program incorporates open market trading mechanisms into its purported limited cap and trade system.''

PEER, in its comments of March 8, 2001, objects at length to open market trading programs in general and to New Jersey's and Michigan's open market trading programs in particular. PEER does not discuss the Illinois program in its comments. Nevertheless, the subject line of this comment letter identifies the Illinois program as one of four programs, ''each of which is based entirely or in substantial part on 'open market trading.' ''

Response: ED implicitly acknowledges that the core features of Illinois' program subject major VOC sources in the Chicago area to a cap and trade program. In addition, ED apparently supports voluntary participation of minor sources in Illinois' program. ED's objections focus more narrowly on the potentially short duration of such sources' participation and the mechanism for accounting for emission reductions from such sources, which ED views as open market features of the Illinois program.

In general, cap and trade programs differ from open market trading programs in several respects: (1) Cap and trade programs require emission reductions beyond those required by RACT regulations and other regulations, whereas open market trading programs characteristically allow emissions above levels such regulations allow (provided another source achieves more than compensating reductions). (2) Cap and trade programs seek to cap the emissions of a category of sources at some level lower than emissions would otherwise be, typically at a level well below prior actual emissions. In contrast, open market programs require net emission reductions as part of each trade but do not foreordain any overall quantity of reductions to be achieved. (3) Cap and trade programs have mandatory participation from a specified category of sources, whereas participation in open market programs is voluntary. (4) Cap and trade programs typically account for all emissions from the participating sources, whereas open market programs typically account only for net emission increases and decreases of participating sources. Typically, cap and trade programs issue a finite number of allowances and limit emissions of each source according to the source's holdings of allowances, whereas open market programs only track whether the emissions decreases of one source suitably compensate for the emissions increases of a matched source.

The Illinois program clearly has these fundamental features of cap and trade programs and lacks the contrasting features of open market trading programs. (1) The Illinois program requires compliance with RACT regulations and all other regulations. (2) The Illinois program sets a cap on emissions which for most sources is 12 percent below baseline actual emissions. Aside from ED's general concerns about program effectiveness, no commenter objected to USEPA's proposed conclusion that the program would reduce Chicago area VOC emissions by 10.9 tons per day. (3) The Illinois program requires participation by major VOC sources in the Chicago ozone nonattainment area. Participation by these sources is not voluntary. (4) The Illinois program accounts for all emissions of the mandated program participants, requiring that these sources limit their emissions to correspond to the number of allowances the source holds out of the finite overall set of allowances.

ED does not dispute that the core features of the Illinois program are those of a cap and trade program; ED instead argues more narrowly that the program is a hybrid in which the cap and trade characteristics are supplemented by open market trading program features. However, USEPA does not agree either that the Illinois program is in any significant respect an open market trading program or that any features of the Illinois program warrant its disapproval.

ED does not object to Illinois' provisions for voluntary participation of small sources on an opt-in basis, which USEPA views as the most significant element of the Illinois program that is characteristic of open market trading programs. Instead, ED favors the opt-in provisions of the acid rain program, a program which ED views as a properly designed cap and trade program.

ED focuses on the duration and accounting of emission reductions by opt-in sources in the acid rain program versus the Illinois program. ED overstates the significance of these distinctions. The acid rain program is set up to include predominantly long

term opt-ins and yet the program does not prohibit relatively short term participation. In theory, the Illinois program is more accommodative of short term participation. In practice, the opt-ins to date have all been permanent. In any case, although the Illinois program has the potential to have a greater fraction of short term participants, it is not clear that even the realization of that potential would significantly change the reliability level of the reductions or otherwise cause the problems ED anticipates.

As for the accounting process, USEPA views the two processes as fundamentally equivalent. Whether a source receives allowances equal to baseline emissions and must retire allowances equal to actual emissions, or alternatively the source receives allowances according to the difference between baseline and actual emissions, both programs result in the source having salable allowances equivalent to the source's emission reductions.

USEPA does have related concerns arising from the issuance of allowance pursuant to emission reductions from small sources, particularly from mobile sources. The emission reductions from mobile sources can be difficult to quantify, insofar as one cannot measure the emissions directly and one must consider the time varying deterioration and usage of the vehicles involved with and without the emission reduction activity.

This issue is not a function of whether crediting for the reductions is done in a characteristically open market trading manner or in a characteristically cap and trade manner, e.g., whether the state issues allowances according to the emission reduction or whether the state issues allowances equal to a cap and allows sale of allowances according to the eliminated emissions. The issue instead pertains to the reliability with which the emission reduction can be determined. Poorly quantified emission reductions result in a program that does not as reliably obtain the intended emission reductions.

To date, Illinois has received no requests for issuance of allowances pursuant to emission reductions by mobile or area sources. USEPA expects this program feature never to involve significant quantities of emissions.

Should such requests arise, USEPA has requested that Illinois consult extensively with USEPA on the methods for evaluating emissions and emission reductions, particularly for requests involving mobile sources. With such consultation, USEPA believes that issuance of allowances for emission reductions from these source types are an acceptable program feature that will not significantly affect the integrity of Illinois' program.

Other commenters provide less justification for suggesting that their concerns about open market trading programs apply to the Illinois program. Contrary to comments by NRDC et al., the Illinois program retains RACT and other such limitations as independently enforceable requirements irrespective of how many allowances a source holds. USEPA continues to believe that the Illinois program is fundamentally a cap and trade program that is unlikely to cause the problems identified by these commenters.

3. Additional Comments by NRDC et al.,

Comment: NRDC et al., make a variety of comments in its introductory remarks. NRDC et al., comment that ''EPA has had some degree of success with the acid rain trading program'', but finds the Illinois program to fall short of the acid rain program in several respects.

Response: USEPA agrees that sulfur dioxide from large boilers is easier to measure and quantify than VOC from various kinds of VOC sources. This causes VOC programs generally to have greater uncertainty that sulfur dioxide programs. However, the Clean Air Act does not direct USEPA to evaluate whether Illinois' trading program is better or worse than the acid rain program. USEPA must instead evaluate whether the Illinois program provides an approvable addition to the Illinois SIP. Further comments and responses below will address the specific features of the Illinois program noted by NRDC et al., treating them as features that NRDC et al., find problematic.

Comment: The Illinois program ''will relax existing SIP measures'' and ''allows sources to meet (and circumvent) otherwise applicable requirements with pollution credits having the integrity of counterfeit currency.''

Response: The Illinois program does not relax any existing SIP measures.

Comment: ''Polluters [are] allowed to develop their own quantification methods without the bother of EPA or public oversight.''

Response: Illinois set the general methods via rulemaking and sets source-specific details of these methods via permit, processes that provide opportunity for public input. USEPA's proposed rulemaking provided a further opportunity for public input on the general methods, though the commenters provided no such input.

Comment: NRDC et al., state that ''We are aware from internal EPA documents * * * that there has been a raging debate within the Agency'' concerning trading program policy, debates which ''apparently began in large part out of vociferous opposition to EPA's deplorable 1995 Open Market Trading (OMT) proposal.''

Response: While NRDC et al., do not specify the internal USEPA documents it examined, the comments do imply that USEPA's proposed rulemaking is the outcome of a thorough internal debate on relevant issues. These comments further imply that many of the issues raised by NRDC et al. are issues that USEPA has already addressed in preparing its proposed rulemaking. In these cases, and in the absence of new input warranting a different conclusion, NRDC et al. should expect USEPA's final rulemaking to reach the same conclusion as USEPA proposed.

Comment: NRDC et al., comment that USEPA appears to be proposing conditional approval, and yet the proposed action lacks key prerequisites for conditional approvals. NRDC concludes that the Clean Air Act provides no basis for the proposed action.

Response: USEPA did not propose conditional approval. USEPA identified some concerns with the State's submittal but anticipated that Illinois would address these concerns. USEPA proposed that if in fact Illinois satisfactorily addressed these concerns, then USEPA would publish full approval pursuant to section 110(k)(3).

Comment: NRDC et al., object to a failure to require that emission reductions be surplus. NRDC et al., observe that the program fails to define surplus. These commenters reference the definition of surplus given in USEPA's regulations on trading programs (40 CFR 51.491 and 51.493), and specifically note the failure to avoid crediting reductions already ''assumed in the relevant emission inventory or [in the Chicago area's] most recent federally approved rate-of-progress or attainment plan.'' The commenters further observe that surplus reductions in fact cannot be identified because ''there has yet to be a submission, let alone a federal approval, of an [attainment] plan including detailed and specific measures.'' The commenter continues by suggesting that USEPA should not approve Illinois' trading program until a detailed attainment plan is in place to specify which emission reductions should be considered surplus and thus creditable for a trading program.

NRDC et al., further comment on the baselines from which Illinois determines each source's target

emissions level (generally 12 percent below baseline level). NRDC et al., object that USEPA's proposal does not describe ''whether or how the baselines are consistent with the inventories included in the approved SIP, rate of progress, or attainment demonstration.''

Response: USEPA's trading program regulations at 40 CFR 51.491 define surplus as ''at a minimum, emission reductions in excess of an established program baseline which are not required by SIP requirements or State regulations, relied upon in any applicable attainment plan or demonstration, or credited in any reasonable further progress or milestone demonstration, so as to prevent the double counting of emission reductions.'' The Illinois program pursues emission reductions relative to a baseline that reflects actual emissions (adjusted if necessary to discount noncompliance) pursuant to ''applicable requirements effective in 1996'' (Cf. Section 205.320). The regulations Illinois submitted do not use the term ''surplus,'' nor do USEPA's regulations require use of the term. Instead, Illinois has indirectly addressed the issue by defining the applicability and the emission reduction obligations of affected sources, and has designed its program to achieve reductions beyond those required by or anticipated from other programs. The notice of proposed rulemaking includes a quantitative evaluation of the emission reductions expected from Illinois' trading program beyond the reductions achieved by other means. That evaluation reflects USEPA's belief that the Illinois trading program in fact achieves reductions that are surplus to the reductions from other elements of the SIP.

USEPA policy is that trading programs may be approved even before a needed attainment demonstration has been approved, so long as the state commits to assure that source emission estimates for the trading program and for the ultimate attainment demonstration are consistent. In this case, Illinois has submitted an attainment demonstration for the Chicago area, which USEPA proposed to approve on July 11, 2001, at 66 FR 36369. The reductions from the trading program are surplus to the other elements of this attainment demonstration. The baselines of the trading program are fundamentally consistent with the attainment demonstration inventory because they are based on the same set of emissions data. The baselines are not identical to the attainment demonstration inventory, particularly due to the adjustments noted by the commenters, but USEPA accounted for the differences in its review of program benefits described at length in the notice of proposed rulemaking.

Comment: NRDC et al., comment extensively on the RECLAIM program in the Los Angeles area. The commenter states that the NO_X RECLAIM program ''has failed spectacularly in recent months.'' The commenter cites a lawsuit filed against a company participating in a Los Angeles area trading program ''because of its redistribution of pollution burdens to low income and minority communities'' near the sources ''using credits rather than making the reductions required of them under the Clean Air Act.'' The commenter observes that the public has raised the same concerns about the Illinois program, and that ''alternatives with a lesser impact are available.''

Response: The commenters have not explained how their views of the RECLAIM program are germane to USEPA's review of the Illinois trading program. USEPA cannot disapprove a program that meets Clean Air Act requirements simply because commenters identify ''lesser impact'' alternatives.

Comment: NRDC et al., state that the Illinois program has no credible enforcement mechanisms. The commenters concede that the program ''is ultimately enforceable under enforcement provisions of the Clean Air Act.'' However, the comment expresses concern that the timetable for such enforceability extends too long and in fact is indeterminate. While noting that USEPA's proposed rulemaking requests that Illinois clarify the timetable, the commenters find it ''unacceptable'' that the proposed rulemaking ''fails to specify how to rectify [this] problem.''

Response: As discussed in more detail in section III above, Illinois has clarified the timetable for enforcement of the requirements of the trading program. In brief, sources that fail to hold the necessary number of allowances as of December 31 and then fail to cover the shortfall plus a surcharge under a timetable that ends about mid-March are subject to enforcement action pursuant to Section 113 of the Clean Air Act. USEPA solicited comments on a similar prospective resolution of this issue.

Comment: NRDC et al., comment that ''[t]he Illinois trading program allows sources to borrow not only from the past, but also from the future,'' and views this as an ''unlawful variance.'' By footnote, the commenters specify that this concern applies particularly to the program feature known as the Alternative Compliance Market Account.

Response: In Illinois' program, most emission reductions will occur every year. Because allowances under the program have a two-year life, in some cases excess reductions in earlier years will allow lesser reductions in later years, consistent with the early reductions policy that USEPA has adopted in several of its rules.

Even with the Alternative Compliance Market Account, ''regular access'' to credits from this special account is for credits associated with the year of purchase (also usable thereafter). Allowance of emissions in one year based on credits from a later year occurs only with ''special access'' to the Alternative Compliance Market Account. Several restrictions assure that ''special access'' will occur rarely if ever. ''Special access'' is prohibited if the source can obtain credits from the marketplace or from ''regular access'' to the Alternative Compliance Market Account. Credits via special access cost twice as much as credits purchased on the market. (''Regular Access'' credits cost 50 percent above market prices.) The number of credits accessible through special access is limited to one percent of the number of credits issued to sources. This feature of the Illinois program is designed as an emergency fund of high-priced credits in case normally priced credits do not materialize.

USEPA generally requires that reductions occur before credit use to avoid concerns about otherwise unallowable emissions occurring and then having expected compensating emission reductions fail to occur. This is unlikely to occur in Illinois, because the prerequisites for special access are unlikely to be met. Even if the prerequisites for special access are met, and under a worst case in which compensating reductions do not occur, the risk is capped at one percent of overall emissions. A further fallback is Illinois' annual program report and Illinois' commitment to address problems identified in the annual report. While the issue identified by the commenter raises the possibility of achieving one percent less emission reduction, USEPA finds that this issue does not raise concerns about the fundamental integrity of the program, and USEPA finds further that the best estimate of the reductions to be achieved by the program do not reflect any adjustment pursuant to this program feature.

Comment: NRDC et al., express concern that provisions for measuring emissions do not satisfy 1994 trading program guidance. The commenters state that the notice of proposed

rulemaking ''misstates the standards of the 1994 Economic Incentive Program guidance, asserting that they simply require 'approaches or a range of approaches' to quantification.'' The commenters state that this guidance instead requires programs to include replicable emission quantification methods, specified in detail in the state's submittal.

Separately, the commenters' introductory comments object that the methods to be used ''are incapable * * * of directly measuring * * * emissions,'' and allow use of ''emission factors that are * * * as likely to be wrong as they are right and that will result in half of sources using them being in noncompliance.''

Response: A full reading of the 1994 guidance requires considering both the parts of 40 CFR 51.493(d) quoted by the commenter and the parts quoted in the notice of proposed rulemaking. The heading of 40 CFR 51.493(d) is ''Replicable emission quantification methods''. Parts of the introductory text under this heading are quoted by the commenters. The introductory text additionally states that the methods ''shall yield results [with] a level of certainty comparable to that for source-specific standards and traditional methods of control strategy development.'' This text is followed by subparagraph (1), entitled ''specification of quantification methods.'' Subparagraph 1 is quoted in part in the notice of proposed rulemaking, including the language quoted above under which the ''specified quantification methods'' may include a combination or a range of methods.

''Traditional'' control programs give varying levels of details of emission quantification methods. Source-specific limitations generally specify a single test method from 40 CFR part 60, appendix A, leaving only relatively modest details unspecified (e.g., types of process materials used during the test). Category-specific rules generally specify a range of methods; for example rules limiting stack emissions of particulate matter would generally specify that any of the methods from 5 or 5A to 5H may be used as appropriate. Even a wider range is specified in rules on new source review, which generally give no particulars on the test method to apply and instead specify that the state is to identify limits (implicitly having an associated test method) in a permit subject to 30-day public review.

The approach in the Illinois trading program is well within this range of approaches. This trading program is limited to one pollutant (VOC) but covers a wide range of VOC sources. Illinois' rules specify methods for each type of source in this range, with more complete details specified in each source's Title V permit. This approach is appropriate for the range of sources in the program and is consistent with the approaches taken with other comparable control programs. The rules submitted by Illinois assure that each source will have a fully replicable emission quantification method subject to appropriate public review. Consequently, USEPA concludes that Illinois' program satisfies the 1994 guidance on emission quantification methods.

Direct measurements of emissions usually provide more reliable data than indirect methods. However, the level of VOC control achieved by Illinois' program would not have been possible if sources needing to use indirect methods had been excluded. All methods give results that can be either too high or too low. In fact, in a trading context, it is preferable to have approximately equal likelihood of obtaining results that are too high versus too low. USEPA is satisfied that the indirect methods that must be used to address sources in Illinois' program are sufficiently reliable to have an acceptable level of confidence that Illinois' program will achieve the anticipated emission reductions.

Comment: NRDC et al., state that ''the Illinois trading program is devoid of any programmatic enforceability'' and therefore should not be creditable for addressing rate of progress requirements.

Response: USEPA is satisfied that the requirements of the Illinois trading program are clear and enforceable. Although the program started too late to be creditable for purposes of the 1997 to 1999 rate of progress plan, the program is creditable for attainment planning purposes.

Comment: NRDC et al., comment that the Illinois trading program interferes with reasonable further progress and attainment obligations. NRDC et al., suggest that Illinois may adopt a trading program to add flexibility to a required control program but may not use the program as a ''substitute * * * for the required control stategy'' needed to satisfy reasonable further progress and attainment requirements. NRDC et al., object that USEPA ''attempts to trivialize this issue as one of 'spiking.' '' NRDC et al., further state that the Illinois program lacks but needs ''safeguards against accumulation and rapid dumping of credits'' (i.e., spiking). Since ''the operations of market mechanisms are anything if not unpredictable,'' NRDC et al., reach ''the conclusion that 'spiking' needs to be addressed affirmatively and proactively.''

Response: The Illinois trading program must be understood as fundamentally being an emission control strategy. The commenters cite nothing in the Clean Air Act or USEPA guidance to suggest that this type of control strategy cannot be used to help achieve the requirements for either reasonable further progress or attainment. The notice of proposed rulemaking evaluates the emission reductions expected from this program, and no commenter commented on this evaluation. USEPA continues to believe that the Illinois trading program is a control strategy that enforceably achieves a reduction estimated at 10.9 tons per day, representing an appropriate element of any reasonable further progress or attainment plan for which these reductions are timely.

In practice, Illinois chose to delay implementing the trading program by one year, so that the reductions were no longer timely for the reasonable further progress plan for reductions by 1999. Illinois submitted substitute measures for this plan, and USEPA approved the revised plan on December 18, 2000 (see 65 FR 78961). The reductions from the trading program are still timely for attaining the standards.

With respect to ''spiking,'' the notice of proposed rulemaking presents economic data indicating that significant swings in emissions are unlikely. The commenters implicitly prefer that the trading program not accommodate significant swings in emissions should the causes of such swings arise. Such swings in emissions are unregulated in absence of a trading program and in fact are inhibited in the presence of Illinois' trading program. The extent of spiking possible under Illinois' program is limited by the two year lifetime of allowances. In addition, the scenario with higher than average later year emissions by definition has equivalently lower than average emissions in earlier years. USEPA continues to believe that it has adequate assurances that no spiking problem will arise in the Chicago area.

Comment: NRDC et al., find that ''section 173(c)(2) disallows the use of 'reductions otherwise required by this Act' for offsets.''

Response: If all sources emit the full amount allowed under the Illinois trading program, no excess allowances would be available to accommodate a new source. That is, if sources achieve no reductions beyond those required by the program (which as part of the attainment demonstration are

considered required by the Act), no offsets would be available. Only if and to the extent that sources achieve reductions that are not otherwise required will allowances representing offsets be available.

Comment: NRDC et al., object to the possibility in the Illinois trading program that credits generated from mobile source emission reductions may be used to offset emissions from major new stationary sources. NRDC et al., state that the ''Clean Air Act, 40 CFR 61.165 and part 51, appendix S make clear that offsets may be obtained only from 'stationary sources' and not 'mobile sources.' '' The commenters observe that this law and these regulations ''make no mention of 'mobile sources' '' as a possible origin of offsets. The commenters quote Clean Air Act section 173(c)(1) and infer that the ''sources'' from which offsets must be obtained must be stationary sources. The commenters justify this inference by noting that some uses of the term ''source'' by necessity mean ''stationary source,'' and by observing that the terms ''source'' and ''stationary source'' are used interchangeably in Part D of Title I of the Act.

Response: USEPA disagrees with the commenters' assertion that offsets under section 173 of the CAA are limited to those from stationary sources. The language of section 173 and the statutory framework and context are best read as allowing offsetting emissions reductions to be provided by sources other than stationary sources. As specified in section 173(a)(1)(A), the ultimate test as to whether offsetting emissions reductions are sufficient is by reference to whether they represent ''reasonable further progress as defined in section 171.'' The definition of ''reasonable further progress'' in section 171(1) plainly refers to the air quality goal of attainment of the NAAQS, and since all sources of air pollution, including mobile, stationary, and ''area'' sources, contribute to nonattainment, the definition of reasonable further progress naturally does not exclude any category of emissions. Accordingly, USEPA has not limited offsets under section 173(a)(1)(A) to those derived from other stationary sources, but has instead allowed other source categories, such as mobile sources, to provide offsets. The statutory language cited by the commenters, referencing ''other sources'' providing offsets, plainly means sources other than the new or modified major stationary source. This language should not be interpreted as requiring offsets to come from that subset of other sources that are stationary.

Comment: NRDC et al., comment that the Illinois trading program violates Clean Air Act section 173 by allowing emission reductions that commence after new source construction to be used as offsets for the new source's emissions. The commenters quote section 173(c)(1) as requiring that emission reductions obtained for offsets ''shall be, by the time a new or modified source commences operation, in effect and enforceable''. Similarly, the commenters quote section 173(a)(1)(A) that, ''by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained''. The commenters further quote the Draft NSR Workshop Manual (October 1993) that ''Offsets should be specifically stated and appear in the permit, regulation or other document which establishes a Federal enforceability requirement for the emissions reduction.''

NRDC et al., object to the rationale given in USEPA's notice of proposed rulemaking for finding Illinois' offsets adequately permanent. The commenters find this rationale inconsistent with section 173 and related USEPA guidance. First, the commenters view USEPA's rationale as tantamount to accepting a promise to obtain offsets in lieu of requiring advance specification of actual offsets. The commenters state that this '' 'restatement' approach is little different from a construction permit merely 'restating' the requirement to meet BACT or LAER upon operation''. The commenters are further concerned that the public get adequate opportunity to review the origins of the offset and to comment on whether the offsets are lawful, quantifiable, surplus, enforceable, and permanent. The commenters further comment that section 173 requires advance securing of offsets, ''in order to prevent any later complaints from the source'' if offsets subsequently cannot be found.

Second, the commenters consider Illinois' approach unreliable. The commenters dissect statements in USEPA's notice of proposed rulemaking to demonstrate that offsets here would lack the necessary permanence. The commenters observe that USEPA's rationale ''brims with the inherent uncertainty, indeterminacy, and unenforceability'' of Illinois' approach. The commenters believe that ''permits with temporary plans that increase the likelihood in practice that sources will offset their pollution increases prior to operation'' fall short of the guarantee of permanent offsets established that the Clean Air Act mandates.

Response: The commenters have properly quoted section 173 but have urged an overly restrictive interpretation of allowable approaches for obtaining offsets. Section 173 does not use the term ''permanent,'' and USEPA does not believe that section 173 requires permanent reliance on a single action or set of actions to offset the new source's emissions in all future years.

USEPA must evaluate what it means to obtain an emission reduction for offset purposes. The commenters believe that obtaining an emission reduction means securing an action (and establishing a mechanism for assuring the permanence of the action) that will yield emission reductions that will offset the new source or major modification emissions starting by the time the new or modified source commences operation and continuing in all future years. The Illinois program aims to address the offset requirement in a slightly different manner, requiring that the needed emission reductions occur each year but allowing different years' reductions to reflect different actions.

Some hypothetical cases help illustrate the key issues here. In the first hypothetical case, new source A obtains its first three years of offsets from source B, its second three years of offsets from source C, and thereafter switches between source B and source C as the origins of its offsets. In this case, the commenters' interpretation of section 173 is violated because there is no single origins of emission reductions that permanently offsets new source A's emissions, and because the emission reductions from source C would perhaps not be in effect when new source A commences operation. However, USEPA believes that this case satisfies section 173. Source A has secured sufficient emission reductions by the time it commences operation. These ''sufficient emission reductions'' occur in each subsequent year as well, such that the combination of new emissions and emission offsets represents reasonable further progress. USEPA interprets section 173(c)(1) to require sufficient emission reductions to commence by the time the new source commences operation, not to require each action yielding emission reductions ever to be used for offset purposes to occur by commencement of source operation.

In a second hypothetical case, new source A receives a permit specifying ofsets for the first 3 years, based on source B suspending operations for 3 years, and requiring that source A obtain equal offsets from unspecified other sources thereafter. Assuming that

the requirement for the subsequent offsets is adequately enforceable, USEPA again would find section 173 satisfied. The permit assures emission reductions offsetting new source A's emissions starting by the time source A commences operation and assures that sufficient offsetting emission reductions will be in effect at all subsequent times as well. USEPA concludes that this scenario would satisfy the section 173 requirements for offsets to be in effect by the time the new source commences construction and to continue to assure reasonable further progress.

Illinois' trading program addresses offsets in a manner similar to this second case. A new source must purchase credits reflecting emission reductions starting upon commencement of operations and at all times thereafter. A new source must identify its plans for offsets for the first three years but need not specify the origins of these offsets for all future years. The Illinois trading program nevertheless establishes an enforceable requirement for new sources to secure offsets at all necessary times.

The approach stated in the proposed rulemaking is consistent with the statements quoted from the document entitled ''Draft NSR Workshop Manual''. In fact, the first hypothetical case above seems consistent with even the commenters' presumed interpretation of the quoted statement, insofar as the permit would specifically state the offsets coming from Source B and the offsets coming from Source C in alternating three year periods. However, USEPA applies a more flexible interpretation of its guidance, wherein the specific statement of offsets can have varying characteristics depending on the nature of the offsets being provided. USEPA expects permits for major new VOC sources in the Chicago area to specifically state that offsets will be obtained via the purchase of surplus credits, and USEPA affirms that the trading regulations that provide for Federal enforceability of the offsets specifically state that surplus credits shall serve as offsets. The flexibility of this USEPA guidance is highlighted by the use of the terms ''should'' and ''must,'' i.e., that the document providing enforceability of the offsets *should* specifically state the offsets, whereas offsets *must* be established in a permit or a SIP revision.

More recent guidance makes even more clear that reductions from trading programs, which are enforceable but which may not have forecastable origins, provide suitable offsets. Specifically, guidance on trading programs, dated January 2001, clarifies at several points that emission reductions obtained pursuant to trading programs may be used for offset purposes, notwithstanding that the sources providing future offsetting reductions may not be known at the time of new source construction. In section 16.14 of this guidance, entitled ''Provisions for new source review and trading'', on page 255, the guidance states that ''You may allow sources to use emission reductions generated by your [trading program] to comply with PSD/NSR requirements [if, among other things,] sources that are required to obtain offsets or netting credits have an obligation to obtain such credits, when they are not continuous credits, for the life of the source needing the credit.'' Similar guidance is provided in Chapter 7, including guidance for open market trading programs that ''If a source wishes to use [credits] to meet its NSR offset requirements it must * * * obtain sufficient [credits] for at least 1 year of operation before receiving its permit [and] commit in its NSR permit to obtain sufficient [credits]'' annually thereafter.

The commenters are concerned about the ''uncertainty, indeterminacy, and unenforceability'' of Illinois' approach. This comment reflects the commenters' concern about the possibility of sources changing the origins of offsets. However, under section 173, the critical issue is whether USEPA can be certain that emissions will be offset at all times. The Illinois trading program provides for offsets at all times, and provides a clear mechanism for enforcing this requirement.

The commenters also express concern at the lack of opportunity for public review and comment on the offsets that a new source would use. Most USEPA policy on this issue reflects cases where a construction permit is used to establish offsets. This case is different, insofar as the public will have already had the opportunity to review the mechanism for obtaining offsets (during the development and then this USEPA review of the trading program), the public will have an additional opportunity to comment on the mechanism when a draft construction permit is issued, but then no convenient forum exists for soliciting public input when a source purchases offsets from different origins. Under these circumstances, USEPA believes that the public has adequate opportunity to comment on the most significant issues pertaining to satisfaction of the offset requirements.

The commenters find Illinois' approach to offsets to be analogous to issuing a construction permit that simply restates a requirement to meet the lowest achievable emission rate (LAER) upon operation. USEPA disagrees with this analogy. First, new source permits in Illinois will specify the precise obligation of the source for offset purposes under the trading program, namely to obtain credits sufficient to offset the new source emissions. Second, the key reason a permit simply restating the LAER requirement is not enforceable, that such a permit does not give the source fair notice as to its precise obligations for emissions control, does not apply to a source mandated to obtain a determinate number of credits for offset purposes.

Comment: NRDC et al., concur with the interpretation described in the notice of proposed rulemaking that ''section 173 requires offsets on a full year basis, rather than the ozone season basis allowed by Illinois.''

Response: USEPA is deferring rulemaking on this issue, pending further review including consideration of this comment and the contrary comment by Illinois EPA. As discussed previously, by not rulemaking on the exemption in section 205.150(e) of Illinois' rules, the standard offset requirements in Part 203 of Illinois' rules remain in effect as part of the Illinois SIP.

4. Additional Comments by ED Dated March 26, 2001

ED submitted comments both on January 26, 2001, and March 26, 2001. The comments of March 26, 2001, include most but not all of the comments of January 26, 2001. ED's comments express numerous concerns about ''open market'' features of Illinois'' program. These comments are addressed above, as are comments by ED concerning environmental justice. The following discussion presents other ED comments of March 26, 2001 and USEPA's responses. The remaining comments submitted January 26, 2001, are addressed in the section that follows.

Comment: ED comments generally that Illinois has begun to develop a program with the potential to deliver significant environmental and health benefits, but that USEPA should withhold approving the program until a number of outstanding issues are remedied.

Response: USEPA responds generally that it believes that the program Illinois submitted is approvable, and USEPA does not believe that ED's concerns warrant withholding approval. Further details of ED's concerns and USEPA's responses follow.

Comment: ED makes several comments expressing concern that the Illinois program gives credits for small source emission reductions beyond how much net area-wide emissions are actually reduced. ED suggests that provisions for credit for small source emission reductions should either be eliminated or reformed into an opt-in approach. ED objects to section 205.500(a)(1) and (a)(3) calculating emission reductions based on allowable emissions rather than on actual emissions. ED recommends that a source emitting above allowable levels not be allowed to generate credits, and objects that a source emitting below its allowable levels may increase production and increase emissions and nevertheless obtain credits for artificial reductions.

Response: These provisions do not in fact give credits beyond the net area-wide emission reductions. Section 205.500(a)(1) allows credits only to the extent installation of control equipment or use of cleaner process inputs yields reductions below allowable levels. Section 205.500(a)(3) allows credit for production curtailments, provided no demand shifting occurs, and according to the decrease in production levels times the allowable emission rate per unit production. Thus, no ATUs are issued for emission controls bringing a source into compliance. Also, the baseline for calculating reductions from production curtailments is not simply maximum allowable emissions but rather is the allowable emission rate at the actual production level. This approach is analogous to the determination of baselines for major sources (Cf. section 205.320(d)), which provides adjustment to the same type of level for sources that installed overcomplying emission controls since 1990. By using a baseline that reflects mandated control levels, subject to the provision that actual emission reductions have resulted from emission controls since 1990, Illinois is operating from the same baseline as is used in attainment and reasonable further progress demonstrations and is rewarding sources that overcomply. In no case does a source with artificial reductions but actual emission increases obtain credits. USEPA views this approach as acceptable.

Comment: With sections 205.500(a)(2), (a)(3), and (a)(4), ED expresses concern that credits may be granted for production curtailments notwithstanding a possibility that the production is shifting to another source that is not accountable for its increased emissions. ED further believes that credits for shutdowns and curtailments should not be granted, since they are not surplus to ''business as usual,'' the credits create ''a perverse incentive to slow business production'', and USEPA's recent trading program guidance states that '' 'shutdowns and activity curtailments cannot generate [discrete emissions reductions]' '' in open market trading programs.

Response: The section of this notice addressing the proposed prerequisites for program approval discusses at length the provisions that assure that ''demand shifting'' will not lead to undue issuance of allowances. In short, Illinois' rules dictate that no ATUs shall be issued when demand shifting may be occurring. USEPA expects most cases to be clear as to whether other sources in the area make a product similar to the product made by the source curtailing production. As reviewed against 1994 guidance, USEPA is satisfied with Illinois' prohibition against demand shifting for stationary sources.

USEPA has committed to reevaluate Illinois' program against the 2001 trading program guidance. USEPA will reconsider the appropriateness of the creditability of small source shutdowns and curtailments during that reevaluation.

Comment: For section 205.500(c), ED believes that Illinois should apply a lower threshold for subjecting credit generation to public notice.

Response: USEPA believes that Illinois has flexibility in choosing a threshold for subjecting credit generation to public notice and believes that the threshold chosen by Illinois is acceptable.

Comment: For section 205.500(d)(3), ED urges clarification that the source has the burden of proof that claimed emission reductions in fact represent a net reduction in Chicago area emissions.

Response: USEPA believes that the information requirements imposed on the applicant establish an adequate inference that the source has the requested burden of proof for showing that the requirements for a net reduction are met.

Comment: ED comments on several specific Illinois rules that affect the coverage and impact of the trading program. ED questions whether sources that grow to 10 tons per ozone season become permanently subject to an ATU holding requirement and receive a permanent ATU allocation. ED objects that sources below 15 tons per ozone season may increase emissions up to that level without securing compensating emission reductions. ED urges that emissions from startup and malfunction be incorporated into the program.

Response: A source that grows above 10 tons per ozone is permanently subject to the requirement to hold adequate ATUs and receives a permanent ATU allocation based on emissions prior to the source growth. This is equivalent to enlarging the program to include the source, and provides an offset for minor source growth that is usually not obtained. Allowing emissions increases below 15 tons per ozone season is effectively the standard practice of not regulating emissions from small sources. Under section 205.225, sources with authorization for higher emissions during startup and malfunction exclude such emissions in determining the ATU holding requirement. Under section 205.320(e)(4), all sources exclude excess emissions from startup and malfunction from baseline emissions. Thus, such emissions from ''authorized sources'' are excluded from the program, and such emissions from sources without the authorization create an obligation to obtain ATUs. While USEPA encouraged Illinois to expand the coverage of its program to include these emissions for all sources, Illinois is under no obligation to do so, and the approach Illinois adopted of requiring ATU accommodation for these emissions for most sources is fully acceptable.

Comment: ED asks whether the delayed determination of baselines for recently constructed sources will significantly affect the impact of the program.

Response: Illinois has adopted a reasonable approach for determining baselines for recently constructed sources, for which it is appropriate to obtain additional information before determining a permanent allocation. There are few such sources, so the impact of this program feature is minimal.

Comment: ED asks whether sources entering the program due to a major modification will be issued ATUs for the pre-modification emissions, thereby increasing the cap.

Response: Sources entering the program are in fact issued ATUs according to pre-modification emissions, and have an obligation to match each 0.1 ton of nonmodification-related emissions with 1 ATU and each 0.1 ton of modification-related emissions with 1.3 ATUs. This enlarges the cap but also enlarges the emissions to be covered by the cap. The net effect of this incorporation of another source into the program is approximately the 0.3 tons of reduction per ton of modification-related emissions. As noted in a response to a comment by NRDC et al., a source that has

undergone a major modification must purchase ATUs from another source or sources that has made ATUs available by emitting less than they would otherwise have been allowed to emit.

Comment: ED observes that the provisions of Rules 205.205 allow some sources that would otherwise be subject to the trading program to be exempt. Similarly, section 205.405 exempts some sources, such as those subject to maximum achievable control technology (MACT) requirements from the requirement for a 12 percent reduction. ED is concerned that these exemptions may cause the program to fail to achieve the 12 percent reduction being sought by the program.

Response: USEPA recognizes that these program elements can affect the emission reductions achieved by the program. In fact, as described in the notice of proposed rulemaking, USEPA's review of the state's assessment of program benefits addressed the effect of these program elements. While the exemption for sources emitting less than 15 tons per ozone season forgoes a modest 12 percent reduction from these sources, the exemption for sources that reduce emissions by 18 percent (with credits equal to six percent going to a credit reserve fund) will likely yield a net reduction greater than 12 percent. The exemption of some sources from a 12 percent reduction requirement will slightly reduce the benefits of the program. USEPA will continue to incorporate these factors in its final assessment of expected emission reductions from the program.

Comment: ED asks whether sources ''need to comply with the most recent NESHAP and MACT levels.''

Response: Yes. Although new such regulations do not affect baselines or other aspects of the trading program, new such regulations, like existing such regulations (and like RACT regulations) are independently enforceable compliance responsibilities of affected sources.

Comment: ED objects to several features of the Alternative Compliance Market Account. ED objects that ATUs stored in this account do not expire. ED objects that under some circumstances a limited number ATUs may be borrowed from the following year's account, potentially having a cumulative effect of shifting ATUs between years indefinitely. ED asks whether the transfer of expired ATUs into the account which occurs under special circumstances offers sources the option to seek cleaner air by requesting that the expired ATUs in fact be retired. ED asks whether section 205.710(g) means that the borrowing of ATUs is limited to 1 percent of the total cap.

Response: In reviewing the state's assessment of program benefits, USEPA assessed benefits as if all ATUs in the Alternative Compliance Market Account are used each year. The more this account has long-lived ATUs, the more the area has benefited from earlier emissions levels below expected levels. Borrowing from the following year will occur rarely, if ever, because the price of such ATUs is twice that of normal ATUs. Furthermore, USEPA interprets section 205.710(e)(1) to provide that such borrowing yields a correspondingly reduced issuance of ATUs in the following year. Although the rules provide no mechanism for sources to request that their expired ATUs be retired, a case in which the account must be populated with expired ATUs would be an extreme circumstance in which there would likely be few expired ATUs. ED is correct in its understanding that the rule language related to cases ''without a positive balance'' in the account means that Illinois is limited to borrowing 1 percent from the following year's allotment of ATUs.

Comment: ED objects to allowing the indefinite borrowing from the future that is inherent in a source with an emissions excursion (i.e., emissions exceeding ATU holdings) providing compensation from its following year ATU issuance.

Response: USEPA expects minimal quantities of emissions to be ''borrowed from the future.'' In fact, USEPA supports requiring sources to provide emission reductions that compensate for prior excess emissions. The source with excess emissions also incurs a penalty of 20 percent of the excess emissions, so that borrowing in such a case is accompanied by a net emission reduction. This surcharge, which increases to 50 percent if excess emissions recur for a second year, also helps assure that emissions excursions cannot recur indefinitely. USEPA believes these provisions are acceptable.

Comment: ED comments generally that the Illinois trading program provides inadequate public information for tracking credit allocations and trades. ED also requests a public registry that records annual as well as seasonal emissions and differentiates those VOC that are hazardous air pollutants.

Response: USEPA agrees that full public access to information on allocations and trades improves the effectiveness of emission trading market systems. USEPA believes that the public database mandated in Rule 205.600 fulfills this purpose. This database is on the Internet at ''*http://www.epa.state.il.us/air/erms/*''. The other more detailed information is not amenable to ongoing tracking on a registry, but much of this information will be provided to the public in Illinois' annual program report, and the public has access to detailed information by requesting it from IEPA.

Comment: Sources that obtain an exemption from the program should nevertheless be required to report seasonal emissions.

Response: Sources that obtain an exemption by reducing emissions by at least 18 percent must report seasonal emissions, as the commenter recommends. Sources that obtain an exemption by becoming limited to 15 tons per ozone season are exempt from seasonal emissions reporting but must demonstrate compliance with permit restrictions that limit seasonal emissions. USEPA believes that these requirements adequately address the commenter's concerns.

Comment: Since sources can use different years for assessing baseline emissions, it is possible that a 12 percent reduction from baseline levels will yield a lesser reduction relative to the total inventory for a single, typical year.

Response: USEPA agrees and has described this issue in its notice of proposed rulemaking. USEPA examined Midwest manufacturing data in an effort to assess the degree to which the sum of source baseline levels can be expected to differ from total emissions for a single, typical year. Since Midwest manufacturing production is fairly stable, USEPA's estimate of emission reductions from Illinois' program reflects a deduction of only 0.7 of the 12 percent targeted reduction pursuant to this factor.

Comment: ED questions provisions in section 205.320(c) that seem to allow a new source to establish an artificially low baseline.

Response: In fact, an artificially low baseline would increase the source's need to purchase credits. These provisions are similar to provisions for existing sources. Even if a source increases its baseline through this provision, this will likely at worst cause only a slight shrinking of the reductions from new sources. Since Illinois took no credit for offsets from new sources, no adjustment to the program benefits estimate is needed.

Comment: For sources with emissions above compliance levels, ED recommends including noncompliance emissions in the trading program, both as a basis for issuing credits (for so long as the established compliance schedule

allows) and as emissions for which credits must be obtained. ED believes this would use the market to encourage faster efforts at compliance.

Response: USEPA supports ED's recommendation. However, USEPA is currently evaluating whether Illinois' program is approvable, not whether enhancements are possible. USEPA concludes that this suggestion is not needed for Illinois' program to be approvable. In any case, USEPA views noncompliance as a transient condition which in most cases is quickly remedied by normal enforcement tools.

Comment: ED objects to USEPA judging Illinois' program against 1994 guidance. ED argues that USEPA should apply the guidance ''finalized and published in January 2001'', which reflects the ''considerable increase in our knowledge with respect to how air emissions trading programs should be designed''.

Response: USEPA periodically updates various kinds of guidance to reflect increases in knowledge. USEPA then faces the question of whether State submittals developed on the basis of the older guidance should be judged against the older or the newer guidance. In cases that do not involve changes in law, USEPA commonly concludes that equity and fairness dictate that USEPA offer to review state submittals based on the guidance that applied when the state submittal was being developed. For these reasons, USEPA is principally judging the Illinois program against the 1994 guidance. This approach is stated in the January 2001 guidance.

USEPA has nevertheless taken steps to address ED's concern. First, as acknowledged by the commenter, USEPA is applying the more recent guidance with respect to the ''environmental justice'' issue. This element of guidance is the most significant change between the old and the new guidance documents. Second, as noted in the notice of proposed rulemaking, USEPA intends to re-evaluate the program according to the new guidance and, if warranted, request that Illinois make appropriate changes. With these safeguards, USEPA finds it appropriate to conduct this rulemaking principally on the basis of the 1994 guidance.

Comment: ED objects to USEPA finding in its proposed rulemaking that the Illinois program has deficiencies but proposing to approve the program if the deficiencies are remedied. ED particularly objects to USEPA approving Illinois' program without offering the public an opportunity to review the modifications that Illinois adopts to address the deficiencies.

Response: Under section 553 the Administrative Procedures Act, USEPA must publish a notice that (for rulemakings such as this) includes ''description of the subjects and issues involved.'' USEPA must then ''give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments.'' Finally, USEPA must consider such comments prior to taking final action.

USEPA's obligation, then, is to assure that the public has the opportunity to comment on significant issues inherent in the rulemaking. USEPA recognized this obligation in its notice of proposed rulemaking. That notice states that ''USEPA believes that submittal of [materials addressing the prerequisites for approval] will not raise any new issues not addressed in today's notice. Therefore, USEPA anticipates that submittal of these materials will not necessitate further proposed rulemaking.'' Implicit in those statements is an acknowledgement that USEPA would publish an additional notice of proposed rulemaking if it found that elements of Illinois' supplemental materials or USEPA's intended final rulemaking posed significant issues not identified in the notice of proposed rulemaking.

In this case, USEPA has found that the supplemental material provided by Illinois (and USEPA's final rulemaking) raise no significant new issues. For example, the first item requested by USEPA dictated that Illinois describe the timeline for sources to obtain ATUs, after which enforcement could commence. USEPA identified its understanding of the timeline of the program, and Illinois submitted material clarifying that USEPA's understanding was basically correct. Thus, Illinois' material (and USEPA's rulemaking) pose no significant issues not already raised by the notice of proposed rulemaking. More generally, USEPA has concluded that the material Illinois has submitted on all five prerequisites for approval raise no issues that were not adequately addressed in the notice of proposed rulemaking.

5. Additional Comments by ED Dated January 26, 2001

ED made two additional comments in its January 26, 2001, comments that were not included in its later comments.

Comment: Various types of emissions are exempted from Illinois' program. ''Although this may be well-documented and justified, it still suggests that the cap is being violated.''

Response: Illinois has considerable latitude choosing what types of emissions are to be covered by its program. By exempting certain emissions, Illinois has defined a program in which the cap applies to a slightly more narrow range of emissions. Illinois does not allow violations of this more narrowly defined cap. USEPA considered the effects of these exemptions in assessing emission reductions from the program.

Comment: ''The stated purpose in [section 205.710(a)] should be expanded to include covering for emergency situations and otherwise holding the environment harmless for excursions, etc.'' ED asks the rationale for credits in the Alternative Compliance Market Account having indefinite shelf life whereas normal ATUs have only a two year life.

Response: USEPA believes the purpose need not be stated in the rule. The Alternative Compliance Market Account is an emergency, backup source of high priced credits, which justifies treating these ATUs differently from normal ATUs.

6. Additional Comments by Alex Johnson

Comment: In addition to Alex Johnson's comments on environmental justice issues, he comments that Illinois should have adopted different control measures. Johnson notes that Illinois' own estimates show that ''an adequate AIM rule or cold cleaning degreaser rule would deliver far more reductions in both HAPs and ozone precursors'' than the trading rule. Johnson interprets section 182(e) of the Clean Air Act as expressing Congressional intent that economic incentive programs be used only as a last resort.

Response: The Clean Air Act provides no basis for USEPA to require that Illinois choose the commenter's preferred measures. In areas that fail to achieve milestones of progress toward attainment, section 182(g) identifies economic incentive programs as one of three options required for Serious or Severe ozone nonattainment areas (cf. section 182(g)(3)) and as the only option for extreme areas (cf. Section 182(g)(5). The fact that such programs are required in such circumstances does not signify that States cannot adopt such programs in other circumstances.

7. Additional Comments by Richard Kosobud

Comment: In addition to commenting on the environmental justice issue, Richard Kosobud generally supports the Illinois trading program. He comments that this program provides incentives under which needed emission reductions are achieved by the sources

that can achieve these reductions at lowest cost. He observes that the first year of operation of the program ''already indicates [that trading] saves compliance costs,'' thereby freeing ''resources for other private and public uses,'' and at the same time achieves significant benefits in reducing ozone precursor emissions. Kosobud concludes that USEPA should support this program.

Response: USEPA's experience with the acid rain program, and Illinois' experience to date with its program, indicates that such programs indeed provide strong incentives for companies to reduce emissions, often in ways that USEPA and the State could not otherwise require. For example, some companies in the Chicago area have reduced emissions by changing the nature of their process so as to use less solvent. These reductions can be achieved at far less cost than the industry-wide types of limitations that can be mandated by state regulation. Therefore, USEPA supports Illinois' program.

8. Additional Comment by IEPA

Comment: Illinois objects to statements that USEPA will require the trading program to be revised to conform to the economic incentive program guidance finalized on January 19, 2001. Illinois argues that states cannot provide the regulatory certainty that regulated sources must have if USEPA judges programs according to guidance that becomes available only after the state adopts its rule. Illinois observes that the Clean Air Act does not authorize USEPA to ''require revisions to state rules in the absence of identifying a specific deficiency with the rule.'' Finally, Illinois urges USEPA to defer judgment on the program until the program runs longer, both for USEPA guidance to reflect live experience with state trading programs and to be able to judge the successful and the problematic features of the program.

Response: USEPA recognizes Illinois' concerns about review of its program. Given USEPA's limited experience with trading programs, the operation of Illinois' program and other programs will provide valuable insights that USEPA will use in its further evaluation of the Illinois program. In fact, Illinois' decision to include an annual program review in its rules undoubtedly reflects Illinois' recognition as well that reassessing the features of the program is warranted as we gain more experience with the Illinois program and other programs.

The guidance issued in January 2001 reflects USEPA's current recommendations regarding the various elements of economic incentive programs. If further experience with Illinois' and others' programs leads USEPA to different views, the basis for assessing Illinois' program will change accordingly. For features that differ from current guidance, USEPA will also consider whether the feature differs from guidance available at the time the State adopted its rules. As always, judgments of full programs reflect an overall assessment of the programs, wherein deviations from individual elements of USEPA guidance may be acceptable depending on the significance and the consequences of these deviations.

USEPA intends to coordinate its review of Illinois' program with Illinois' annual review process. If USEPA believes that Illinois' program has inadequacies needing correcting, USEPA would consult with Illinois and the public on the applicable issues before requesting program revisions.

V. What Action Is USEPA Taking?

USEPA is taking final action to approve the Illinois trading program, except that USEPA is deferring action on section 205.150(e), a section which exempts new sources and sources with major modifications from a requirement for full year offsets. USEPA finds that Illinois has satisfied the five prerequisites for approval of its program. USEPA's review of comments lead to a conclusion that Illinois has taken and is taking adequate steps to address hazardous air pollutant impacts of its program, that the program is fundamentally a cap and trade program to which concerns pertaining to open market programs are largely irrelevant, and that various other features of the program are appropriate elements of a fully approvable program. USEPA concludes that these regulations provide enforceable emission reductions that USEPA estimates at 10.9 tons per day in the Chicago ozone nonattainment area.

VI. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (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, USEPA'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), USEPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for USEPA, 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, USEPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. USEPA has complied with Executive Order 12630 (53 FR 8859, March 15,

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

The Congressional Review Act, 5 U.S.C. 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. USEPA 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). This rule will be effective November 14, 2001.

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 December 14, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping, Volatile organic compounds.

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

Dated: September 6, 2001.

David A. Ullrich,

Deputy Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations are 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(158), to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(158) On December 16, 1997, Bharat Mathur, Chief, Bureau of Air, Illinois Environmental Protection Agency, submitted rules for a cap and trade program regulating volatile organic compound emissions in the Chicago area. By letter dated August 23, 2001, the state requested that USEPA defer rulemaking on section 205.150(e), which exempts new and modified sources obtaining offsets under the trading program from the requirements for traditional, full year offsets.

(i) Incorporation by reference.

Illinois Administrative Code, Title 35, Subtitle B, Chapter I, subchapter b, Part 205, entitled Emissions Reduction Market System, adopted November 20, 1997, effective November 25, 1997, except section 205.150(e).

[FR Doc. 01–25728 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 0135–1135a; FRL–7082–6]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Missouri. This approval pertains to revisions to a rule which provide reference methods for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri. The effect of this approval is to ensure Federal enforceability of the state air program rules and to maintain consistency between the state-adopted rules and the approved SIP.

DATES: This direct final rule will be effective on December 14, 2001 unless EPA receives adverse comments by November 14, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. Interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What Is a SIP?
What Is the Federal Approval Process for a SIP?
What Does Federal Approval of a State Regulation Mean to Me?
What Is Being Addressed in This Action?
Have the Requirements for Approval of a SIP Revision Been Met?
What Action Is EPA Taking?

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control

strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What Is Being Addressed in This Document?

On July 24, 2001, we received a request from the Missouri Department of Natural Resources to approve as a SIP revision amendments to rule 10 CSR 10–6.040, ''Reference Methods.'' This rule generally provides reference methods for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri. It also provides reference methods for determining concentrations of criteria and non-criteria (e.g., hydrogen sulfide) pollutants in the ambient air. The latter reference methods relate to determination of compliance with 10 CSR 10–6.010, the ambient air quality standards. These standards are part of the Missouri SIP because of their relationship to implementation of the Missouri air permits program.

In this rule update, the state has revised three sections of the rule to adopt more current EPA methods. The sections revised include: Section (5), which pertains to updating how the concentration of hydrogen sulfide in ambient air will be determined; section (6), which pertains to how the concentration of sulfuric acid mist in ambient air will be determined; and section (7), which pertains to how the percent sulfur in liquid hydrocarbons will be determined.

This rule was adopted by the Missouri Air Conservation Commission on March 29, 2001, and became state effective on July 30, 2001.

Have the Requirements for Approval of a SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What Action Is EPA Taking?

We are processing this action as a final action because the revisions make routine changes to the existing rules, which are noncontroversial. Therefore, we do not anticipate any adverse comments.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (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 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (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 CAA. 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 CAA. 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. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. section 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in

the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 14, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects 40 CFR Part 52

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

Dated: October 1, 2001.

William Rice,

Acting Regional Administrator, Region 7.

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

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entry for ''10–6.040'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.040	Reference	07/30/01	October 15, 2001, 66 FR 52361.	
*	*	*	*	*

* * * * *

[FR Doc. 01–25726 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–7083–6]

RIN 2050–AE89

NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: On July 3, 2001, EPA promulgated amendments to the regulations for hazardous waste burning cement kilns, lightweight aggregate kilns, and incinerators promulgated on September 30, 1999 (NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors). 66 FR 35087. EPA promulgated these amendments as direct final rules, with an accompanying proposed rule to supplant these rules in the event EPA received any adverse comment on the amendments. 66 FR 35124. Because we received adverse comments on some of the provisions, we are withdrawing the corresponding parts of that direct final rule.

DATES: As of October 15, 2001, EPA withdraws the amendments to § 63.1206(b)(6)(i), § 63.1206(b)(7)(i)(B), § 63.1206(b)(7)(ii)(B), § 63.1206(b)(13)(i), § 63.1206(c)(7)(ii), § 63.1207(c)(2)(i), § 63.1207(f)(1)(ii), and to add the definition of ''Preheater tower combustion gas monitoring location'' to § 63.1201(a) published at 66 FR 35087 on July 3, 2001.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Call Center at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703–412–9810 or TDD 703–412–3323 (hearing impaired). The RCRA Call Center is open Monday—Friday, 9 am to 4 pm, Eastern Standard Time. For more information on specific aspects of this withdrawal notice, contact Mr. Frank Behan at 703–308–8476, *behan.frank@epa.gov,* or write him at the Office of Solid Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: On July 3, 2001, EPA published a direct final rule (66 FR 35087) and a notice of proposed rulemaking (66 FR 35124) promulgating and proposing amendments to provisions dealing largely with rules affecting implementation of the National Emission Standards for Hazardous Waste Combustors (subpart EEE of Part 63). EPA indicated that it was promulgating these amendments as direct final rules because it believed the amendments to be non-controversial. See 66 FR at 35088. However, the Agency further stated that if we received adverse comment by August 17, 2001 on one or more distinct provisions of the direct final rule, we would publish a timely withdrawal of those distinct provisions in the **Federal Register**, and deal with those provisions as proposed rules. We subsequently received adverse comment on four of the provisions: the

amendments to § 63.1201(a) and § 63.1206(b)(13)(i) (alternative hydrocarbon monitoring location for short cement kilns burning hazardous waste at locations other than the ''hot'' end of the kiln); the amendments to § 63.1206(b)(6)(i), § 63.1206(b)(7)(i)(B), § 63.1206(b)(7)(ii)(B), and § 63.1207(c)(2)(i) (use of destruction and removal efficiency data in lieu of testing); the amendments to § 63.1206(c)(7)(ii) (deletion of baghouse inspection requirements); and amendments to § 63.1207(f)(1)(ii) (feedstream analysis for organic hazardous air pollutants). We will address these comments in the future in a final action based on the proposed rule for these four provisions. We will not institute a second comment period on this action. The nine provisions for which we did not receive adverse comment will become effective on October 16, 2001 as provided in the July 3, 2001 direct final rule.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 9, 2001.

Christine Todd Whitman,

Administrator.

PART 63—[AMENDED]

§§ 63.1201, 63.1206, and 63.1207 [Amended]

Accordingly, the amendments to § 63.1206(b)(6)(i), § 63.1206(b)(7)(i)(B), § 63.1206(b)(7)(ii)(B), § 63.1206(b)(13)(i), § 63.1206(c)(7)(ii), § 63.1207(c)(2)(i), § 63.1207(f)(1)(ii), and to add the definition of ''Preheater tower combustion gas monitoring location'' to § 63.1201(a) are withdrawn as of October 15, 2001.

[FR Doc. 01–25865 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[I.D. 061896A]

RIN 0648–AK34

Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements; Correction

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

ACTION: Correcting amendments.

SUMMARY: NMFS is making a correction to a final rule published on March 23, 1999.

DATES: Effective on October 15, 2001.

FOR FURTHER INFORMATION CONTACT: Therese A. Conant, NMFS Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; (ph. 301–713–1401, fax 301–713–0376, e-mail Therese.Conant@noaa.gov).

SUPPLEMENTARY INFORMATION:

Need for Correction

On March, 23, 1999 (64 FR 14052), NMFS published a final rule which consolidated and reorganized the Endangered Species Act regulations as part of the President's Regulatory Reinvention Initiative. With that publication, NMFS inadvertently added an 'and' between 50 CFR 223.206 (d)(2)(ii)(A)(3) and (4). This addition inappropriately links the conditions of both paragraphs when, in fact, they were separate prior to the publication of the March 23, 1999, final rule.

List of Subjects in 50 CFR Part 223

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements.

Dated: October 9, 2001.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

Accordingly, 50 CFR part 223 is corrected by making the following correcting amendments:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 223.206 (d)(2)(ii)(A)(3) is revised to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(2) * * *

(ii) * * *

(A) * * *

(3) Has only a pusher-head trawl, skimmer trawl, or wing net rigged for fishing;

* * * * *

[FR Doc. 01–25900 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 199
Monday, October 15, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Docket No. FV01–987–1 PR]

Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the California Date Administrative Committee (Committee) for the 2001–02 and subsequent crops years from $0.10 to $0.25 per hundredweight of dates handled. The Committee locally administers the marketing order that regulates the handling of dates produced or packed in Riverside County, California. Authorization to assess date handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period begins October 1 and ends September 30. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by November 14, 2001.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–8938, or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: http://www.ams.usda.gov/fv/moab.html.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey St., suite 102B, Fresno, CA 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 005720–8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 987, both as amended (7 CFR part 987), regulating the handling of domestic dates produced or packed in Riverside County, California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California date handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein will be applicable to all assessable dates beginning on October 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Committee for the 2001–02 and subsequent crop years from $0.10 per hundredweight to $0.25 per hundredweight of assessable dates handled.

The California date marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and producer-handlers of California dates. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1998–99 and subsequent crop years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on August 16, 2001, and unanimously recommended 2001–02 expenditures of $90,800 and an assessment rate of $0.25 per hundredweight of dates handled. In comparison, last year's budgeted expenditures were $116,800. The recommended assessment rate of $0.25 is $0.15 higher than the rate currently in effect. The higher assessment rate is needed to offset a reduction in the

Committee's reserve funds and a reduction in surplus funds available to the Committee from the sale of cull dates. Proceeds from the sales of cull dates are deposited into the surplus account for subsequent use by the Committee in covering the surplus pool share of the Committee's expenses. Handlers may also dispose of cull dates of their own production within their own livestock-feeding operation; otherwise, such cull dates must be shipped or delivered to the Committee for sale to non-human food product outlets.

Last year, the Committee applied $15,000 of surplus account monies to cover surplus pool expenses. Based on a recent trend of declining sales of cull dates over the past few years, the Committee expects the surplus pool share of expenses during 2001–02 to be $5,000, or $10,000 less than expected during 2000–01. Hence, the revenue available from the surplus pool to cover Committee expenses during 2001–02 is expected to be less than last year. To offset this reduction in income, the Committee recommended increasing the assessment rate, using $20,550 from its administrative reserves, and $250 in interest income to fund the 2001–02 budget.

The major expenditures recommended by the Committee for the 2001–02 year include $54,700 in salaries and benefits, $3,900 in office administration, $30,200 in office expenses, $2,000 for contingencies. Budgeted expenses for these items in 2000–01 were $54,100 in salaries and benefits, $18,000 in office administration, $39,700 in office expenses, and $5,000 for contingencies.

The assessment rate recommended by the Committee was derived from applying the following formula where:

A = 2001–02 surplus account ($5,000);
B = amount taken from administrative reserves ($20,550);
C = 2001–02 interest income ($250);
D = 2001–02 expenses ($90,800);
E = 2001–02 expected shipments (260,000 hundredweight); (D − (A + B + C) ÷ E = $0.25 per hundredweight.

Estimated shipments should provide $65,000 in assessment income. Income derived from handler assessments, the surplus account (which contains money from cull date sales), and the administrative reserves would be adequate to cover budgeted expenses. Funds in the reserve are expected to total about $20,800 by September 30, 2001, and therefore would be less than the maximum permitted by the order (not to exceed 50% of the average of expenses incurred during the most recent five preceding crop years; § 987.72(c)).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2001–02 budget and those for subsequent crop years would be reviewed and, as appropriate, approved by the Department.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 100 producers of dates in the production area and approximately 10 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts are less than $5,000,000. Five of the 10 handlers (50%) shipped over $5,000,000 of dates and could be considered large handlers by the Small Business Administration. Five of the 10 handlers shipped under $5,000,000 of dates and could be considered small handlers. The majority of California date producers may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 2001–02 and subsequent crop years from $0.10 per hundredweight to $0.25 per hundredweight of assessable dates handled. The Committee unanimously recommended 2001–02 expenditures of $90,800 and an assessment rate of $0.25 per hundredweight. The proposed assessment rate of $0.25 is $0.15 higher than the rate currently in effect. The quantity of assessable dates for the 2001–02 crop year is estimated at 260,000 hundredweight. Thus, the $0.25 per hundredweight rate should provide $65,000 in assessment income and, in conjunction with other funds available to the Committee, be adequate to meet this year's expenses. Funds available to the Committee include income derived from assessments, the surplus account (which contains money from cull date sales), and the administrative reserves.

The higher assessment rate is needed to offset a reduction in the Committee's reserve funds and an expected reduction in surplus funds available to the Committee from the sale of cull dates. Proceeds from the sales of cull dates are deposited into the surplus account for subsequent use by the Committee. Last year the Committee applied $15,000 of surplus account monies to cover surplus pool expenses. Based on a recent trend of declining sales of cull dates over the past few years, this year the Committee expects to apply $5,000 to the budget from the sale of cull dates.

The major expenditures recommended by the Committee for the 2001–02 year include $54,700 in salaries and benefits, $3,900 in office administration, $30,200 in office expenses, and $2,000 for contingencies. Budgeted expenses for these items in 2000–01 were $54,100 in salaries and benefits, $18,000 in office administration, $39,700 in office expenses, and $5,000 for contingencies.

The Committee reviewed and unanimously recommended 2001–02 expenditures of $90,800 which included increases in salaries and benefits and administrative expenses. Prior to arriving at this budget, the Committee considered alternative expenditure levels, including a proposal to not fund a compliance officer position, but determined that expenditures for the position were necessary to promote compliance with program requirements. The assessment rate of $0.25 per hundredweight of assessable dates was

then determined by applying the following formula where:

A = 2001–02 surplus account ($5,000);
B = amount taken from administrative reserves ($20,550);
C = 2001–02 interest income ($250);
D = 2001–02 expenses ($90,800)
E = 2001–02 expected shipments (260,000 hundredweight);
(D − (A + B + C)) ÷ E = $0.25 per hundredweight.

Estimated shipments should provide $65,000 in assessment income.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 2001–02 season could range between $30 and $75 per hundredweight of dates. Therefore, the estimated assessment revenue for the 2001–02 crop year as a percentage of total grower revenue would be less than one percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the California date industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 16, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California date handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http//www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2001–02 crop year begins on October 1, 2001, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dates handled during such crop year; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is proposed to be amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 987 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 987.339 is proposed to be revised to read as follows:

§ 987.339 Assessment rate.

On and after October 1, 2001, an assessment rate of $0.25 per hundredweight is established for California dates.

Dated: October 5, 2001.

Kenneth C. Clayton,

Associate Administrator Agricultural Marketing Service.

[FR Doc. 01–25782 Filed 10–12–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–148]

RIN 2115–AA97

Safety and Security Zones; Newport Naval Station, Newport, RI

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety and security zones in the vicinity of Newport Naval Station, Newport, Rhode Island, which will be enforced during times when U.S. or foreign naval vessels make port visits to and are berthed at Newport Naval Station, Newport, Rhode Island. The safety and security zones are needed to safeguard the public, the area encompassing Coddington Cove, and visiting vessels and their crews, from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into these zones during times in which visiting vessels are berthed is prohibited unless previously authorized by the Captain of the Port, Providence, Rhode Island, or by his authorized patrol representative. The Coast Guard will announce via Broadcast Notice to Mariners when visiting navel vessels will be present in the zones.

DATES: This rule is effective from October 2, 2001, to March 31, 2002.

ADDRESSES: Documents as indicated in this preamble are available for inspection and copying at Marine Safety Office Providence, 20 Risho Avenue, East Providence, Rhode Island between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT David C. Barata at Marine Safety Office Providence, (401) 435–2335.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after publication in the **Federal Register**. Due to the catastrophic nature and extent of damage realized from the aircraft crashes into the World Trade Center towers on September 11, 2001, this rulemaking is urgently necessary to protect the national security interests of the United States and its allies against future potential terrorist strikes against governmental targets. Any delay in the establishment and enforcement of this regulation's effective date would be unnecessary and contrary to public interest and national security since immediate action is needed to protect U.S. and foreign naval vessels intending to visit Newport Naval Station in the immediate future, as well as their crews, the public, and the area adjoining Coddington Cove.

Background and Purpose

From June 25 through September 30, 2001, safety and security zones were established around the Newport Naval Station to protect U.S. Navy vessels visiting Newport Naval Station between that time period, as well as their crews,

the public, and the surrounding area. These zones encompassed an area bound as follows: From a point beginning on land at Latitude 41°32′13″ N, Longitude 071°18′43″ W; thence westward along the breakwater to a point on the breakwater at Latitude 41°31′58″ N, Longitude 071°19′28″ W; thence southeasterly 1100 yards to a point on the end of Pier 1 at Latitude 41°31′38″ N, Longitude 071°19′06″ W; thence east to a point on land at Latitude 41°31′43″ N, Longitude 071°18′47″ W; thence north along the shoreline to the beginning point.

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, New York inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon on the same day. National security and intelligence officials warn that future terrorist attacks are likely. Due to these heightened security concerns, safety and security zones are prudent for an additional period of time, and for a larger area than previously covered. From October 1, 2001, to March 31, 2002, various visiting U.S. or foreign Navy vessels will be berthed at Pier 2 on the Newport Naval Station, Newport, RI. Pier 2 is located within Coddington Cove, along the East Passage of Narragansett Bay. The safety and security zones are needed to protect visiting vessels, their crews, and the public, from harmful or subversive acts, accidents or other causes of a similar nature in the vicinity of Coddington Cove. The safety and security zones have identical boundaries, and include all waters bound as follows: From a point beginning on land at Latitude 41°32′13″ N, Longitude 071°18′43″ W; thence westward along the breakwater to a point on the breakwater at Latitude 41°31′58″ N, Longitude 071°19′28″ W; thence southerly 1150 yards to Coddington Point at Latitude 41°31′26″ N, Longitude 071°19′26″ W; thence counterclockwise along the shoreline to the beginning point. All persons, other than those approved by the Captain of the Port or his authorized patrol representative will be prohibited from entering into the zones during times in which visiting vessels are present and the zones are enforced. The zones encompass the area within a line drawn from the western most edge of the charted breakwater to the eastern most edge of Coddington Point. The public will be made aware of dates and times visiting navel vessels will be present in the zones through a Broadcast Notice to Mariners made from U.S. Coast Guard Group Woods Hole. U.S. Navy personnel will assist in the enforcement of these zones.

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 sizes of the zones are the minimum necessary to provide adequate protection for visiting vessels, their crews, adjoining areas, and the public. The entities most likely to be affected are lobstermen engaged in setting and retrieving pots, and pleasure craft engaged in recreational activities and sightseeing. These individuals and vessels have ample space outside of the safety and security zones to engage in these activities and therefore they will not be subject to undue hardship. Commercial vessels, excluding lobstermen, do not normally transit the area of the safety and security zones. Any lobstermen who have gear deployed within the safety and security zones, may request permission from the COTP or his authorized patrol representative to enter the zones to retrieve their gear. Any hardships experienced by persons or vessels are considered minimal compared to the national interest in protecting visiting vessels, their crews, and the public.

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 and 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 into Coddington Cove from October 1, 2001 to March 31, 2002. The safety and security zones will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic can pass safely around the area and only a small number of commercial fishing vessels operate in the area. Vessels engaged in recreational activities, sightseeing and commercial fishing have ample space outside of the safety and security zones to engage in these activities. Before the effective period, we will issue maritime advisories widely available to users of the area.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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 process. If your small business or organization would be affected by this rule and you have questions concerning its provisions or options for compliance, please call LT David C. Barata, telephone (401) 435–2335. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comments on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

We have analyzed this action 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 having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This temporary 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 temporary 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 temporary 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 tribe, 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.

Environment

The Coast Guard has considered the environmental impact of implementing this temporary 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. A ''Categorical Exclusion Determination'' is available in the docket.

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.

List of Subjects in 33 Part 165

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

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

PART 165—[AMENDED]

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. Add temporary § 165.T01–148 to read as follows:

§ 165.T01–148 Safety and Security Zones: Naval Station Newport, Newport, RI.

(a) *Location.* The following area is a safety and security zone: From a point beginning on land at Latitude 41°32′13″ N, Longitude 071°18′43′ W; thence westward along the breakwater to a point on the breakwater at Latitude 41°31′58″ N, Longitude 071°19″28″ W; thence southerly 1150 yards to Coddington Point at Latitude 41°31′26″ N, Longitude 071°19′26″ W; thence counterclockwise along the shoreline to the beginning point.

(b) *Effective period.* This section is effective from October 2, 2001, through March 31, 2002.

(c) *Regulations.*

(1) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within these zones during times in which visiting naval vessels are present is prohibited unless previously authorized by the Captain of the Port (COTP) Providence or his authorized patrol representative.

(2) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones during times in which visiting naval vessels are present, unless previously authorized by the COTP Providence or his authorized patrol representative.

(3) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard or Navy patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Navy patrol personnel include commissioned, warrant, and petty officers of the U.S. Navy.

(4) The general regulations covering safety and security zones in §§ 165.23 and 165.33, respectively, of this part apply.

Dated: October 2, 2001.

Mark G. VanHaverbeke,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 01–25907 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 0135–1135; FRL–7082–5]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed action.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri. This approval pertains to revisions to a rule which provide reference methods for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri. In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by November 14, 2001.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final

rule which is located in the rules section of the **Federal Register**.

Dated: October 1, 2001.

William Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 01–25727 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[HI045–OPP; FRL–7083–5]

Clean Air Act Proposed Full Approval of Operating Permit Program; State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the State of Hawaii's (''Hawaii'' or ''State'') operating permit program. The State operating permit program was 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' jurisdictions. EPA granted interim approval to the Hawaii operating permit program on December 1, 1994 but listed certain deficiencies in the program preventing full approval. Hawaii has revised its program to correct the deficiencies of the interim approval and this action proposes full approval of those revisions.

DATES: Written comments must be received by November 14, 2001.

ADDRESSES: Written comments on this action should be addressed to Gerardo Rios, Acting Chief, Permits Office, Air Division (AIR–3), EPA Region IX, 75 Hawthorne Street, San Francisco, California, 94105. You can inspect copies of the State's submittals, and other supporting documentation relevant to this action, during normal business hours at Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, California, 94105. You may also see copies of the submitted Title V program at the following locations between the hours of 7:45 a.m. and 4:15 p.m.:

Oahu: Clean Air Branch, Department of Health, 919 Ala Moana Blvd., Room 203, Honolulu.

Hilo: Office of the Chief Sanitarian, Department of Health, 1582 Kamehameha Ave., Hilo.

Kona: Keakealani Building, Old Kona Hospital, Department of Health, Sanitation Branch, Kealakekua.

Maui: Office of the Chief Sanitarian, Department of Health, 54 High Street, Wailuku.

Kauai: Office of the Chief Sanitarian, Department of Health, 3040 Umi Street, Lihue.

MoloKai: Department of Health, 65 Makaena Place, Kaunakakai.

You may also review the State's rule amendments by accessing the Department of Health's Web site at *www.hawaii.gov/doh/proposed_rules/cab/index.html.*

FOR FURTHER INFORMATION CONTACT: Robert Baker, EPA Region IX, at (415) 744–1258 (Baker.Robert@epa.gov).

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

What is the operating permit program?
What is being addressed in this document?
What are the program changes that EPA is proposing to approve?
What is involved in this proposed action?

What Is the Operating Permit Program?

The Clean Air Act Amendments of 1990 required all state and local permitting authorities to develop operating permit programs that met certain federal criteria. In implementing the operating permit programs, the permitting authorities require certain sources of air pollution to obtain permits that contain all applicable requirements under the Clean Air Act (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 this 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 permits. Examples of major sources include those that have the potential to emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen oxides (NO_X), or particulate matter (PM_{10}); those that emit 10 tons per year or more of any single hazardous air pollutant (HAP) listed under the CAA; or those that emit 25 tons per year or more of a combination of HAPs.

What Is Being Addressed in This Document?

Where an 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 State's operating permit program substantially, but not fully, met the requirements of part 70, EPA granted interim approval to the State's program on December 1, 1994. This **Federal Register** document describes the changes that the State has made to its operating permit program (Chapter 60.1 of the Hawaii Administrative Rules) since interim approval was granted.

What Are the Program Changes That EPA Is Proposing To Approve?

As discussed above, EPA granted final interim approval on December 1, 1994 (59 FR 61549) to the State's title V program. As explained in that rulemaking, full approval of the State's operating permit program was made contingent upon satisfaction of certain conditions. In response to EPA's interim approval action, the State revised its operating permit program (Chapter 60.1 of the Hawaii Administrative Rules) to remove or correct the deficiencies identified by EPA. The State made its revised rule available to public review and comments. On September 5, 2001, the State adopted the revisions. The revised program was submitted to EPA on September 21, 2001. We have included below a discussion of each of the interim approval deficiencies, the conditions for correction, and a summary of how the State has corrected the deficiency. The Technical Support Document (TSD) for this action includes more information about the State's submittal and more details of the revisions made. In the discussion here, we have listed each of the EPA cited deficiencies identified in the July 26, 1994 **Federal Register** notice (see 59 FR 37957) that proposed the interim approval, followed by a brief description of the State's revisions to its operating permit program to remove these deficiencies.

Issue a

Insignificant activities: The State's rules allowed the director to determine what activities are insignificant without EPA approval of these activities or the criteria that delineate such activities.

For this reason, rule section 11–60.1–82(f)(7) had to be deleted or revised to include criteria, such as emission levels, for determining which activities are insignificant. EPA recommended that an emissions cap of two tons per year would constitute an approvable criterion for ensuring that any activities designated under this clause would not hinder the State's ability to make applicability determinations and impose all applicable requirements and fees. For toxic or hazardous air pollutants, the threshold would be twenty-five percent of any Title I modification threshold or 1000 pounds per year. EPA also proposed that restrictions on the following insignificant activities are necessary to qualify for full approval: Paint spray booths, water pump motors, and portable fuel burning equipment.

State's Response to Issue a

The State revised rule section 11–60.1–82(f)(7) to include the following criteria for determining when an activity is insignificant: 500 pounds per year of a hazardous air pollutant; twenty-five percent of significant amounts of emissions as defined in section 11–60.1–1, paragraph (1) in the definition of ''significant'; five tons per year of carbon monoxide; and two tons per year of each regulated air pollutant other than carbon monoxide. The State also added a two ton per year of a regulated pollutant criteria to paint spray booths, limited water pump engines which are operated only during fire-fighting and periodically for engine maintenance as insignificant activities, moved diesel fired portable ground support equipment used exclusively to start aircraft or provide temporary power or support to aircraft prior to start-up, internal combustion engines propelling mobile sources as well as ocean going vessels, and air conditioning or ventilating systems that do not contain more than 50 pounds of any Class I or Class II ozone depleting substance from being an insignificant activity to being exempt from covered source permitting requirements.

Issue b

Permit application shield: The program's permit application shield did not include existing sources that become subject to the program due to rulemaking changes.

State's Response to Issue b

The State added rules section 11–60.1–62(f) and section 11–60.1–82(j) which provide that: ''An owner or operator of a stationary source that becomes subject to the requirements of subchapter 5 pursuant to the promulgation or revision of a regulation under sections 111 and 112 of the Act or this chapter, shall submit a complete and timely covered source permit application to address the new requirements. For purposes of this subsection, ''timely'' means: (1) By the date required under subchapter 8 or 9 of this chapter, or the applicable federal regulation, whichever submittal deadline is earlier; or (2) within twelve months after the effective date of the promulgated regulation or revision to the regulation if not specified in the applicable regulation. The owner or operator of the source may continue to construct or operate and shall not be in violation for failing to have a covered source permit addressing the new requirements only if the owner or operator has submitted to the director a complete and timely covered source permit application.''

What Is Involved in This Proposed Action?

Today, we are proposing to fully approve the State's revised operating permit program (Chapter 60.1 of the Hawaii Administrative Rules). We have determined that the revisions made by the State remove or correct all of the deficiencies identified by us in 1994. In addition, the State has made other changes to its operating permit program that are unrelated to the changes made to correct interim approval deficiencies. EPA is not proposing any action on these additional program changes in this notice. EPA will evaluate the additional program changes and will take appropriate action at a later date.

Request for Public Comment

EPA requests comments on the program revisions discussed in this proposed action. Copies of the Hawaii submittal and other supporting documentation used in developing the proposed full approval are contained in docket files maintained at the EPA Region 9 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. EPA will consider any comments received in writing by November 14, 2001.

Administrative Requirements

Under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities because it merely approves State law as meeting federal requirements and imposes no additional requirements beyond those imposed by State law. This rule does not contain any unfunded mandates and does not significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), because it proposes to approve pre-existing requirements under State law and does not impose any additional enforceable duties beyond that required by State law. This rule also 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). This rule also 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). The rule merely proposes to approve 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 Clean Air Act. This proposed rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) or Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 on May 22, 2001), because it is not a significantly regulatory action under Executive Order 12866.

In reviewing State operating permit programs submitted pursuant to Title V of the Clean Air Act, EPA will approve State programs provided that they meet the requirements of the Clean Air Act

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 voluntary consensus standards (VCS), EPA has no authority to disapprove a State 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 a State program 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.

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.

Dated: October 5, 2001.

Keith Takata,

Acting Regional Administrator, Region IX.

[FR Doc. 01–25897 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 100201D]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Public and Scoping Meetings

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

ACTION: Notice of public and scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Snapper Grouper Committee, a joint meeting of its Executive and Finance Committees, and a public scoping meeting in Charleston, SC.

DATES: The Snapper Grouper Committee will meet October 29, 2001 from 1:30 p.m. until 5 p.m. and October 30, 2001, from 8:30 a.m. until 5 p.m. The joint meeting of the Executive and Finance Committees will take place October 31, 2001, from 8:30 a.m. until 1 p.m. The public scoping meeting will take place October 29, 2001, at 6 p.m.

ADDRESSES: Copies of the scoping documents are available by contacting Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–469; telephone: 843–571–4366; fax: 843–769–4520.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366; fax: (843) 769–4520; e-mail: *kim.iverson@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Snapper Grouper Committee will meet October 29-30, 2001, to address a list of items for Amendment 13 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, including permit transfers, Sustainable Fisheries Act provisions, snowy grouper and golden tilefish management, and Endangered Species Act Section 7 consultation regarding impacts on endangered species. In addition, the Snapper Grouper Committee will review recommendations from the Marine Protected Areas (MPA) Committee regarding site locations and other items for consideration in establishing MPAs. The Snapper Grouper Committee will then develop recommendations for the full Council to consider.

The Executive and Finance Committees will meet on October 31, 2001, to address several items including: an update on the Calendar Year (CY) 2001 budget; approval of the proposed CY2002 Fishery Management Plan (FMP)/Amendment/Framework timelines; the status of the CY2002 budget and funding for compliance with the National Environmental Policy Act (NEPA); a briefing on the CY2002 Operations Plan meeting, and a review of the status of the reauthorization of the Magnuson Stevens Fishery Conservation Management Act.

On October 29, 2001, a public scoping meeting will take place to address two separate issues. The first is to explore potential options for establishing additional Habitat Areas of Particular Concern under the FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region. The second issue will be the possible development of a Comprehensive FMP Amendment to all of the FMPs under the Council's authority to standardize permit renewal timeframes, operator permits, a consolidated controlled access system, and the Atlantic Coast Cooperative Statistics Program's permits and reporting.

All of these meetings will be held at the Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407. Phone 843–571–1000; FAX 843–766–9444.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by October 25, 2001.

Dated: October 9, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–25901 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 199

Monday, October 15, 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.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Notice of Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a closed meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on October 22, 2001 from 8:30 AM to 5 PM.

ADDRESSES: The meeting will be held at the Wyatt Company, at 303 West Madison Street, Board Room, Chicago, IL.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Director of Practice and Executive Director of the Joint Board for the Enrollment of Actuaries, 202–694–1891.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at The Wyatt Company, 303 West Madison Street, Board Room, Chicago, IL on Monday, October 22, 2001 from 8:30 AM to 5 PM.

The purpose of the meeting is to discuss topics and questions, which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the subject of the meeting falls with the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: October 9, 2001.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 01–25911 Filed 10–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis.

Title: Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons.

Form Number(s): BE–47.

Agency Approval Number: 0608–0015.

Type of Request: Extension of a currently approved collection without any change in the substance or in method of collection.

Burden: 700 hours.

Number of Respondents: 155.

Avg Hours Per Response: 4.5.

Needs and Uses: The Government requires data from the BE–47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons, to obtain accurate and up-to-date information on sales to unaffiliated foreign persons of construction, engineering, architectural, and mining services. It will use the data collected in monitoring U.S. exports of construction, engineering, architectural, and mining services, analyzing their impact on the U.S. and foreign economies, supporting U.S. international trade policy on such services, compiling the international transactions, national income and product, and input-output accounts of the United States, assessing U.S. competitiveness in international trade in services, and improving the ability of U.S. businesses to identify and evaluate market opportunities. For example, the Uruguay round of multilateral trade negotiations produced an agreement, the General Agreement on Trade in Services (GATS), that will liberalize market access rules and promote more equal treatment of U.S. construction and engineering firms. The BE–47 data help measure gains, by individual foreign country, obtained in construction and related services under the GATS. Similar needs arise with respect to the North American Free Trade Agreement among the United States, Canada, and Mexico.

Affected Public: U.S. businesses or other for-profit institutions providing construction, engineering, architectural, and mining services to unaffiliated foreign persons.

Frequency: Annual.

Respondent's Obligation: Mandatory.

Legal Authority: Title 22 U.S.C., Sections 3101–3108, as amended.

OMB Desk Officer: Paul Bugg, (202) 395–3093.

Copies of the above information collection proposal can be obtained by calling or writing Departmental Paperwork Clearance Officer, Madeleine Clayton, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 or by e-mail to MClayton@doc.gov.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Paul Bugg, OMB Desk Officer, Room 10201, New Executive Office Building, Washington DC 20503.

Dated: October 9, 2001.

Madeleine Clayton,

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

[FR Doc. 01–25789 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Census Bureau

2002 Economic Census of the Outlying Areas Including Puerto Rico, Guam, Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa

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 December 14, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at mclayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Eddie J. Salyers, U. S. Census Bureau, Room 1183, Building 3, Washington DC 20233–6400 (301–457–3318 or via the Internet at eddie.joe.salyers@census.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The economic census, conducted under authority of Title 13, United States Code (U.S.C.), is the primary source of facts about the structure and functioning of the United States economy, including Puerto Rico, Guam, Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa. The economic census, is the primary source of dependable facts about each of the outlying areas' economies, and features the only recognized source of data at a geographic level equivalent to U.S. counties. Outlying areas economic census statistics serve to benchmark estimates of local net income and gross product, and provide essential information for government (Federal and local), business, and the general public. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The 2002 Economic Census of Outlying Areas will cover the following sectors (as defined by the North American Industry Classification System (NAICS)): Mining, Utilities, Construction, Manufacturing; Wholesale and Retail Trades, Transportation and Warehousing, Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services, Educational Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; Accommodation and Food Services, and Other Services (except Public Administration). This scope is equivalent to that of the stateside economic census. The information collected will produce basic statistics by kind of business on the number of establishments, sales/shipments/receipts/revenue, payroll, and employment. It will also yield a variety of industry-specific statistics, including sales/receipts by commodity/merchandise/receipt line, sales/shipments by class of customer, and number of hotel rooms. The primary strategy for reducing burden in Census Bureau economic data collections is to increase electronic reporting through broader use of electronic collection methods, including the introduction of electronic formats in the Outlying Areas economic data collection for 2002.

II. Method of Collection

The 2002 Economic Census of Outlying Areas will be conducted using mailout/mailback procedures. Establishments will be selected from the Census Bureau's Business Register. An establishment will be included in the 2002 Outlying Areas Economic Census if: (a) It is engaged in any of the sectors within the scope of the census listed above; (b) it is an active operating establishment with payroll; and (c) it is located in Puerto Rico, Guam, Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa. Generally, non-employer establishments are excluded from the Census of the Outlying Areas. However, this economic data collection will be the first in American Samoa. The inclusion of non-employer establishments is still being examined in light of significant deficiencies in administrative records for this area as well as the lack of economic statistics.

III. Data

OMB Number: Not available.

Form Number: The forms used to collect information in Puerto Rico are tailored to specific industries or groups of industries. Puerto Rico forms are available in English as well as Spanish: OA–97120 and OA–97220 (Puerto Rico—Utilities, Transportation , and Warehousing), OA–97123 and OA–97223 (Puerto Rico Construction), OA–97130 and OA–97230 (Puerto Rico—Manufacturing and Mining), OA–97142 and OA–97242 (Puerto Rico—Wholesale Trade), OA–97144 and OA–97244 (Puerto Rico—Retail Trade and Food Services), OA–97152 and OA–97252 (Puerto Rico—Finance and Insurance and Real Estate and Rental and Leasing), OA–97172 and OA–97272 (Puerto Rico Accommodations), OA–97180 and OA–97280 (Puerto Rico—Other Services), and OA–97190 and OA–97290 (Puerto Rico—General Schedule). Only one form, covering all economic activity within the scope of the census, is used for each of the remaining areas: OA–98163 (Guam), OA–98173 (U.S. Virgin Islands), OA–98183 (Northern Mariana Islands), and OA–98193 (American Samoa).

Type of Review: Regular review.

Affected Public: Local governments, businesses, or other for profit or non-profit institutions or organizations.

Estimated Number of Respondents:
Puerto Rico 50,000
Guam 4,000
Northern Mariana Islands 2,000
U.S. Virgin Islands 3,000
American Samoa 2,500 (includes non-employers)
Total 61,500

Estimated Time Per Response:
Puerto Rico 1.00 hours
Guam 30 minutes
Northern Mariana Islands 30 minutes
U.S. Virgin Islands 30 minutes
American Samoa 30 minutes

Estimated Total Annual Burden Hours:
Puerto Rico 50,000
Guam 2,000
Northern Mariana Islands 1,000
U.S. Virgin Islands 1,500
American Samoa 1,250
Total 55,750

Estimated Total Annual Cost: $646,593.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, U.S.C., Sections 131 and 224.

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 also will become a matter of public record.

Dated: October 9, 2001.

Madeleine Clayton,

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

[FR Doc. 01–25775 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), the Bureau of the Census (Census Bureau) is giving notice of a joint meeting followed by separate and concurrently held meetings of the Census Advisory Committees (CAC) on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Hispanic Population, and the Native Hawaiian and Other Pacific Islander Populations. The Committees will address issues related to the 2010 census effort, including the American Community Survey and other related decennial programs. They will also discuss Census 2000 evaluations. The five Census Advisory Committees on Race and Ethnicity will meet separately on November 7 and in plenary and concurrent sessions on November 8 and 9. Last minute changes to the schedule are possible, which could prevent us from giving advance notice.

DATES: November 7–9, 2001. The November 7 meeting will begin at 12:30 p.m. and end at approximately 5:30 p.m. The November 8 meeting will begin at 8:15 a.m. and end at 5:30 p.m. The November 9 meeting will begin at 8:15 a.m. and end at 3:15 p.m.

ADDRESSES: The meetings will be held at the Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, Virginia 22311.

FOR FURTHER INFORMATION CONTACT: Ms. Jeri Green, Committee Liaison Officer, U.S. Census Bureau, Commerce, Room 3619, Federal Building 3, Washington, DC 20233, telephone (301) 457–2075, TDD (301) 457–2540.

SUPPLEMENTARY INFORMATION: The CACs on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Hispanic Population, and the Native Hawaiian and Other Pacific Islander Populations are comprised of nine members each. The Committees provide an organized and continuing channel of communication between the representative populations and the Census Bureau. The Committee provides an outside user perspective about how research and design plans for the 2010 Decennial Census, the American Community Survey, and other related programs will realize those goals and satisfy those needs. They assist the Census Bureau on identifying ways that census data can best be disseminated to diverse race and ethnic populations and other users.

All meetings are open to the public, and a brief period will be set aside on November 9 for public comment and questions. Individuals with extensive questions or statements must submit them in writing to the Committee Liaison Officer, named above, at least three days before the meeting. Seating is available to the public on a first-come, first-served basis.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer.

Dated: October 10, 2001.

William G. Barron, Jr.,

Acting Director, Bureau of the Census.

[FR Doc. 01–25854 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Product Characteristics—Design Check-Off Lists

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the 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 December 14, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov.).

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: John Klingelhut, U.S. & Foreign Commercial Service, Export Promotion Services, Room 2810, 14th & Constitution Avenue, NW, Washington, DC 20230; Phone number: (202) 482–4231, and fax number: (202) 482–0115.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration (ITA) sponsors approximately 120 overseas trade fair events each fiscal year. Trade fairs involve U.S. firms exhibiting their goods and services at American pavilions at internationally recognized events worldwide. The Product Characteristics-Design Check-Off List seeks information from participating U.S. firms on the physical nature, power (utility) and graphic requirements of the products and services to be displayed, in order to ensure the availability of utilities for active product demonstrations. This form also allows U.S. firms to identify special installation requirements that can be critical to the proper placement and hookup of their equipment and/or graphics. Without the timely and accurate submission of the Form ITA–426P, Product Characteristics—Design Check-Off Lists, ITA would be unable to provide a pavilion facility that would effectively support the sales/marketing and presentation objectives of the U.S. participants. Without such support, program productivity and utility would diminish, and declining program participation in this type of ITA activity by U.S. firms would result.

II. Method of Data Collection

Form ITA–426P is sent by request to U.S. firms. Responding firms complete the form and forward it to the Department of Commerce project officer several weeks prior to the beginning of the event.

III. Data

OMB Number: 0625–0035.

Form Number: ITA–426P.

Type of Review: Regular Submission.

Affected Public: Business or other for-profit companies applying to participate in Commerce Department trade promotion events.

Estimated Number of Respondents: 2,000.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,000 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is $31,480.00 ($18,900.00 for respondents and $12,580.00 for federal government).

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 costs) 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 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 also will become a matter of public record.

Dated: October 9, 2001.

Madeleine Clayton,

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

[FR Doc. 01–25773 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

Mission/Exhibition Evaluation Form

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the 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 December 14, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th & Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *MClayton@doc.gov.*).

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: John Klingelhut, U.S. & Foreign Commercial Service, Export Promotion Services, Room 2810, 14th & Constitution Avenue, NW. Washington, DC 20230; Phone number: (202) 482–4231, and fax number: (202) 482–0115.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Department of Commerce (DOC) and DOC-certified trade missions and exhibitions are overseas events planned, organized and led by government and non-government export promotion agencies such as industry trade associations; agencies of Federal, State, and local governments; Congressional representatives; chambers of commerce; regional consortia; and other export-oriented groups. These events are evaluated at the close of the program by completion of the Mission/Exhibition Evaluation form. This submission requests OMB to extend its approval of the form.

This form is used to: (1) Evaluate the effectiveness of DOC or DOC-certified overseas trade events through the collection of information relating to required performance measures; (2) document the results of participation in DOC events; (3) evaluate results reported by small to mid-sized, new-to-export/new-to-market U.S. companies; (4) document the successful completion of trade promotion activities conducted by overseas DOC offices; (5) identify strengths and weaknesses of DOC trade promotion programs, in the interest of improving service to the U.S. business community.

II. Method of Collection

Form ITA–4075P is completed on-site at the end of an international mission or exhibition by participating U.S. firms, who return it to the Department of Commerce exhibition manager at the close of the event upon request.

III. Data

OMB Number: 0625–0034.

Form Number: ITA–4075P.

Type of Review: Revision-Regular Submission.

Affected Public: Companies participating in Commerce Department trade promotion events.

Estimated Number of Respondents: 2,000.

Estimated Time Per Response: 5 minutes.

Estimated Total Annual Burden Hours: 167 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is $9,245.00 ($5,845.00 for respondents and $3,400.00 for federal government employees).

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 costs) 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 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 also will become a matter of public record.

Dated: October 9, 2001.

Madeleine Clayton,

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

[FR Doc. 01–25774 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 000927276–1235–02]

RIN 0648–ZA94

Coastal Services Center Broad Area Announcement

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of federal assistance.

SUMMARY: The NOAA Coastal Services Center (Center) announces the availability of federal assistance for Fiscal Year (FY) 2002 in the following program areas: Landscape Characterization and Restoration (LCR), Integration and Development (I&D), Outreach, Coastal Remote Sensing (CRS), and the Director's Office (DO). This announcement provides guidelines for these program areas and includes details for the technical program, evaluation criteria, and selection procedures of each program. Selected recipients will enter into either a cooperative agreement with the Center or receive a grant depending upon the amount of the Center's involvement in the project.

DATES: Each program area has specific dates for application and proposal deadlines. Refer directly to that program area description under **SUPPLEMENTARY INFORMATION** listed below.

ADDRESSES: Send all proposals to: NOAA Coastal Services Center, 2234 South Hobson Avenue, Charleston, SC 29405–2413. Landscape

Characterization and Restoration (LCR) proposals should be sent to the attention of Jeffery Adkins. Integration and Development (I&D) proposals should be sent to the attention of James Lewis Free. Outreach proposals should be sent to the attention of Jan Kucklick. Coastal Remote Sensing (CRS) proposals should be sent to the attention of Mark Jansen. Information Resources (IR) proposals should be sent to the attention of Anne Ball. Director's Office (DO) proposals should be sent to the attention of Jeffrey Payne.

FOR FURTHER INFORMATION CONTACT: Administrative questions should be directed to Violet Legette, (843) 740–1222 or *Violet.Legette@noaa.gov.* Technical point of contact for Landscape Characterization and Restoration is Jeffery Adkins, (843) 740–1244 or *Jeffery.Adkins@noaa.gov.* Technical point of contact for Integration and Development is James Lewis Free, (843) 740–1185 or *James.L.Free@noaa.gov.* Technical point of contact for Outreach is Jan Kucklick, (843) 740–1279 or *Janet.Kucklick@noaa.gov.* Technical point of contact for Coastal Remote Sensing is Mark Jansen, (843) 740–1262 or *Mark.Jansen@noaa.gov.* Technical point of contact for Information Resources is Anne Ball, (843) 740–1229 or *Anne.Ball@noaa.gov.* Technical point of contact for the Director's Office is Jeff Payne, (843) 740–1207 or *Jeff.Payne@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Center announces the availability of federal assistance for Fiscal Year (FY) 2002 in the following program areas: Landscape Characterization and Restoration (LCR), Integration and Development (I&D), Outreach, Coastal Remote Sensing (CRS), and the Director's Office (DO). This announcement provides guidelines for these program areas and includes details for the technical program, evaluation criteria, and selection procedures of each program. Selected recipients will enter into either a cooperative agreement with the Center or receive a grant depending upon the amount of the Center's involvement in the project. Substantial involvement means a cooperative agreement, while independent work requires a grant.

All applicants are required to submit a NOAA grants application package and project proposal. The standard NOAA grants application package (which includes forms SF–424, SF–424A, SF–424B, CD–511, CD–512, and SF-LLL) can be obtained from the NOAA grants Website at *http://www.rdc.noaa.gov/~grants/pdf/.* Funding will be subject to the availability of federal appropriations. Applicants are required to prepare separate packages for each proposal submitted.

Authority

Statutory authority for these programs is provided under 16 U.S.C. Sec. 1456c (Technical Assistance); 15 U.S.C. Sec. 1540 (Cooperative Agreements); 33 U.S.C. Sec. 1442 (research program respecting possible long-range effects of pollution, over fishing, and man-induced changes of ocean ecosystems); 33 U.S.C. Sec. 883a (surveys and other activities); 33 U.S.C. Sec. 883b (dissemination of data); 33 U.S.C. Sec. 883c (geomagnetic data collection, correlation, and dissemination); and 33 U.S.C. Sec. 883d (improvement of methods, instruments, and equipments; investigations and research).

General Background

Guiding the conservation and management of coastal resources is a primary function of NOAA. NOAA accomplishes this goal through a variety of mechanisms, including collaboration with the coastal resource management programs of the nation's states and territories. The mission of the NOAA Coastal Services Center is to foster and sustain the environmental and economic well being of the coast by linking people, information, and technology. The goal of the Center is to build capabilities throughout the nation to address pressing issues of coastal health and change by promoting coastal resource conservation and efficient and sustainable commercial and residential development.

Landscape Characterization and Restoration (LCR)—Information Resource for a United States Watershed in the Great Lakes Drainage Basin

Project Description

The Center seeks proposals for a 2-year cooperative agreement under which a cooperator and the Center will jointly develop a digital information resource for a watershed, group of watersheds, island system, or management area within the drainage basin of the Great Lakes, and located entirely or in part within the states of Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York. The information resource must focus on one or more resource management needs of the chosen watersheds, island system, or management area and emphasize examinations of ecosystem function through the integration of physical, ecological, and socioeconomic analyses. The cooperator will choose the management needs that will be focused on, for example, a regional habitat restoration plan, non-point source pollution management plan, long-term dredged material management plan, species recovery plan, or detailed environmental description. The information resource must clearly help managers make resource management, regulatory, or land-use planning decisions. Total anticipated funding is $270,000 over two years and is subject to the availability of FY 2002 and FY 2003 appropriations. Only one award is anticipated from this announcement.

Background

This announcement is a call for proposals for work under the Center's Landscape Characterization and Restoration Program. The program's goal is to help Federal, state, and local resource managers include ecosystem processes in their resource management, regulatory, and land-use planning decisions. The program and program partners will work towards this goal by examining interrelationships among ecological, land use, human demographic, and socioeconomic trends in subject watersheds and by developing tools needed to reflect those relationships in the development of management practices.

The program's principal products are environmental characterizations of watersheds that integrate the ecological, geophysical, and socioeconomic information that is needed to address the management issues identified by cooperators. Final products are in a digital format and distributed via CD–ROM and the Internet and include a spatial database, a customized Geographic Information System interface, and a narrative that provides a detailed overview of the focal management issues, how the accompanying information was used to examine potential solutions, and how the overall product can be used in future examinations. The program and its cooperators are currently working on, or have completed, characterizations of Otter Island (South Carolina), the ACE Basin (South Carolina), Kachemak Bay (Alaska), Rookery Bay/Belle Meade (Florida), coastal Rhode Island, and the central California coast. Overviews of the program and these projects are available through the Internet at *http://www.csc.noaa.gov/lcr/.*

Roles and Responsibilities

By working in a cooperative partnership, the unique skills, capabilities, and experiences of the Center and the cooperator will be

combined to offer an opportunity for each organization to further its goals. In their proposals, potential cooperators shall explicitly propose the respective roles and responsibilities of the Center and the cooperator.

General areas of responsibilities that the Center has had in past projects include: Development of spatial models, analyses, and data to address the identified management issues; design of GIS and HTML architectures; and compilation of final products onto a CD–ROM and Internet site. Any questions about appropriate roles for the Center can be directed to *Jeffery.Adkins@noaa.gov.*

General areas of responsibility that cooperators have had include: Identifying the management issues that guide development of the information resource; identifying the information needed to address the issues; developing partnerships with other members of the resource management community; developing and collecting the information (text, tables, graphics, charts, and maps) and tools (organizational structure and models) needed to address the management issues; developing metadata; and determining how the products should be organized to maximize usefulness within the resource management community.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; *e.g.,* support letters, resumes, lists of data sources, maps. All appendix material must be unbound. All proposals must include sections on the seven following topics:

1. Goal, Objective(s), and Geographic Area. Identify on a map and describe in the narrative the specific geographic area that will be examined. Identify the specific management objective(s) of the project, describing:

- The management goals that are currently not being achieved,
- How products from this cooperative agreement will significantly address that deficiency, and
- The benefits that will result to the cooperators, partners, public, and resource management community.

2. Background/Introduction. Provide sufficient background information for reviewers to independently assess the local significance and regional importance of the management objectives that will be addressed by the project. Summarize the status of any ongoing efforts by the cooperator and partners to address these objectives.

3. Audience. Identify potential users of the product, how those users will incorporate the product in their management of natural resources, and identify any training that will be needed for users to make full use of the information resource.

4. Project Description/Methodology. Provide a general work plan that:

- Divides the project into discrete steps,
- Identifies critical decision points,
- Discusses any obstacles to completing the project that may require special planning, and
- Explicitly outlines the respective roles of the cooperator, partners, and Center.

One of the initial tasks of the cooperative agreement will be for the Center and the cooperator to prepare a detailed task plan that explains how the resources of all parties will be leveraged to produce the products. The work plan requested for this part of the proposal should demonstrate that the cooperator and partners have sufficient local knowledge of the management problems to lead a innovative effort directed towards developing appropriate solutions.

5. Project Partners and Support. Identify project partners and describe their respective roles. When formal partnerships already exist, include letters from partners that demonstrate that they understand their role in the project and the authority of the lead agency in product development, and that they are willing to participate in that manner. When formal partnerships do not already exist, describe plans for developing them. Describe the resources the cooperators and partners have for conducting the project, including personnel qualifications (education, experience, and time available to work on the project), facilities, equipment, and, to the extent practicable, the information and tools already available. Describe how widely the project is supported within the resource management community and offer evidence of that support.

6. Milestone Schedule. List target milestones, time lines, and describe how each milestone addresses project objectives.

7. Project Budget. Provide a detailed budget description that follows the categories and formats in the NOAA grants package and a brief narrative justification of the budget. Evaluation Criteria (with weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers, will be established to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores when he/she makes the final decision. The selecting official also may consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. *Significance (20 points).* How well the proposal demonstrates the local significance and regional importance of the issues(s) or management objective(s) that will guide development of the information resource. At a minimum, the proposal must identify management goals that currently are not being achieved, describe how products from this cooperative agreement will significantly address that deficiency, and state the benefits that will result to the public and resource management community.

2. *Technical Approach (20 points).* How well the proposal divides the project into discrete tasks that make effective use of the technical capabilities of the cooperator, partner(s), and Center. This criteria includes such factors as the technical merit of the process that the cooperator has outlined for developing the information resource and the perceived role for the Center in its development.

3. *Comprehensiveness (20 points).* How well the proposed work will integrate technology; socioeconomic, physical, and ecological information; and public participation to accomplish project goals and objectives. This criteria measures both the scope of the proposed project and the integration of its various components.

4. *Outcomes (20 points).* How well the applicant demonstrates that the project outcomes will significantly address the management issue(s) targeted by the project and that the collective resources of the applicant and partners will ensure projected outcomes are met.

5. *Partnerships and Public Involvement (10 points).* How well the proposal demonstrates through partnerships that the project is broadly supported by the resource management community; that a broad group of

resource managers and constituents will benefit from the product(s) and contribute to their design and assembly; and that a broad group of resource managers will use the product(s). This criteria includes such factors as the inclusion of a formal public involvement plan, a plan for managing the partnership team, and letters of support from users and partners.

6. *Cost Efficiency (10 points).* How well the applicant demonstrates that the budget is commensurate with project needs and that the partnerships employed will improve the overall cost effectiveness of the project and value of the products by contributing funds (cost-sharing), expertise, or other resources.

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for cooperative agreements: Proposal Deadline (with completed grant package)—January 11, 2002. Earliest Approximate Grant start date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for FY 2002 are appropriated. Total funding available for this cooperative agreement with the LCR program is anticipated to be $270,000 over 2 years. One award is anticipated from this announcement. Publication of this document does not obligate NOAA to fund any specific cooperative agreement or to award all or any part of the available funds.

Cost Sharing

There is no requirement for cost sharing in response to these guidelines, however, proposals that include cost sharing will likely score highly under evaluation criteria that examines cost efficiency.

Eligibility Criteria

Eligible applicants are institutions of higher educations, hospitals, other non-profits, commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this announcement, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory authority for these programs is provided under 16 U.S.C. 1456c (Technical Assistance); and 33 U.S.C. 1442 (research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems).

Integration and Development (I&D)—Bathymetric Data Collection

Project Description

The Center seeks cooperative agreement proposals for projects that conduct new acquisition and supporting documentation of bathymetric data. The intent of this program is to support high quality hydrographic digital data collection efforts for public resource management needs. The collection efforts may also support current NOAA NOS nautical chart data collection programs. It is expected that this funding will support agencies who are already considering hydrographic surveys for beach renourishment projects, sand and sediment transport studies, fisheries management plans, benthic habitat evaluations, dredging, and dredge disposal siting projects, and other related projects.

A major objective of this program is to rescue, document, and make available bathymetric data for marine applications. The Center desires data from the area (on-shore) of tidal influence out to the Exclusive Economic Zone. Maximum anticipated funding for Fiscal Year 2002 is $150,000 and it is intended that this funding will be distributed amongst multiple projects in the form of a cooperative agreement. The award level is contingent on methodology, the level of detail, and the geographic scope of the project. See evaluation criteria for more information about how proposals will be ranked.

Roles and Responsibilities

By working in a cooperative partnership, the unique skills, capabilities, and experiences of the Center and the cooperator will be combined to offer an opportunity for each organization to further its goals. In their proposals, potential cooperators shall explicitly propose the respective roles and responsibilities of the Center and the cooperator. General areas of responsibilities that the Center has had in past projects include: development of spatial models, analyses, and data to address the identified management issues; design of geographic information systems (GIS) and HTML architectures; and compilation of final products onto a CD–ROM and Internet site. Any questions about appropriate roles for the Center can be directed to *James.L.Free@noaa.gov.*

General areas of responsibility that cooperators have had in the past have included the following: identifying the management issues that guide development of the information resource; identifying the information needed to address the issues; developing partnerships with other members of the coastal management community; developing and collecting the information (text, tables, graphics, charts, and maps) and tools (organizational structure and models) needed to address the management issues; developing metadata; and determining how the products should be organized to maximize usefulness within the coastal management community.

Background

To support safe navigation, hydrographic surveys are conducted to produce nautical charts. For safety reasons, these surveys are conducted using strict hydrographic survey procedures (refer to the following Uniform Resource Locator for more information about these procedures): *http://chartmaker.ncd.noaa.gov/ocs/text/prodserv.htm.*

In addition to its intended charting purpose, hydrographic survey data is very useful to the coastal and ocean resource management community in the production of bathymetry. Hydrographic survey data is preferable because these survey requirements need not be as rigorous as navigation surveys that protect life and limb. Supporting this community is an additional mandate of NOS under its coastal stewardship strategic goal. Due to financial constraints, NOS has only been able to commit to new surveys in major commercial shipping areas. Near shore and estuarine areas are not generally deemed to be a navigational hazard and therefore are not routinely surveyed. Many of these areas are of interest to the coastal resource managers for projects related to dredging, dredge disposal, habitat studies, sediment transport, and beach renourishment projects.

NOAA is interested in supplementing its current hydrographic survey data collection with data from non-NOAA

sources to meet strategic goals. In addition, NOAA is interested in helping non-NOAA sources acquire data using standards and documentation that will increase the usability and longevity of the data. NOAA is committed to helping third-party data creators document and make these data available to the marine community using standards and protocols outlined by the Federal Geographic Data Committee (FGDC). Specifically, NOAA is interested in helping foster the development of high quality accurate digital bathymetric data to use in desktop GIS for coastal and ocean resource management and to update nautical charts.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; *e.g.,* support letters, resumes, lists of data sources, maps. All appendix material must be unbound. All projects proposals must include, at a minimum, sections on the five following topics:

1. Project Background/Introduction. Briefly discuss the critical coastal management issues, data needed to address these issues, and how the proposed activity will support high quality hydrographic digital data collection efforts for public resource management needs.

2. Project Description/Methodology. Address the general work plan and deliverables. Methodology should address specific methods of data collection and documentation that as a minimum include the methods of sounding, methods of correcting for motion of the survey platform, methods of horizontal positioning, and methods of corrections for tide. In addition, proposals should include limits of survey area and density of line spacing and sounding interval. Proposals should include a section of chart that outlines the survey area and orientation to the depth contour. Database format must be adequately described and include a supplemental descriptor file or metadata that contains the information necessary for completing an FGDC-compliant metadata record for the survey.

3. Project Partners and Subcontractors. Identify any project partners and describe their respective roles. Include a letter from partners and subcontractors acknowledging their participation and area of responsibility, and include a breakdown of budgets related to project work.

4. Milestone Schedule. List target milestones and their respective time lines.

5. Project Budget. Proposals should provide a detailed budget breakdown that follows the categories and formats in the NOAA grants package and a brief narrative that justifies each item.

Evaluation Criteria (With Weights) and Selection Process

Review panels, composed of two NOAA and two non-NOAA experts in the field of hydrographic survey methodology, tidal correction, and spatial data acquisition will be established to assist in the evaluation of the proposal(s). Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consesus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores to when she/he makes the final decision. The selecting official may also consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. Technical Merit (65 points). Proposals will be judged on the adequacy of the methodology used to collect the data. This includes the corrections for vessel motion (heave, roll and pitch), equipment used, and method of sounding, and corrections for tide. It is expected that differential Global Positioning System (GPS) will be used as the method of horizontal positioning, but this should be specifically addressed. Though not required, any corrections for sound velocity (in shallow water) or settlement and squat could positively influence this weighting.

2. Data Density, Geographic Scope, and Orientation (10 points). This weighting will be based on the level of detail of the survey. Project descriptions should include a map or graphic that outlines the intended spatial extent of the survey, the density of the line spacing or number of soundings, and the orientation of the survey platform to the depth contour.

3. Data Delivery Mechanism and Documentation (10 points). Projects will be judged on adequacy of the database schema and documentation of the delivered data, and the coherency of the metadata strategy.

4. Theme (10 points). Projects will be judged on the applicability of the purpose or theme of the survey to one of the objectives of the Center, particularity the goal to foster improved bathymetric data access for the coastal and ocean resource community, and to coastal or ocean resource management.

5. Cost-Sharing (5 points). Points will be awarded in proportion to the amount of cost sharing proposed. Applicant will have to cost share at least 10 percent to receive 1 point, 20 percent to receive 2 points, 30 percent to receive 3 points, 40 percent to receive 4 points, and 50 percent to receive 5 points.

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for grants and/or cooperative agreements: Proposal Deadline (with completed grant package)—January 11, 2002. Earliest Approximate Grant Start Date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped. E-mail or fax copies will not be accepted.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for Fiscal Year 2002 are appropriated. Total funding available for this cooperative agreement with the Integration and Development program is anticipated to be no more than $150,000 and funding will be distributed over multiple projects. Publication of this notice does not obligate NOAA to fund any specific cooperative agreement or to award all or any part of the available funds.

Cost Sharing

See Evaluation Criteria #5.

Eligibility Criteria

Eligible applicants are institutions of higher education, non-profits, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, and state, local, and Indian tribal governments. Commercial organizations that have a formal collaborative partnership with a state or local resource coastal management office are encouraged to apply. Federal agencies or institutions are not eligible to receive Federal assistance under this notice, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another

federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory authority for these programs is 33 U.S.C. 883a (surveys and other activities) and 33 U.S.C. 883c (geomagnetic data; collection, correlation, and dissemination).

Integration and Development (I&D)—New Data Models for Marine Conservation

Project Description

The Center seeks cooperative agreement proposals for the development of a digital spatial data model to examine bathymetry and its use in marine resource conservation and management. The intent of this program is to support the research and development of high quality and innovative spatial data models utilizing existing and/or new bathyemtric data sources to supplement current marine conservation efforts.

A major objective of this program is to develop, document, and make available new data models utilizing bathymetry for the marine conservation and coastal resource management communities. This program requires an on-site application of the new model(s) toward a real-world marine conservation/management issue. The geographic scope of this program is not defined, but the on-site application should be within the U.S. or U.S. Territories.

Roles and Responsibilities

By working in a cooperative partnership, the unique skills, capabilities, and experiences of the Center and the cooperator will be combined to offer an opportunity for each organization to further its goals. In their proposals, potential cooperators shall explicitly propose the respective roles and responsibilities of the Center and the cooperator. Any questions about appropriate roles for the Center can be directed to *James.L.Free@noaa.gov.*

Background

The data model(s) resulting from this work would advance several of NOAA's environmental stewardship goals, including building sustainable fisheries, protecting and managing key species, and sustaining healthy coasts. In particular, new data model(s) utilizing bathymetry for marine conservation would assist coastal states and federal government efforts to help foster and sustain marine habitat. The Center is actively engaged in narrowing the gap between the science and management communities and is in need of high quality models to support existing activities in habitat characterization, benthic mapping, resource management, and spatial tool development for the coastal management community. The spatial data model(s) resulting from this program should complement the Center's activities and advance marine conservation efforts.

The marine conservation community is in need of tools, data models, and applications for protecting marine habitat. Insufficient scientific information, inadequate information transfer, and fragmented decision making are several of the most significant impediments to marine conservation. Science-based technological advances, combined with education and proper planning, eliminate many of these obstacles. Models properly utilizing bathymetry will likely eliminate these obstacles, as it is one of the most important physical data layers when addressing marine conservation issues. Depth, slope, aspect, and several other bathymetric derivatives are important variables in modeling species distribution, species preference, habitat connectivity, and impacts of habitat fragmentation and loss. A spatial bathymetric data model integrated with marine habitat characterizations will significantly aid marine conservation professionals and the coastal management community in protecting the nations valued marine resources.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; e.g., support letters, resumes, lists of data sources, maps. All appendix material must be unbound. All projects proposals must include, at a minimum, sections on the five following topics:

1. Project Background/Introduction. Briefly discuss the critical coastal management issues, data needed to address these issues, and how the proposed activity will promote and enhance marine conservation efforts.

2. Project Description/Methodology. Address the general work plan and deliverables. Methodology should address specific methods of developing a spatial data model for examining bathymetry and its nexus to marine resource conservation and management. Proposals should address methods of quality control to help ensure accurate modeling.

3. Project Partners and Subcontractors. Identify any project partners and describe their respective roles. Include a letter from partners and subcontractors acknowledging their participation and area of responsibility.

4. Milestone Schedule. List target milestones and their respective time lines.

5. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grants package and a brief narrative that justifies each item.

Evaluation Criteria and Selection Process

Review panels composed of two NOAA and two non-NOAA experts in the field of hydrographic survey methodology and spatial data acquisition and modeling will be established to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores when he/she makes the final decision. The selecting official may also consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. Technical Merit (45 points). Proposals will be judged on the methodology used to develop new data models for marine conservation. Though not required, model proposals which incorporate techniques of Global Positioning System technology could be given additional points.

2. Model Application (30 points). This weighting will be based on the level of detail and applicability of the digital spatial data model. Project descriptions should include a map or graphic that outlines the intended spatial extent of the model. Proposals should specifically address how digital data models relate to a real-world marine conservation/management issue.

3. Data Delivery Mechanism and Documentation (10 points). Projects will be judged on the adequacy of database schema and documentation of the

delivered data, and the coherency of the metadata strategy.

4. Theme (10 points). Projects will be judged in the applicability of the purpose or theme of the proposal to one of the objectives of the Center, specifically the goal to help foster and sustain marine habitat, and to an existing marine conservation/management issue.

5. Cost-Sharing (5 points). Points will be awarded in proportion to the amount of cost sharing proposed. Applicant will have to cost share at least 10 percent to receive 1 point, 20 percent to receive 2 points, 30 percent to receive 3 points, 40 percent to receive 4 points, and 50 percent to receive 5 points.

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for cooperative agreements:

Proposal Deadline (with completed grant package)—January 11, 2002. Earliest Approximate Grant Start Date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for Fiscal Year 2002 are appropriated. Total funding available for this cooperative agreement with the Integration and Development program is anticipated to be no more than $150,000 and funding will be distributed over multiple projects. Publication of this notice does not obligate NOAA to fund any specific cooperative agreement or to award all or any part of the available funds.

Cost Sharing

See Evaluation Criteria #5.

Eligibility Criteria

Eligible applicants are institutions of higher education, non-profits, international organizations, and state, local, and Indian tribal governments. Commercial organizations that have a formal collaborative partnership with a state or local resource coastal management office are encouraged to apply. Federal agencies or institutions are not eligible to receive Federal assistance under this notice, but may be project partners.

Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory authority for these programs is 33 U.S.C. Sec. 883d (improvement of methods, instruments, and equipments; investigations and research).

Integration and Development—Permitting

Project Description

The Center seeks cooperative agreement proposals for the development of spatially enabled coastal and estuarine related permitting systems. The intent of this program is to increase the integration and application of spatial data in coastal permitting processes and to enhance communication between state and local governmental entities, local communities, and the public. It is expected that the funding will support research and development of integrated geographic information systems (GIS), decision support tools, and spatial data bases that support initial efforts of coastal states to upgrade existing non-spatially enabled permitting processes.

Maximum anticipated funding for Fiscal Year 2002 is $150,000 and it is intended that this funding will be distributed amongst multiple cooperative agreement projects. The award level is contingent on methodology, the level of detail, and the geographic scope of the project. See evaluation criteria for more information about how proposals will be ranked.

Roles and Responsibilities

General types of responsibility that cooperators have had in the past have included the following: Identifying the management issues that guide development of the information resource; identifying the information needed to address the issues; developing partnerships with coastal management communities/organizations; developing and collecting the information (text, tables, graphics, charts, and maps) and tools (organizational structure and models) needed to address the management issues; data collection and development; metadata; and determining how products should be organized to maximize usefulness within the coastal management community.

By working in a cooperative partnership, the unique skills, capabilities, and experiences of the Center and the cooperator will be combined to offer an opportunity for each organization to further its goals. In their proposals, potential cooperators shall explicitly propose the respective roles and responsibilities of the Center and the cooperator. General areas of responsibility that the Center has had in past projects include: Development of spatial models and analyses to address the identified management issues; design of GIS and HTML architectures; and compilation of final products onto a CD–ROM or an Internet site. Any questions about appropriate roles for the Center can be directed to *James.L.Free@noaa.gov.*

Background

Under the NOAA/NOS strategic efforts to sustain healthy coasts and provide a coastal stewardship ethic, the Center works with state and local coastal resource managers to facilitate the development of strategies that enhance the management of coastal resources, anticipate and mitigate coastal hazards, and develop the use of technology (specifically GIS) in problem solving.

In recent customer surveys and discussions with the Center's primary clients, the issue of permitting frequently arises. The need for more integrated spatially enabled approaches to coastal permit processes has become clear. In order to address this need, the Center is requesting proposals for research and development of new projects for the development of a spatially enabled permitting system for coastal and estuarine areas in U.S. coastal states and territories.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal, the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal, e.g., support letters, resumes, lists of data sources, and maps. All appendix material must be unbound. All projects proposals must include, at a minimum, sections on the following five topics:

1. Project Background/Introduction. Describe the current state of permitting processes in the target agency or area of interest. Briefly discuss the critical coastal management issues, data needed to address these issues, and how the proposed activity will contribute to the

overall improvement of the permitting systems currently in place.

2. Project Description/Methodology. Address the general work plan and deliverables. Provide a general work plan that divides the project into discrete steps, identifies critical decision points, and discusses any obstacles to completing the project that may require special planning, and explicitly outlines the respective roles of all groups or agencies involved. The work plan requested for this part of the proposal should demonstrate that there is sufficient local knowledge of the management issues and permitting processes to lead an innovative effort directed towards developing appropriate solutions.

3. Project Partners and Subcontractors. Identify any project partners and describe their respective roles. Include a letter from partners and subcontractors acknowledging their participation and area of responsibility, and include a breakdown of budgets related to project work.

4. Milestone Schedule. List target milestones and their respective time lines.

5. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grants package and a brief narrative that justifies each item.

Evaluation Criteria (With Weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers will be established to assist in the evaluation of proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals will be ranked according to score and the selecting official (Center Director) will use those scores when she/he makes the final decision. The selecting official may also consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. Significance (20 points). How well the proposal demonstrates the local significance and regional importance of the issue(s) or management objective(s) that will guide development of the project. At a minimum, the proposal must identify management goals that currently are not being achieved, describe how products from this project will significantly address that deficiency, and state the benefits that will result to the public and coastal management community.

2. Technical Approach (25 points). How well the proposal divides the project into discrete tasks that make effective use of the technical capabilities of the organizations involved.

3. Innovation (25 points). How well the proposed work takes an innovative approach to the application and integration of technology, spatial data, policy, issues to accomplish project goals and objectives.

4. Outcomes (10 points). How well the applicant demonstrates that the project outcomes will significantly address the management issue(s) targeted by the project and that the collective resources of the applicant and partners will ensure projected outcomes are met.

5. Partnerships (10 points). How well the proposal demonstrates: that the project is broadly supported by the coastal management community; that a broad group of coastal managers and constituent will benefit from contributing to design and assembly of product(s); and that a broad group of coastal managers will use the product(s).

6. Cost Efficiency (10 points). Points will be awarded in proportion to the amount of cost sharing proposed. Applicant will have to cost share at least 10 percent to receive 1 point, 20 percent to receive 2 points, 30 percent to receive 3 points, 40 percent to receive 4 points, and 50 percent to receive 5 points.

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for cooperative agreements: Proposal Deadline (with completed cooperative agreement package) is January 11, 2002. Earliest Approximate cooperative agreement Start Date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and application package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for Fiscal Year 2002 are appropriated. Total funding available for this cooperative agreement with the Center's Integration and Development program is anticipated to be no more than $150,000 and funding will be distributed over multiple projects. Publication of this notice does not obligate NOAA to fund any specific cooperative agreement or to award all or any part of the available funds.

Cost Sharing

See Evaluation Criteria #6.

Eligibility Criteria

Eligible applicants are institutions of higher education, state, local, and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this notice, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory authority for these programs is provided under 16 U.S.C. 1456c (Technical Assistance).

Outreach—Coastal Program Coordination and Development

Project Description

The Center is seeking proposals for a two-year cooperative agreement with an option to renew for two years, to provide coastal program coordination and development support. Project proposals are due January 11, 2002, (with earliest start date of August 1, 2002). See Selection Schedule following.

Background

The Center strives to link people, information and technology. As such, the Center often serves as a liaison function between various NOAA offices and state and local partners to facilitate the use of scientific and technical information that supports the sustainable management of coastal resources. Itis in this capacity that the Center is requesting proposals to work with a cooperator on issues related to: (1) Strategic planning and implementation; (2) policy and program analyses of coastal resource management issues; (3) management assistance; (4) integration of human element into coastal management products and activities; and (5) short-term research on specific topics related to natural resource management and conservation.

Roles and Responsibilities

By working in a cooperative partnership, the unique skills, capabilities, and experiences of the Center and the cooperator will be combined to offer an opportunity for

each organization to further its goals. In their proposals, potential cooperators shall explicitly propose the respective roles and responsibilities of the Center and the cooperator.

General areas of responsibility that the Center has had in the past include: providing a mentoring and professional development framework for recent coastal management or marine affairs graduates within the context of the national and/or regional activities of the Center; publicizing the program, and soliciting other partners.

General areas of responsibility that cooperators have included the following: working with the Center to identify specific projects; helping identify future emerging policy and/or thematic areas; identifying recent graduates with interest in continuing their professional development through work with the Center; publicizing the program; and soliciting other partners.

Project Proposals

The Applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal, the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; e.g., support letters, resumes, lists of data sources, maps. All appendix material must be unbound. All projects proposals must include sections on the following seven topics listed below:

1. Goals and Objectives. Identify broad project goals and quantifiable objectives.

2. Background/Introduction. State the issues and summarize existing efforts at all levels.

3. Audience. Describe specifics of how the relationship will contribute to improving or resolving an issue with the primary target audience. The target audience must be explicitly stated.

4. Project Description/Methodology. Describe the specifics of the project (3 page maximum). One of the initial tasks of the cooperative agreement will be for the Center and the cooperator to prepare a detailed task plan that explains how the resources of all parties will be leveraged to address the issues.

5. Project Partners. Identify project partners and their respective roles.

6. Milestones and Outcomes. List target milestones, time lines, and desired outcomes in terms of products and services.

7. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grant package and a brief narrative that justifies each item. Applicants are required to submit in their proposal a budget for year 1 and for year 2.

Evaluation Criteria (With Weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers will be established, to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores when she/he makes the final decision. The selecting official also may consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. Management Relevance (30 points)

• How well does the proposed project (directly or indirectly) address a critical national, regional, state, or local management need relating directly to growth management of coastal areas or human use of coastal resources?

• How well does the project involve partnerships with the state coastal management agency, National Estuarine Research Reserve, and/or National Marine Sanctuary?

• How clearly does the proposed project define the management audience?

2. Technical Merit (35 points)

• How technically sound is the approach?

• How well does the proposed project build on existing knowledge?

• How clear and concise are the project goals and objectives?

• How well does the proposed project provide for long-term maintenance or sustainability of products and services?

• How innovative is the approach?

3. Applicability and Effectiveness of Products and their Delivery (25 points)

• How well does the proposed project produce useful (and easily used) services, or an understanding for the target audience and users?

• How likely is the project time line and project design to be flexible and responsive to public and user input?

• Is an evaluation process built into the project? How appropriate is it?

4. Efficiency and Overall Qualifications (10 points)

• How is the budget commensurate with the project needs?

• How capable are the proposer's of conducting a project of the scope and scale proposed? (i.e., Are there adequate professional, facility, and administrative capabilities?)

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for cooperative agreements: Proposal Deadline (with completed grant package) January 11, 2002. Earliest Appropriate Grant Start Date—August 1, 2002 Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped. E-mail or fax copies will not be accepted. One original and two copies of the proposal and grant paperwork are required.

Funding Availability

Specific funding available for the award will be finalized after NOAA funds for FY 2002 are appropriated. Publication of this document does not obligate NOAA to fund any specific cooperative agreement or to award all or any part of the available funds. Anticipated funding in FY 2002 will be between $75,000 and $200,000 for year 1 (depending on the availability of funds through the federal appropriation process.

Cost Sharing

There is no requirement for cost sharing in response to this program announcement and no additional weight will be given to proposals with cost sharing.

Eligibility Criteria

Eligible applicants are institutions of higher educations, hospitals, other non-profits, commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this announcement, but may be project partners.Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory Authority for these programs is provided under 16 U.S.C. 1456C (Technical Assistance).

Outreach—Special Projects

Project Description

The Center seeks proposals for special technical, management, or planning projects that relate to growth management in coastal areas or human use of coastal resources. Project proposals are due January 11, 2002, (with earliest start date of August 1, 2002). See Selection Schedule.

In FY 2002, the Center expects to award grants and cooperative agreements (for those projects with substantial Center involvement) to organizations across the United States with proven abilities to implement practical solutions at a state and local level. Proposed study topics must relate to growth management in coastal areas or to human use of coastal resources. All project proposals received that meet the topic criteria will be reviewed for technical merit and management relevance.

Background

The Center conducts a variety of projects that directly apply to the state and local coastal management community. The goal of Special Projects is to provide assistance to the local coastal management community for technical or management issues on specific topics relating directly to growth management in coastal areas or human use of coastal resources.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; e.g., support letters, resumes, lists of data sources, maps. All appendix material must be unbound. All projects proposals must include sections on the seven following topics:

1. Goals and Objectives. Identify broad project goals and quantifiable objectives.

2. Background/Introduction. State the problem and summarize existing efforts at all levels.

3. Audience. Describe specifics of how the project will contribute to improving or resolving an issue with the primary target audience. The target audience must be explicitly stated.

4. Project Description/Methodology. Describe the specifics of the projects (3 page maximum).

5. Project Partners. Identify project partners and their respective roles.

6. Milestones and Outcomes. List target milestones, Time lines, and desired outcomes in terms of products and services.

7. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grant package and a brief narrative that justifies each item. Project budgets must not exceed $25,000. Projects above $25,000 will not be considered.

Evaluation Criteria (With Weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers, will be established to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores when she/he makes the final decision. The selecting official also may consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally.

Evaluation criteria are:

1. Management Relevance (30 points)

- How well does the proposed project (directly or indirectly) address a critical national, regional, state, or local management need relating directly to growth management of coastal areas or human use of coastal resources?
- How well does the project involve partnerships with the state coastal management agency, National Estuarine Research Reserve, and/or National Marine Sanctuary?
- How clearly does the proposed project define the management audience and do the products have clearly defined users?

2. Technical Merit (35 points)

- How technically sound is the approach?
- How well does the proposed project build on existing knowledge?
- How clear and concise are the project goals and objectives?
- How well does the proposed project provide for long-term maintenance or sustainability of products and services?
- How innovative is the approach?

3. Applicability and Effectiveness of Products and their Delivery (25 points)

- How well does the proposed project produce useful (and easily used) products, services, or an understanding for the target audience and users?
- How likely is the project time line and project design to be flexible and responsive to public and user input?
- Is an evaluation process built into the project? How appropriate is it?

4. Efficiency and Overall Qualifications (10 points)

- How is the budget commensurate with the project needs?
- How capable are the proposer's of conducting a project of the scope and scale proposed? (i.e., Are there adequate professional, facility, and administrative capabilities?)

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for grants and/or cooperative agreements: Proposal Deadline (with completed grant package) January 11, 2002. Earliest Appropriate Grant Start Date—August 1, 2002 Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for the award will be finalized after NOAA funds for FY 2002 are appropriated. Publication of this document does not obligate NOAA to fund any specific cooperative agreement or to award all or any part of the available funds. Anticipated funding in FY 2002 will be between $50,000 and $150,000. Two to six projects will be funded in the $20,000 to $25,000 range for 1 year with the potential for option years (depending on the availability of funds through the federal appropriation process). Projects above $25,000 will not be considered.

Cost Sharing

There is no requirement for cost sharing in response to this program announcement and no additional weight will be given to proposals with cost sharing.

Eligibility Criteria

Eligible applicants are institutions of higher educations, hospitals, other non-profits, commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, international

organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this announcement, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory Authority for these programs is provided under 16 U.S.C. 1456C (Technical Assistance).

Outreach—Special Projects for the Pacific Islands

Project Description

NOAA's Coastal Services Center seeks proposals for special technical, management, or planning projects that directly apply to the goals of the Pacific Island coastal management community. Projects topics should relate to one or more of the four themes of the Coastal Services Center: Habitat, Hazards, Smart Coastal Growth, or Coastal National Spatial Data Infrastructure (CNSDI). Project proposals are due January 11, 2002, (with earliest start date August 1, 2002). See Selection Schedule. In FY 2002, the Center expects to award grants and cooperative agreements (for those projects with substantial Center involvement) to organizations with proven abilities to implement practical solutions in the Pacific Islands at a state and local level.

Background

The Center conducts a variety of projects that directly apply to the state and local coastal management community. The goal of this program is to provide assistance to the Pacific Island coastal management community for technical or management issues on a very broad range of topics related to coastal resources and their wise management.

Project Proposal

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; *e.g.,* support letters, resumes, lists of data sources, and maps. All appendix materials must be unbound. All projects proposals must include sections on the seven following topics:

1. Goals and Objectives. Identify broad project goals and quantifiable objectives.
2. Background/Introduction. State the problem and summarize existing efforts at all levels.
3. Audience. Describe specifics of how the project will contribute to improving or resolving an issue with the primary target audience. The target audience must be explicitly stated.
4. Project Description/Methodology. Describe the specifics of the projects (3 page maximum).
5. Project Partners. Identify project partners and their respective roles.
6. Milestones and Outcomes. List target milestones, time lines, and desired outcomes in terms of products and services.
7. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grant package and a brief narrative that justifies each item.

Evaluation Criteria (With Weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers, will be established to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores when she/he makes the final decision. The selection official also may consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. Management Relevance (30 points)

- How well does the proposed project (directly or indirectly) address a critical national, regional, state, or local management need relating directly to growth management of coastal areas or human use of coastal resources?
- How well does the project involve partnerships with the state coastal management agency, National Estuarine Research Reserve, and/or National Marine Sanctuary?
- How clearly does the proposed project define the management audience and do the products have clearly defined users?

2. Technical Merit (35 points)

- How technically sound is the approach?
- How well does the proposed project build on existing knowledge?
- How clear and concise are the project goals and objectives? Does the proposed project provide for long-term maintenance or sustainability of products and services?
- How innovative is the approach?

3. Applicability and Effectiveness of Products and their Delivery (25 points)

- How well does the proposed project produce useful (and easily used) products, services, or an understanding for the target audience and users?
- How likely is the project time line and project design to be flexible and responsive to public and user input?
- Is an evaluation process built into the project? How appropriate is it?

4. Efficiency and Overall Qualifications (10 points)

- How is the budget commensurate with the project needs?
- How capable are the proposers of conducting a project of the scope and scale proposed (i.e., Are there adequate professional, facility, and administrative capabilities?)

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for grants and/or cooperative agreements: Proposal Deadline (with completed application package)—January 11, 2002. Earliest Approximate Grant Start Date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for FY 2002 are appropriated. Publication of this notice does not obligate NOAA to fund any specific grant or cooperative agreement or to award all or any part of the available funds. Anticipated funding in FY 2002 will be between $50,000 and $200,000.00. Projects will be funded in the $25,000 to $75,000 range for 1 year with the potential for options years (depending on the availability of funds through the Federal appropriation process). Up to three projects per year of special merit or management may be considered at annual levels above $75,000 depending on the availability of funds.

Cost Sharing

There are no requirements for cost sharing in response to this program announcement and no additional weight will be given to proposals with cost sharing.

Eligibility Criteria

Eligible applicants are institutions of higher educations, hospitals, other non-profits, commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this notice, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C 1535) is not an appropriate legal basis.

Authority

Statutory Authority for these programs is provided under 16 U.S.C. 1456C (Technical Assistance).

Coastal Remote Sensing (CRS)—Examination of Impervious Surface Impacts Upon Coastal Water Quality

Project Description

The Center seeks proposals for projects that identify and quantify the complex relationship between impervious surfaces and impacts on water quality due to the effects of development in coastal areas. The Center is interested in understanding the linkages and interaction between constructed and natural surfaces within developed areas and the resulting coastal water quality impacts from surface water run-off, nutrient loading, and soil disturbance. The results of this project must demonstrate (e.g., via a geographic information system) the relationship between impervious surfaces and decreased water quality. These results would be used to help coastal managers make resource management, regulatory, or land-use planning decisions.

In FY 2002, the Center expects to award one grant to organizations across the United States with proven abilities to implement practical solutions at a state and local level. Proposed study topics must relate to water quality impacts from development in coastal areas. All project proposals received that meet the topic criteria will be reviewed for technical merit and management relevance.

Background

The Center conducts a variety of projects that directly apply to the state and local coastal resource management community. The goal of the Coastal Remote Sensing (CRS) program is to link coastal resource managers with meaningful data, information and products derived from remote sensing technology. Through partnerships with public and private organizations, CRS strives to deliver high-quality products useful for coastal resource management decision-making.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; e.g., support letters, resumes, lists of data sources, maps. All appendix material must be unbound. All project proposals must include sections on the following seven topics:

1. Goals and Objectives. Describe how your approach will meet the goal of better measuring the quantitative impact of impervious surface on water quality.

2. Background/Introduction. Provide background on this problem and some perspective on existing understanding of this issue.

3. Audience. Describe how the results of this project can be implemented at the state coastal resource management level.

4. Project Description/Methodology. Describe the specifics of the project (4–5 page maximum).

5. Project Partners. Identify project partners and their respective roles.

6. Milestones and Outcomes. List target milestones, time lines, and desired outcomes in terms of products and/or services.

7. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grant package and a brief narrative that justifies each item.

Evaluation Criteria (With Weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers, will be established to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores to aid in making the final decision. The selecting official also may consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally.

Evaluation criteria are:

1. Management Relevance (10 points)
- Does the proposed project (directly or indirectly) address a critical national, regional, state, tribal or local management need relating directly to growth management of coastal areas?
- Does the project involve partnerships with a state coastal management agency, National Estuarine Research Reserve, and/or National Marine Sanctuary?
- Does the proposed project have a clearly defined management audience and do the products have clearly defined users?

2. Technical Merit (45 points)
- Is the approach technically sound?
- Does the proposed project build on existing knowledge?
- Are the project goals and objectives clear and concise?
- Does the proposed project provide for long-term maintenance or sustainability of products and services?
- Is the approach innovative?

3. Applicability and Effectiveness of Products and their Delivery (25 points)
- Will the proposed project produce useful (and easily used) products, services, or an understanding for the target audience and users?
- Is project time line and project design likely to be flexible and responsive to public and user input?
- Is an evaluation process built into the project? Is it appropriate?

4. Efficiency and Overall Qualifications (20 points)
- Is the budget commensurate with the project needs?
- Are the proposers capable of conducting a project of the scope and scale proposed? (i.e., Are there adequate qualified professional, facility, and administrative capabilities?)

Selection Schedule

Proposals will be reviewed once during the year. The following schedule

lists the dates for the project selection and award process for grants: Proposal Deadline (with completed grant package) January 11, 2002. Earliest Appropriate Grant Start Date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for the award will be finalized after NOAA funds for FY 2002 are appropriated. Publication of this document does not obligate NOAA to fund any specific grant or to award all or any part of the available funds. Total anticipated funding is $30,000 over one year and is subject to the availability of FY 2002 funding. Only one grant award is anticipated from this announcement.

Cost Sharing

There is no requirement for cost sharing in response to this program announcement and no additional weight will be given to proposals with cost sharing.

Eligibility Criteria

Eligible applicants are institutions of higher education, other non-profits, commercial organizations, state, local and Indian tribal governments. Federal agencies or institutions are not eligible to receive Federal assistance under this announcement, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory Authority for these programs is provided under 16 U.S.C. 1456C (Technical Assistance).

Information Resources (IR)—Coastal Data and Information

Project Description

The Center seeks proposals for projects to make coastal data, products, and information available on-line using standard documentation formats and search technologies. Proposals may also include projects concerning the rescue of unique coastal data sets and the conversion to electronic media of coastal data, products, and information. The intent of this program is to increase the numbers of and improve the availability of coastal data and information needed by coastal resource managers and their staffs to accomplish their duties.

Maximum anticipated funding is $200,000 for a one year period and is subject to the availability of FY 2002 appropriations. It is intended that this funding will be distributed between multiple projects that take the form of a grant.

Background

The mission of the Center is to foster and sustain the environmental and economic well-being of the coast by linking people, information, and technology. The Information Resources program of the Center helps coastal resource managers and their staff find the data and information necessary to perform their tasks. To accomplish this, the Information Resources program improves access to and increases the availability of coastal data, products, and information. The Center actively supports the use of standards to document and share data, products, and information. In particular, the Center supports the use of the standards accepted by the FGDC and the Library of Congress. By using these standards, virtual networks of coastal data, products, and information can be built that provide crucial input for making coastal management decisions.

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal(s), the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must total no more than 10 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; e.g. support letters, resumes, lists of data sources, and maps. All appendix material must be unbound. All project proposals must include the sections on the four following topics:

1. Technical Issues

- Project Description. Address how the project will be implemented. It should include an overview of the data, product, or information resource that will be made available on-line and any plans for data rescue or conversion of resources to electronic media. If applicable, it should include plans for the development of a customized interface and how it will relate.
- Data and Information Description. Describe the data and/or information that will be made available via the server.
- Server Description. Describe how the resource description and, if applicable, the resource itself will be made available on-line. Include plans for implementing an FGDC Clearinghouse node (server), catalog server, or arrangements for posting the resource description through an existing server.
- Relation to Other Data Projects. If applicable, describe how this project relates to other ongoing programs.

2. Relevance and Scope

- Appropriateness to U.S. Coastal Resource Managers. Describe how the data and/or information might be used by coastal resource managers and/or their staffs. Describe the scope of the project and who it benefits.
- Description of Metadata or Catalog Records Anticipated. Include the number of records anticipated and the level of detail included in the metadata or catalog records.

3. Future Plans

- Post-proposal Plans. Describe plans for maintenance of the data or information resource. For data rescue projects, please include plans for archiving the data.

4. Milestones and Budget

- Milestones. Provide a schedule for the project with milestones.
- Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grant package and a brief narrative that justifies each item.

All proposals regarding data and data products must include plans for documenting the data and/or data products using the Federal Geographic Data Committee (FGDC) metadata standard and posting this metadata on a node (server) that is registered at the FGDC Clearinghouse. Further information on the FGDC metadata standard and Clearinghouse architecture can be found on the FGDC Web site at *www.fgdc.gov.* Proposals may include the development of a customized interface to the FGDC Clearinghouse node (server) for improved access to the data or data product resource.

Proposals that include coastal products and information must include plans for making catalog entries searchable through a standard on-line public access catalog, preferably using the Z39.50 protocol. Any new cataloging of information materials (publications, CD–ROMS, videos, etc.) must follow the USMARC standard. Consideration will be given to making pre-existing catalog entries that are not in USMARC

available on-line. More information on USMARC and Z39.50 may be found on the Library of Congress Web site at *www.loc.gov.* Proposals may include the development of a customized interface to a Z39.50 catalog server to provide customized search capabilities to the information resource.

Proposals that cover data rescue or the conversion to electronic media of coastal data, products, or information must also include plans for documenting the data, products, and/or information using the appropriate standard mentioned above. In addition, proposals for rescuing data must include plans for archiving the data at an appropriate national data center.

Evaluation Criteria (with Weights) and Selection Process

Review panels, composed of two NOAA and at least two non-NOAA reviewers, will be established to assist in the evaluation of the proposals. Each member of the review panel will review independently each proposal using the evaluation criteria. The reviewers will not provide consensus advice. All proposals received will be ranked according to score and the selecting official (Center Director) will use those scores when she/he makes the final decision. The selecting official also may consider program policy factors in the final decision to ensure Center projects are balanced geographically and institutionally. Evaluation criteria are:

1. Technical merit (40 points). The proposal will be judged on the technical merit on the plans for development of metadata or new catalog records, how the FGDC Clearinghouse or catalog server will be implemented, and, if applicable, plans for development of additional search interfaces, data rescue, and conversion to electronic media. Proposals which do not directly address how metadata/catalog records will be produced, or how the Clearinghouse/Catalog server will be implemented will not be considered acceptable.

2. Relevance and scope (35 points). The proposal will be judged on the importance of the resource to coastal management issues. Priority will be given to those proposals that provide detailed (I level catalog or full FGDC metadata record) versus less detailed (K level catalog or ''metalite'' record).

3. Future plans (15 points). The proposal will be judged on the plans for future maintenance of the descriptive records (metadata or catalog records) and Clearinghouse or catalog server.

4. Milestones and budget (10 points). The proposal will be judged on the amount requested versus the technical merit and relevance.

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for grants: Proposal deadline with completed grant package—January 11, 2002. Earliest approximate grant start date—August 1, 2002. Note: All deadlines are for receipt by close of business (5 p.m. Eastern time) on the dates identified. Receipt of proposal and grant package with original signatures will be time stamped.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for FY 2002 are appropriated. Total funding available for this grant with the Information Resources program is anticipated to be no more than $200,000 and funding will be distributed over multiple projects. Publication of this notice does not obligate NOAA to fund any specific grant or to award all or any part of the available funds.

Cost Sharing

There is no requirement for cost sharing in response to this program announcement and no additional weight will be given to proposals with cost sharing.

Eligibility Criteria

Eligible applicants are institutions of higher education, hospitals, other non-profits, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, and state, local, and Indian tribal governments. Commercial organizations that have a formal collaborative partnership with a state or local resource coastal management office are encouraged to apply. Federal agencies or institutions are not eligible to receive Federal assistance under this notice, but may be project partners. Note: Federal agencies or institutions who are project partners must demonstrate that they have legal authority to receive funds from another federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Authority

Statutory authority for these programs is 16 U.S.C. 1456C (Technical Assistance).

Director's Office—Coastal Management Decision Making Tools

Project Description

The Center seeks proposals for projects under which the applicant(s) will design and apply prototype decision making tools and information products for coastal resource management. Emphasis will be placed on projects that address coastal habitat management. Projects should be based on a clear understanding of federal, state, and local coastal managers' needs, and assessment of their capabilities to address these needs. Projects should include the design of customized training products to accelerate introduction of results to the target audience and to guide users through performing procedures and making decisions using new tools. Total available funding is anticipated to be between $100,000 to $200,000, for one year, subject to the availability of federal appropriations. The Center expects to award only one to two grants under this announcement.

Background

The goal is to make it possible for coastal managers and regulators at all levels to use the best technology and information to make science-based decisions for managing coastal resources. The Center supports this goal by establishing coalitions at all levels including government, academia, and private and non-profit organizations to develop and test decision making tools and information products for coastal management.

Projects must directly address habitat management issues that are both of local significance and of regional importance. Products should be market driven and compatible with end users' capabilities. The project scope would involve design and development of a prototype, field application and evaluation with end users, final product development, and training. Past experience has revealed that this iterative process is best accomplished by coalitions of technology developers, technology deliverers, and end users.

Roles and Responsibilities

It is intended that each project be implemented as a partnership between the recipient and end-users of the project's products. In their proposals, potential recipients should propose the respective roles and responsibilities of the recipient and any project partners. At a minimum, the roles and responsibilities of the recipient shall include:

- Identifying the management issues that guide development of the product
- Identifying the information needed to address the issues
- Developing partnerships with other end users, including members of the coastal management community
- Developing and collecting the information and tools needed to address the management issues
- Developing all other information needed to assess the quality and utility of the data and tools
- Determining how the products should be organized to maximize utility to the end users

Project Proposals

The applicant must submit one original and two copies of the proposal(s) by 5 p.m. (Eastern time) on January 11, 2002. In addition to the proposal, the applicant must submit a complete NOAA grants application package (with signed originals). No e-mail or fax copies will be accepted. All project proposals must include the following sections and total no more than 15 pages (double spaced, 12-point font, and exclusive of appendices). Appendices should be limited to materials that directly support the main body of the proposal; e.g., support letters, resumes, lists of data sources, maps. All appendices material must be unbound. All project proposals must include sections on the following topics:

1. Goals and Objectives. Identify the specific management goals and objective of the project, including description of current management goals that are not being achieved, how products from the project will significantly address that deficiency, and the benefits that will result to the coastal management community and other end users.

2. Background/Introduction. Provide sufficient background information for reviewers to independently assess the local significance and regional importance of the management goals that will be addressed by the project. Summarize the status of any existing efforts to address these goals.

3. Audience. Identify potential users of the product, how those users will incorporate the product into their management needs, and identify training needed for users to make full use of the products.

4. Project Description/Methodology. Provide a general work plan that divides the project into discrete steps, identifies critical decision points, and discusses any obstacles to completing the project that may require special planning. One of the initial tasks of the project will be for the recipient to prepare a detailed task plan. The work plan requested for this part of the proposal should demonstrate that the recipient and partners have sufficient local knowledge of the management problems to lead a joint effort directed toward developing appropriate solutions.

5. Project Partners and Support. Identify project partners and describe their respective roles. Describe the resources the recipient and partners have for conducting the project, including personnel qualifications (education, experience, and time available to work on the project), facilities, equipment, and, to the extent practicable, the information and tools already available. Describe how widely the project is supported within the coastal management community and provide evidence of that support.

6. Milestone Schedule. List target milestones, timelines, and describe how each milestone addresses project objectives.

7. Project Budget. Provide a detailed budget breakdown that follows the categories and formats in the NOAA grants package and a brief narrative justification of the budget.

Evaluation Criteria (With Weights) and Selection Process

A review panel, composed of two NOAA and at least two non-NOAA reviewers, will be established to assist in the evaluation of proposals. All proposals received will be ranked according to score and the selecting official (the Center's Director) will use those scores to aid in making the final decision. The selecting official may also consider program policy factors in the final decision to ensure the Center's projects are balanced geographically and institutionally. Evaluation criteria are:

1. Significance (20 points)—How well the proposal demonstrates the local significance and regional importance of the issues or management objectives that will guide development of the project products. At a minimum, the proposal must identify management goals that currently are not being achieved, describe how products from the project will significantly address that deficiency, and the benefits that will result to the public and coastal management community.

2. Technical Approach (30 points)—How well the proposal divides the project into discrete tasks that make effective use of the technical capabilities of the cooperator and partners. This factor also includes the technical merit of the process that the cooperator has outlined for developing the project's products.

3. Outcomes (20 points)—How well the applicant demonstrates that the project outcomes significantly will address the management issues targeted by the project and that the collective resources of the applicant and partners will ensure projected outcomes are met.

4. Partnerships (20 points)—How well the proposal demonstrates that the project is broadly supported by the coastal management community, that a broad group of end users, including coastal managers and constituent groups, will contribute to design and assembly of products; that a broad group of coastal managers and other end users will use the products; and that the knowledge and expertise of the cooperator and partners will be effectively leveraged.

5. Cost Efficiency (10 points)—How well the proposal demonstrates that the budget is commensurate with project needs and that the partnerships employed will improve the overall cost effectiveness of the project and value of the products. There is no requirement for cost sharing.

Selection Schedule

Proposals will be reviewed once during the year. The following schedule lists the dates for the project selection and award process for grants. Proposal Deadline (with completed grant package)—January 11, 2002. Earliest Approximate Grant Start Date August 1, 2002. NOTE: The deadline is close of business, 5:00 PM Eastern time, on the date identified. Receipt of proposal and grant package (with original signatures) will be time stamped.

Funding Availability

Specific funding available for awards will be finalized after NOAA funds for FY2002 are appropriated and made available. Total funding available under this announcement for projects to scope, develop and test prototype coastal management decision-making tools and information products will be between $100,000 and $200,000. Publication of this notice does not obligate NOAA to fund any specific grant or to award all or any part of the available funds.

Cost Sharing

There is no requirement for cost sharing in response to these guidelines. However, proposals that include cost sharing or other in-kind resources will likely score highly under the criteria on cost efficiency above.

Eligibility Criteria

Applications for projects under this announcement may be submitted, in accordance with the procedures set forth in these specific guidelines, by any regional, state or local government

agency; college or university; nonprofit organization; cooperative research unit; or private sector firm. Other federal agencies or institutions are not eligible to receive federal assistance under this notice but may be project partners.

Authority

Statutory authority for these programs is provided under 16 U.S.C. 1456c (Technical Assistance); and 15 U.S.C. 1540 (Cooperative Agreements).

General Information for all Programs

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 01, 2001 (66 FR 49917), are applicable to this solicitation.

The recipients must comply with Executive Order 12906 regarding any and all geospatial data collected or produced under grants or cooperative agreements. This includes documenting all geospatial data in accordance with the Federal Geographic Data Committee Content Standard for digital geospatial data.

Classification

This action has been determined to be not significant for purposes of Executive Order 12866.

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act (APA) or any other law for this notice concerning grants, cooperative agreements, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act (RFA).

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number. The use of the standard grants application package referred to in this notice involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 have been approved by OMB under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

Dated: October 5, 2001.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–25776 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–ET–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 001214350–1240–02, I.D. 082701G]

RIN 0648–ZB08

Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative (MARFIN)

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

ACTION: Notice of solicitation for applications.

SUMMARY: Subject to the availability of funds, NMFS (hereinafter referred to as ''we'' or ''us'') announces the availability of Federal assistance under the Marine Fisheries Initiative (MARFIN) Grant Program. This announcement provides guidelines, evaluation criteria and selection procedures for the program.

Under the MARFIN program, we provide financial assistance for research and development projects that optimize the use of fisheries in the Gulf of Mexico and off the South Atlantic States of North Carolina, South Carolina, Georgia, and Florida involving the U.S. fishing industry (recreational and commercial), including fishery biology, resource assessment, socio-economic assessment, management and conservation, selected harvesting methods, and fish handling and processing.

DATES: We must receive your application by close of business (5 p.m. eastern daylight time on December 14, 2001. Applications received after that time will not be considered for funding.

ADDRESSES: You can obtain an application package from, and send your completed applications(s) to: Ellie Francisco Roche, Chief, State/Federal Liaison Office, Southeast Regional Office, NMFS, 9721 Executive Center Drive, N., St. Petersburg, FL 33702. You may also obtain the application package from the MARFIN Home Page at: http://caldera.sero.nmfs.gov/grants/programs/marfin.

You must submit one signed original and nine signed copies of the completed application (including supporting information). We will accept neither facsimile applications, nor electronically forwarded applications.

FOR FURTHER INFORMATION CONTACT: Ellie Francisco Roche, Chief, State/Federal Liaison Office, (727) 570–5324.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

MARFIN is a competitive Federal assistance program that funds projects seeking to optimize research and development benefits from U.S. marine fishery resources through cooperative efforts involving the best research and management talents to accomplish priority activities. Projects funded under MARFIN provide answers for fishery needs covered by the NMFS Strategic Plan, available from the Southeast Regional Office (see **ADDRESSES**), particularly those goals relating to: rebuilding over-fished marine fisheries, maintaining currently productive fisheries, and integrating conservation of protected species and fisheries management. Areas of emphasis for MARFIN are formulated from recommendations received from non-Federal scientific and technical experts and from NMFS' research and operations officials.

B. Funding

We are soliciting applications for Federal assistance pursuant to 15 U.S.C. 713c-3(d). This document describes how you can apply for a grant or cooperative agreement under the MARFIN Grant Program and how we will determine which applications we will fund.

Approximately $2.0 million may be available in fiscal year (FY) 2002 for funding projects. This amount includes possible in-house projects and $750,000 for 1-year projects for red snapper research. (See II. Funding Priorities.) Publication of this notice obligate's neither NMFS to award any specific grant or cooperative agreement nor all or any parts of the available funds.

Project proposals accepted for funding for a project period over 1 year that include multiple project components and severable tasks to be funded during each budget period do not compete for funding in subsequent budget periods within the approved project period. However, funding for subsequent project components is contingent upon the availability of funds and satisfactory performance and is at the sole discretion of the agency.

C. Catalog of Federal Domestic Assistance

This program is described in the ''Catalog of Federal Domestic Assistance'' under program number 11.433, Marine Fisheries Initiative (MARFIN).

II. Funding Priorities

Your proposal must address one of the priorities listed below as they pertain to federally managed species or species relevant to Federal fisheries management. If you select more than one priority, you should list first on your application the priority that most closely reflects the objectives of your proposal.

Highest consideration is given to funding projects that have the greatest probability of recovering, maintaining, improving, or developing fisheries; improving the understanding of factors affecting recruitment success; and/or generating increased values and recreational opportunities for fisheries. Projects are evaluated as to the likelihood of achieving these objectives, with consideration of the magnitude of the eventual economic or social benefits that may be realized. Priority is given to funding projects in the subject areas listed in this section, but proposals in other areas are considered on a funds-available basis. There is no preference between short-term and long-term projects.

A. Bycatch

The bycatch of biological organisms (including interactions with sea turtles and marine mammals) by various fishing gears can have wide-reaching impacts from a fishery's management and an ecological standpoint, with the following major concerns:

1. *Shrimp trawl fisheries.* Studies are needed to contribute to the regional shrimp trawl bycatch program (including the southern U.S. Atlantic rock shrimp fishery) being conducted by NMFS in cooperation with state fisheries management agencies, commercial and recreational fishing organizations and interests, environmental organizations, universities, Councils, and Commissions. Specific guidance and research requirements are contained in the Cooperative Bycatch Plan for the Southeast, available from NMFS (see **ADDRESSES**). In particular, the studies should address:

(a) Data collection and analyses to expand and update current bycatch estimates, temporally and spatially emphasizing areas of greatest impact by shrimping. Sampling effort should include estimates of numbers, weight, and random samples of size (age) structure of associated bycatch complex, with emphasis on those overfished species under the jurisdiction of the Councils. Date collection should also include mortality, age, and length information for red drum in both inshore and offshore shrimp fisheries.

(b) Assessment of the status and condition of fish stocks significantly impacted by shrimp trawler bycatch, with emphasis given to overfished species under the jurisdiction of the Councils. Other sources of fishing and nonfishing mortality should be considered and quantified as well.

(c) Identification, development, and evaluation of gear, non-gear, and tactical fishing options to reduce bycatch.

(d) Improved methods for communicating with and improving technology and information transfer to the shrimp industry.

(e) Development and evaluation of statistical methods to estimate the bycatch of priority management species in the Gulf and South Atlantic shrimp trawl fisheries.

2. *Pelagic longline fisheries.* Several pelagic longline fisheries exist in the Gulf and South Atlantic, targeting highly migratory species, such as tunas, sharks, and swordfish. Priority areas include:

(a) Development and evaluation of gear and fishing tactics to minimize bycatch of undersized and unwanted species, including sea turtles, marine mammals, billfish, and overfished finfish species/stocks.

(b) Assessment of the biological impact of longline bycatch on related fisheries.

3. *Reef fish fisheries.* The reef fish complex is exploited by a variety of fishing gear and tactics. The following research on bycatch of reef fish species is needed:

(a) Development and evaluation of gear and fishing tactics to minimize the bycatch of undersized and unwanted species, including sea turtles and marine mammals.

(b) Characterization and assessment of the impact of bycatch of undersized target species, including release mortality, during recreational fishing and during commercial longline, bandit gear and trap fishing.

(c) Determination of the release mortality by depth of red snapper caught on commercial bandit rigs that are electrically or hydraulicly powered.

4. *Finfish trawl fisheries.* Studies are needed on quantification and qualification of the bycatch in finfish trawl fisheries, such as the flounder and fly-net fisheries in the South Atlantic.

5. *Gillnet fisheries.* Studies are needed on quantification and qualification of the bycatch in coastal and shelf gillnet fisheries for sciaenids, scombrids, bluefish, monkfish, and dogfish sharks of the South Atlantic and Gulf of Mexico (particularly interaction with sea turtles and marine mammals). Development and evaluation of gear and fishing tactics to minimize bycatch of undersized and non-target species, including marine mammals and sea turtles, is also needed.

6. *Economic considerations of bycatch reduction.* (a) Develop and test models, using actual or hypothesized data, that explicitly consider the economic impacts to the directed fishery and gains to the bycatch fishery. The models should include the effects of the management systems for the directed and bycatch fisheries and should attempt to describe criteria for the correct level of bycatch reduction (e.g., marginal cost and value of reduction are equal).

(b) Develop economic incentives and other innovative alternatives to gear and season/area restrictions as ways to reduce bycatch. The proposal should attempt to contrast the relative costs, potential gains, and level of bycatch reduction associated with traditional methods and any innovative alternatives addressed by the proposal.

(c) Describe the costs and returns performance of South Atlantic and Gulf of Mexico shrimp fisheries as necessary background for the economics of bycatch reduction. (See Section V.C.1., regarding collection of information.)

B. Reef Fish

Some species within the reef fish complex are exhibiting signs of being overfished, either because of directed efforts or because of being the bycatch of other fisheries. The ecology of reef fish makes them vulnerable to overfishing, because they tend to concentrate over specific types of habitat with patchy distribution. This behavior pattern can make traditional fishery statistics misleading. Priority research areas include:

1. *Collection of basic biological data for species in commercially and recreationally important fisheries.* (a) *Age and growth of reef fish.* (1) Description of age and growth patterns, especially for red, vermilion, gray, and cubera snappers; gray triggerfish; gag; black grouper; hogfish; red porgy; and other less dominant forms in the management units for which data are lacking.

(2) Contributions to the development of annual age-length keys and description of age structures for exploited populations for all species in the complex addressed in the Reef Fish and Snapper/Grouper Management Plans for the Gulf and South Atlantic, respectively, prioritized by importance in the total catch.

(3) Design of sampling systems to provide a production-style aging program for the reef fish fishery. Effective dockside sampling programs are needed over a wide geographic range, especially for groupers, to collect information on reproductive state, size, age, and sex.

(b) *Reproduction studies of reef fish.* (1) Maturity schedules, fecundity, and sex ratios of commercially and recreationally important reef fish, especially gray triggerfish, gag, and red porgy in the Gulf and South Atlantic.

(2) Studies of all species to characterize the actual reproductive contribution of females by age.

(3) Identification and characterization of spawning aggregations by species, area, size group and season.

(4) Effects of fishing on changes of sex ratios for gag, red grouper, and scamp, and disruption of aggregations.

(5) Investigations of the reproductive biology of gag, red grouper and other grouper species.

(c) *Recruitment of reef fish.* (1) Source of recruitment in Gulf and South Atlantic waters, especially for snappers, groupers, and amberjacks.

(2) Annual estimation of the absolute or relative recruitment of juvenile gag, gray snapper, and lane snapper to estuarine habitats off the west coast of Florida and to similar estuarine nursery habitats along the South Atlantic Bight; development of an index of juvenile gag recruitment for the South Atlantic based on historical databases and/or field studies.

(3) The contribution of live-bottom habitat and habitat areas of particular concern (*Oculina* banks) off Fort Pierce, Florida and off west central Florida to reef fish recruitment.

(d) *Stock structure of reef fish.* (1) Movement and migration patterns of commercially and recreationally valuable reef fish species, especially gag in the Gulf and South Atlantic and greater amberjack between the South Atlantic and Gulf.

(2) Biochemical/immunological and morphological/meristic techniques to allow field separation of lesser amberjack, almaco jack, and banded rudderfish from greater amberjack to facilitate accurate reporting of catch.

(3) Stock structure of greater amberjack in the Gulf and South Atlantic.

(4) Fishery dependent and fishery independent data of wreakfish from the eastern North Atlantic.

2. *Population assessment of reef fish.* (a) Effect of reproductive mode and sex change (protogynous hermaphroditism) on population size and characteristics, with reference to sizes of fish exploited in the fisheries and the significance to proper management.

(b) Source and quantification of natural and human-induced mortalities, including release mortality estimates for charter boats, headboats, and private recreational vessels, especially for red snapper and the grouper complex.

(c) Determination of the habitat and limiting factors for important reef fish resources in the Gulf and South Atlantic.

(d) Description of habitat and fish populations in the deep reef community and the prey distributions supporting the community.

(e) Development of statistically valid indices of abundance for important reef fish species in the South Atlantic and Gulf, especially red grouper, Goliath grouper, speckled hind, red porgy, Warsaw grouper and Nassau grouper.

(f) Assessment of tag performance on reef fish species, primarily snappers and groupers. Characteristics examined should include shedding rate, effects on growth and survival, and ultimately, the effects of these characteristics on estimations of vital population parameters.

(g) Stock assessments to establish the status of major recreational and commercial species. Innovative methods are needed for stock assessments of aggregate species, including the effect of fishing on genetic structure and the incorporation of sex change for protogynous hermaphrodites into stock assessment models.

(h) Assessment of Florida Bay recovery actions on reef fish recruitment and survival.

3. *Management of reef fish.* (a) Research in direct support of management, including catch-and-release mortalities, by gear and depth.

(b) Evaluation of the use of marine reserves as an alternative or supplement to current fishery management practices and measures for reef fish. Studies should focus on the Experimental Oculina Reef Reserve, the Florida Keys National Marine Sanctuary, as well as on the identification of prime sites for the establishment of reserves in the U.S. south Atlantic and Gulf of Mexico.

(c) Characterization and evaluation of biological impacts (e.g., changes in age or size structure of reef fish populations in response to management strategies).

(d) Evaluation of vessel log data for monitoring the fishery and for providing biological and economic information for management; and methods for matching log data to Trip Information Program samples for indices of effort.

(e) For the U.S. Caribbean, collection of economic cost and returns data sufficient to evaluate management proposals to limit the use of fish and/or lobster traps. (See Section V.C.1., regarding collection of information.)

(f) Determine the value and economic impact of recreational angling in the headboat fishery of the U.S. Caribbean. This will require the use of data to generate recreational demand equations for trips in general and for various key species. Economic impact assessment will require the collection of appropriate expenditure data and imputation using standard impact assessment software. (See Section V.C.1., regarding collection of information.)

C. Red Snapper Research

The Sustainable Fisheries Act of 1996 required the Secretary of Commerce to conduct a thorough and independent evaluation of the scientific and management basis for conserving and managing the red snapper fishery. NMFS has developed a research plan to improve the management of red snapper to address this requirement. The research priorities below are based on this research plan.

1. *Red snapper bycatch.* The bycatch of red snapper can have significant impacts from a fisheries management and ecological standpoint. Research on bycatch of red snapper should focus on the following:

(a) *Shrimp trawl bycatch of red snapper.* Specific guidance and research requirements are contained in the Cooperative Bycatch Plan for the Southeast, available from NMFS (see). Studies are needed to address:

(1) Identification, development, and evaluation of gear, non-gear, and tactical fishing options to reduce bycatch of red snapper.

(2) Development and evaluation of statistical methods to estimate the bycatch mortality of red snapper in the Gulf shrimp trawl fisheries.

(3) Studies of the survival rates of juvenile red snapper that escape shrimp trawls through bycatch reduction devices (BRDs).

(b) *Directed red snapper fisheries.* The reef fish fishery is exploited by a variety of fishing gear and tactics. The following research on regulatory discards is needed to better evaluate the effectiveness of management measures such as minimum size limits and closed seasons:

(1) Development and evaluation of gear and fishing tactics to minimize the bycatch of or increase the survival of discarded red snapper and other reef fish species.

(2) Characterization and assessment of the impact of bycatch of undersized reef fish species, including release mortality,

during recreational and commercial fishing. Research on the catch-and-release mortality of red snapper and other reef fish species, by gear (e.g., capture by commercial bandit rigs that are electrically or hydraulicly powered), fishery (e.g., headboat, private boat, charter boat, commercial), and depth. Studies are needed to specifically relate ''sink or swim'' data, which can be obtained through observer programs, with long-term survival rates.

(3) Research to document predation rates on discarded red snapper and other reef fish species.

(c) *Economic considerations of bycatch reduction*. (1) Develop and test models, using actual or hypothesized data, that explicitly consider the costs and gains of bycatch reduction. The models should include the effects of the management systems for the directed and bycatch fisheries and should attempt to describe criteria for the correct level of bycatch reduction (e.g., marginal cost and value of reduction are equal). Studies should evaluate alternatives to bycatch reduction devices (BRDs).

(2) Develop economic incentives and other innovative alternatives to gear and season/area restrictions as ways to reduce bycatch. The proposal should attempt to contrast the relative costs, potential gains, and level of bycatch reduction associated with traditional methods and any innovative alternatives addressed by the proposal.

(3) Develop and apply methodology to evaluate the use of bycatch quotas for all fisheries but particularly with respect to red snapper bycatch in the shrimp fishery.

2. *Red snapper biological information*. Collection of basic biological data on red snapper.

(a) Contributions to the development of annual age-length keys and description of the age structure of red snapper populations.

(b) Design of sampling systems to provide a production-style aging program for the red snapper fishery. Effective dockside sampling programs are needed over a wide geographic range to collect information on reproductive state, size, age, and sex.

(c) Reproduction studies of red snapper.

(1) Maturity schedules, fecundity, and sex ratios of red snapper.

(2) Studies to characterize the actual reproductive contribution of females by age.

(d) Identification of sources of recruitment of red snapper in Gulf waters.

3. *Red snapper population assessment*. (a) Determination of the habitat and limiting factors for important red snapper populations in the Gulf.

(b) Estimates of red snapper abundance, age structure and population dynamics on oil platforms and other artificial structures.

4. *Management of red snapper*. (a) Characterization and evaluation of biological impacts (e.g., changes in age or size structure of red snapper populations in response to management strategies).

(b) Research to evaluate the use of minimum size limits as a management tool in the red snapper fishery.

(c) Research to collect economics data on Texas anglers since Texas does not participate in the Marine Recreational Fisheries Statistics Survey (MRFSS. Data requirements include those identified in the MRFSS add-on economic survey developed by NMFS. (See Section V.C.1., regarding collection of information.)

(d) Research to develop bioeconomic models to optimize allocations and benefits derived from the red snapper resource.

D. Coastal Migratory Pelagic Fisheries

The commercial and recreational demand for migratory coastal pelagics has led to overfishing for certain species. Additionally, some are transboundary with Mexico and other countries and may ultimately demand international management attention. Current high priorities include:

1. Recruitment indices for king and Spanish mackerel, cobia, dolphin, wahoo, and bluefish, primarily from fishery-independent data sources.

2. Fishery-independent methods of assessing stock abundance of king and Spanish mackerel.

3. Release mortality data for all coastal pelagic species.

4. Improved catch statistics for all species in Mexican waters, with special emphasis on king mackerel, dolphin, and wahoo. This includes length-frequency and life history information.

5. Information on populations of coastal pelagics overwintering off the Gulf of Mexico and the South Atlantic States of North Carolina, South Carolina, Georgia, and Florida, especially concerning population size, age, and movement patterns. Calculate the mixing rates for Atlantic/Gulf king mackerel on an annual basis.

6. Development of a practical method for aging dolphin.

7. Basic biostatistics for cobia, dolphin, and wahoo to develop age-length keys and maturation schedules for stock assessments and to evaluate stock structures.

8. Impact of bag limits on total catch and landings of king and Spanish mackerel, dolphin, wahoo, and cobia.

9. Demand and/or supply functions for the commercial king mackerel fisheries, including baseline cost and return data. Cooperative efforts that cover the entire Southeast and employ common methodologies for all geographic areas are strongly encouraged.

E. Groundfish and Estuarine Fishes

Substantial stocks of groundfish and estuarine species occur in the Gulf and South Atlantic. Most of the database for assessments comes from studies conducted by NMFS and state fishery management agencies. Because of the historical and current size of these fish stocks, of their importance as predator and prey species, and of their current or potential use as commercial and recreational fisheries, more information on their biology and life history is needed. General research needs are:

1. *Red drum*. (a) Size and age structure of the offshore adult stock in the Gulf and South Atlantic.

(b) Life history parameters and stock structure for the Gulf and the South Atlantic: Migratory patterns, long-term changes in abundance, growth rates, and age structure. Specific research needs for Atlantic red drum are estimates of fecundity as a function of length and weight and improved coast-wide coverage for age-length keys.

(c) Catch-and-release mortality rates from inshore and nearshore waters.

(d) Estimates of absolute abundance of red drum in the Gulf of Mexico and the Atlantic.

2. Life history and stock structure for weakfish, menhaden, spot, croaker, flounder, sheepshead, black drum, mullet, and white trout in the Gulf and the South Atlantic. Migratory patterns, long-term changes in abundance, growth rates, and age structure and comparisons of the inshore and offshore components of recreational and commercial fisheries.

3. Improved catch-and-effort statistics from recreational and commercial fisheries, including development of age-length keys for size and age structure of the catch, to develop production models. (See Section V.C.1., regarding collection of information.)

4. Abundance and distribution information on spiny dogfish off the coast of North Carolina, and particularly southern North Carolina.

5. Restoration of access to historical habitat for diadromous fish. Study, design, and plan installation of up and downstream fish passage facilities or removal of migratory obstructions.

Construct fish passages and remove obstructions. Conduct post construction evaluation of effectiveness in restoring habitat access and fish stocks.

F. Essential Fish Habitat

1. Determine the effects of fishing gears (e.g., trawls and traps) and practices (e.g., gear retrieval and anchoring) on essential fish habitat (EFH), with emphasis on benthic habitats within the EEZ of the Caribbean, southern U.S. Atlantic, and Gulf of Mexico regions.

2. Develop scientific data to allow the identification and refinement, as appropriate, of EFH designations for the various life stages of Federally managed species.

3. Develop scientific data to allow the identification and refinement, as appropriate, of Habitat Areas of Particular Concern (HAPC) designation for the various life stages of Federally managed species.

4. Develop GIS mapping protocols and tools to allow the presentation of EFH, HAPC, fishery distribution information, and other relevant data for the southeastern United States, including Puerto Rico and the U.S. Virgin Islands.

G. General

Many other areas of research including methods for data collection, management, analysis, and better conservation, need to be addressed for improved understanding and management of fishery resources. Examples of such research needs include:

1. Identification and profiling of fishing communities, characterization of community dependence upon fishery resources and demographics of the families dependent on fishing or fishing related businesses in the Gulf of Mexico and U.S. Caribbean. Focus should be on identification of all types of fishery dependency including commercial harvest, recreational harvest, processing, support and supply, etc. The degree of dependence on specific sectors and species should be identified. (See Section V.C.1., regarding collection of information.)

2. Development of improved methods and procedures for transferring technology and educating constituency groups concerning fishery management and conservation programs. Of special importance are programs concerned with controlled access and introduction of conservation gear.

3. Design and evaluation of innovative approaches to fishery management with special attention given to those approaches that control access to specific fisheries.

4. Examination of the feasibility and efficacy of license buy-back programs.

5. Social, cultural, and /or economic aspects of establishing fishery reserves. Studies should employ accepted data collection methods and should include consumptive users, non-consumptive users, and persons not dependent on use of marine resources. Various management alternatives should be considered in the studies, e.g., exclude all users, all consumptive users, size of reserve, anchoring rules, or any other relevant management tools. (See Section V.C.1., regarding collection of information.)

6. Design and evaluation of limited access options for the red snapper and king mackerel recreational fisheries with specific emphasis on modes of fishing and jurisdictional issues.

7. Estimation of demand models for recreational fishing trips when the target species include a single species, an aggregate of related species, or all species combined. Studies using new data from the Southeast economics add-on to Marine Recreational Fisheries Statistics Survey are highly encouraged. Priority species include red drum Spanish mackerel, red grouper, wahoo, and dolphin.

8. Sociocultural survey of commercial fishing in the Florida Keys. Proposals should address all fishing enterprises including potential sociocultural effects of large marine reserves in the Tortugas area. (See Section V.C.1., regarding collection of information.)

9. Studies to evaluate the value of non-consumptive uses of marine resources, especially as related to diving activities and marine reserves.

10. Examination and comparison of the expected economic and social impacts of fisheries regulations with realized impact for all regulated species. Attempts should be made to identify and isolate behavioral causes of divergence as opposed to environmental causes. (See Section V.C.1., regarding collection of information.)

11. Examination of the motivational causes that determine fishing behavior, both commercial and recreational. For the commercial sector, including the operation side of the for-hire industry, specific attention should be given to whether profit maximization is an appropriate motivational assumption for fishing behavior. (See Section V.C.1., regarding collection of information.)

12. Determination of the recreational value and economic impact of the headboat fishery in the Southeast. This will require the use of collected data to generate recreational demand equations for trips in general and for various key species. Economic impact assessment will require the collection of appropriate expenditure data and imputation using standard impact assessment software. (See Section V.C.1., regarding collection of information.)

13. Evaluation of the extent and impact of recreational sales (all species) on recreational harvests, commercial closures and demand for recreational fishing. (See Section V.C.1., regarding collection of information.)

14. Identification of options for the economic affects of effort control/ limited access in the recreational fishery. (See Section V.C.1., regarding collection of information.)

15. Evaluation of the issue of fishing opportunity being transferred from commercial to recreational or conservation sectors under a transferable rights program. (See Section V.C.1., regarding collection of information.)

16. Evaluation of the recreational harvest of spiny lobster and queen conch in the U.S. Caribbean. (See Section V.C.1., regarding collection of information.)

III. How to Apply

A. Eligibility

To apply for grants or cooperative agreements, you must follow the instructions in this document. Eligible applicants include institutions of higher education, hospitals, other nonprofits, commercial organizations, and state, local and Indian tribal governments. Federal agencies or institutions are not eligible. Foreign governments, organizations under the jurisdiction of foreign governments, and international organizations are excluded for purposes of this solicitation since the objective of the MARFIN program is to optimize research and development benefits from U.S. marine fishery resources. (See A. Background.)

We are strongly committed to broadening the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities in its educational and research programs. DOC/NOAA's goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC/NOAA encourages all

applicants to include meaningful participation of MSIs.

B. Duration and Terms of Funding

We will award grants or cooperative agreements for a maximum period of up to three years, consisting of one, two, or three budget periods. The award period depends upon the duration of funding requested in the application, the decision of the NMFS selecting official on the amount of funding, the results of post-selection negotiations between the applicant and NOAA officials, and pre-award review of the application by NOAA and Department of Commerce (DOC) officials. Normally, each project budget period is 12 months in duration.

C. Cost Sharing

Cost-sharing is not required for the MARFIN program. Applications must provide the total budget necessary to accomplish the project, including contributions and/or donations. Because 15 U.S.C. 713c-3(c)(4)(B) provides that the amount of Federal funding must be at least 50 percent of the estimated cost of the project, the total costs shown in the proposal will be evaluated for appropriateness according to the administrative rules, including 15 CFR Part 14.23 and 15 CFR Part 24.24, as appropriate. If an applicant chooses to cost-share, and if that application is selected for funding, the applicant is bound by the percentage of the cost share reflected in the grant or cooperative agreement award. *Note*: Costs incurred in either the development of a project or the financial assistance application, or time expended in any subsequent discussions or negotiations prior to the award, are neither reimbursable nor recognizable as part of the recipient's cost share.

D. Application Format and Requirements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), are applicable to this solicitation. Your application must be complete and must follow the format described in the MARFIN Application Package. The standard forms in a MARFIN application include the MARFIN Project Budget and the MARFIN Project Summary. Applicants should contact the NMFS Southeast Regional Office for a copy of this solicitation's MARFIN Application Package (see **ADDRESSES**). You may also obtain the application package from the MARFIN Home Page at: http://caldera.sero.nmfs.gov/grants/programs/marfin.htm.

Project applications must identify the principal participants, and include copies of any agreements describing the specific tasks to be performed by participants. Project applications should give a clear presentation of the proposed work, the methods for carrying out the project, its relevance to managing and enhancing the use of Gulf of Mexico and/or South Atlantic fishery resources, and cost estimates as they relate to specific aspects of the project. Budgets must include a detailed breakdown, by category of expenditures, with appropriate justification for both the Federal and non-Federal shares.

Applications should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multi-disciplinary. In addition to referencing specific area(s) of special interest, proposals should state whether the research applies to the Gulf of Mexico only, the South Atlantic only, or to both areas. Successful applicants may be required to collect and manage data in accordance with standardized procedures and formats approved by NMFS and to participate with NMFS in specific cooperative activities that are determined by consultations between NMFS and successful applicants before project grants are awarded. All applications must include funding for the principal investigator to participate in an annual MARFIN Conference in Tampa, FL at the completion of the project.

Applications must be one-sided and unbound. All incomplete applications are returned to the applicant. Ten copies (one original and nine copies) of each application are required and should be submitted to the NMFS Southeast Regional Office, State/Federal Liaison Office (see **ADDRESSES**). The Office of Management and Budget (OMB) has approved 10 copies, under OMB Control No. 0648-0175.

E. Indirect Costs

The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 25 percent of the Federal share of the total proposed direct costs dollar amount in the application, whichever is less. A copy of the current, approved, negotiated Indirect Cost Agreement with the Federal Government must be included with the application.

IV. Screening, Evaluation, and Selection Procedures

A. Initial Screening of Applications

When we receive applications we will screen them to ensure that they were received by the deadline date (see DATES); include SF 424 signed and dated by an authorized representative; were submitted by an eligible applicant; address one of the funding priorities for federally managed species; and include a budget, statement of work, and milestones, and identify the principal investigator. Before the deadline, you have the opportunity to correct any deficiencies in your application. After the deadline, the application must remain as submitted; no changes can be made to it. If your application does not conform to these requirements and the deadline for submission has passed, the application is returned without further consideration.

We do not have to screen applications before the submission deadline, nor do we have to give you an opportunity to correct any deficiencies that cause your application to be rejected.

B. Evaluation of Proposed Projects

1. *Technical evaluation*. Applications responsive to this solicitation will be evaluated by three or more appropriate private and public sector experts to determine their technical merit. These reviewers will provide individual evaluations of the proposals. No consensus advice will be given. These reviewers provide comments and assign scores to the applications based on the following criteria, with the weights shown in parentheses:

a. Does the proposal have a clearly stated goal(s) with associated objectives that meet the needs outlined in the project narrative? (30 points maximum)

b. Does the proposal clearly identify and describe, in the project outline and statement of work, scientific methodologies and analytical procedures that will adequately address project goals and objectives? (30 points maximum)

c. Do the principal investigators provide a realistic timetable to enable full accomplishment of all aspects of the research? (20 points maximum)

d. How effective are the proposed methods in enabling the principal investigators to maintain stewardship of the project performance, finances, cooperative relationships, and reporting requirements? (10 points maximum)

e. Does the budget appropriately allocate and justify costs? (10 points maximum)

2. *Scientific Panel*. Applications together with the technical reviewers'

comments and scores are presented to a Scientific Panel composed of NMFS scientific experts. This panel provides comments and rates each proposal as either ''Recommended for Funding'' or ''Not Recommended for Funding'' based on merits of the science, the necessity of the information that would be gained by the project, and the likelihood of assisting industry or fisheries management.

3. *MARFIN Panel*. Proposals that are ''Recommended for Funding'' by the Scientific Panel are presented to a panel of non-NOAA fishery experts known as the MARFIN Panel. Each member of the MARFIN Panel individually considers if needs of the Agency are addressed in each proposal, if the project assists industry, and if the project addresses issues that are important to regional fisheries management. The individuals on the MARFIN Panel provide comments and rate each of these proposals as either ''Recommended for Funding'' or ''Not Recommended for Funding.'' No consensus advice will be given by the panel. The Program Manager ranks the proposals in the order of preferred funding, based on the number of MARFIN Panel members recommending the proposal for funding.

4. *Regional Administrator*. The proposals reviewed by the MARFIN Panel are ranked by the Program Manager in the order of preferred funding, based on the number of MARFIN Panel members recommending the proposal for funding, then provided to the Regional Administrator, who is the selecting official. The Regional Administrator also receives the MARFIN Panel members' individual comments, and comments from the Scientific Panel for projects it rated as ''Recommended for Funding.''

The Regional Administrator, in consultation with the Assistant Administrator for Fisheries, determines the projects to be funded. Though rarely used, the Regional Administrator has an option to make a selection that falls outside the MARFIN Panel's order of preferred funding on the following grounds: for geographic diversity, if not enough projects have addressed a priority, or because of duplication with other funded grants within NOAA. The Regional Administrator will justify in writing any such selection.

The exact amount of funds awarded, the final scope of activities, the project duration, and specific NMFS cooperative involvement with the activities of each project are determined in pre-award negotiations between the applicant, the NOAA Grants Office and the NMFS Program Office. Projects must not be initiated by recipients until a signed award is received from the NOAA Grants Office. Successful applications generally are recommended within 210 days from the date of publication of this notice. The earliest start date of awards average 90 days after each project is selected and after all NMFS/applicant negotiations of cooperative activities have been completed. The earliest start date of awards is about 300 days after the date of publication of this notice. Applicants should consider this selection and processing time in developing requested start dates for their applications.

V. Administrative Requirements

A. Your Obligations as an Applicant

You must:

1. Meet all application requirements and provide all information necessary for the evaluation of the proposal, including one signed original and nine signed copies of the application.

2. Be available to respond to questions during the review and evaluation of the proposal(s).

B. Your Obligations as a Successful Applicant (Recipient)

If you are selected to receive a grant award for a project, you must:

1. Manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

2. Keep records sufficient to document any costs incurred under the award, and allow access to these records for audit and examination by the Secretary of Commerce, the Comptroller General of the United States, or their authorized representatives; and, submit financial status reports (SF 269) to NOAA Grants in accordance with the award conditions.

3. Submit semiannual project status reports on the use of funds and progress of the project to us within 30 days after the end of each 6-month period. You will submit these reports to the individual identified as the NMFS Program Officer in the funding agreement.

4. Submit a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work you performed and the results and benefits in sufficient detail to enable us to assess the success of the completed project.

5. In addition to the final report, we request that you submit any publications printed with grant funds (such as manuals, surveys, etc.) To the NMFS Program Officer for dissemination to the public.

We are committed to using available technology to achieve the timely and wide distribution of final reports to those who would benefit from this information. Therefore, you are required to submit final reports in electronic format, in accordance with the award terms and conditions, for publication on the NMFS MARFIN Home Page. You may charge the costs associated with preparing and transmitting your final reports in electronic format to the grant award.

We will provide you with OMB-approved formats for the semiannual and final reports.

C. Other Requirements of Recipients

If a grant is made that specifically requires the collection of information from the public, the grantee is responsible for preparing the documentation necessary to obtain Paperwork Reduction Act (PRA) approval prior to the start of the collection. This approval process takes a minimum of 4 months. This provision especially applies to priorities A.6.(c), B.3.(e), B.3.(f), C.4.(c), E.3., G.1., G.5., G. 8., G.10., G.11., G.12., G.13., G.14., G.15., and G.16. Information on the PRA process can be found at the following Web site address: www.rdc.noaa.gov@pra.

Applications under this program are subject to the provisions of Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, SF-LLL, and SF-424B have been approved by OMB under the respective control numbers 0348-0043, 0348-0046 and 0348-0040. The other application requirements and the semi-annual and final reports have

been approved by OMB under control number 0648-0175. Public reporting burden for the latter collections of information is estimated to average 4 hours for an application, 1 hour for a semi-annual report, and 1 hour for a final report. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing this burden, to Ellie Francisco Roche (see **ADDRESSES**).

Authority: 15 U.S.C. 713c-3(d).

Dated: October 5, 2001.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–25902 Filed 10–12–01; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: Consumer Safety Commission.

TIME AND DATE: Tuesday, October 16, 2001, 10 a.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the public.

MATTER TO BE CONSIDERED: *Purchaser Identification Card Program (ANPR).* The staff will brief the Commission on an advance notice of proposed rulemaking (ANPR) concerning a program that would require purchaser identification cards with certain consumer products.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207, (301) 504–0800.

Dated: October 10, 2001.

Todd A. Stewenson,

Acting Secretary.

[FR Doc. 01–25939 Filed 10–10–01; 5:03 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for Tres Rio del Norte, Pima County, AZ

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Los Angeles District intends to prepare an Environmental Impact Statement (EIS) to support the proposed study for Pima County. The Tres Rio del Norte study area is located in the upper Sonoran Desert in the Santa Cruz watershed. It includes portions of the Town Of Marana, City of Tucson, and Pima County jurisdictions, and includes upland areas around the vicinity of the Santa Cruz River between Prince Road and Moore Road. The study area will be refined during the course of the study to include appropriate areas of consideration in accordance with the general study objectives.

The proposed project involves restoration of riparian habitat along the stream courses in Pima County, providing flood protection to the City of Tucson, town of Marana and part of Pima County, also increased recreational opportunities consistent with ecosystem restoration.

ADDRESSES: Commander, U.S. Army Corps of Engineers, Attn: Joy Jaiswal, CESPL–PD–RL, Los Angeles District, Regional Planning Section, PO Box 532711, Los Angeles, CA 90053–2325

FOR FURTHER INFORMATION CONTACT: Ms. Joy Jaiswal, Environmental Manager, phone (213) 452–3871.

SUPPLEMENTARY INFORMATION:

1. Study Authority

This study would be conducted under two separate authorities provided by Congress. The first and most recent authority is provided by House Resolution 2425 (HR 2425), dated May 17, 1994. The second authority is given in Public Law 761, Seventy-fifth Congress, known as Section 6 of the Flood Control Act of 1938.

2. Proposed Action

Provide flood control, restoration of riparian habitat, and increase recreation facilities. The U.S. Army Corps of Engineers (Corps) intends to prepare a Draft EIS to assess the environmental effects associated with the proposed Tress Rio del Notre project. The Environmental Impact Statement will evaluate impacts of viable alternatives along with a No Action Alternative. Resource categories that will be analyzed in the EIS are: land use, physical environment, geology, biological agricultural, air quality, water quality, groundwater, recreational usage, esthetics, cultural resources, transportation/communications, hazardous waste, socioeconomic and safety. The public will have the opportunity to comment on this analysis before any action is taken to implement the proposed action.

3. Scoping Process

The Corps will conduct a scoping meeting prior to preparing the Environmental Impact Statement to aid in determining the significant environmental issues associated with the proposed action. The public, as well as Federal, State, and local agencies are encouraged to participate in the scoping process by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the environmental analysis. Useful information includes other environmental studies, published and unpublished data, alternatives that should be addressed in the analysis, and potential mitigation measures associated with the proposed action.

A public scoping meeting will be held in conjunction with the local sponsor to discuss the project scope and invite public participation in developing alternatives for the project. Individuals and agencies may offer information or data relevant to the environmental socioeconomic impacts by attending the public scoping meeting, or by mailing the information to the above address.

4. Public Scoping Meeting

The scoping meeting is scheduled for October 30, 2001, at 6 PM, at Coyote Trails Elementary School, 8000 North Silver Bell Road, Marana, Arizona.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–25771 Filed 12–12–01; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Notice of Intent To Prepare a Joint Environmental Impact Statement and Environmental Impact Report for Berryessa Creek, Santa Clara County, CA

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The action being taken is a General Reevaluation Report to (1) address potential improvements for the existing flood management systems, (2) investigate additional areas of flood damage reduction for Berryessa Creek, (3) evaluate methods to reduce sediment deposition in the downstream region, (4) improve recreation, and (5) integrate ecosystem restoration. The Berryessa Creek watershed is located in Santa Clara County, California, south of San Francisco Bay. Berryessa Creek is a tributary to Coyote Creek, which flows into the southern end of San Francisco Bay. The watershed is about 22 square miles in area and drains portions of the Diablo Range on the east side of the Santa Clara Valley. This study focuses on approximately 4.5 miles of Berryessa Creek.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS/EIR should be addressed to Liz Holland at (916) 557–6763 or by mail to U.S. Army Corps of Engineers, ATTN CESPK–PD–R, 1325 J Street, Sacramento, California 95814–2922.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

The U.S. Army Corps of Engineers and the Santa Clara Valley Water District are conducting a study on Berryessa Creek, which will result in a General Reevaluation Report. The study will focus on ways to improve flood damage reduction, reduce sediment load, restore the ecosystem, and add recreation opportunities. County population centers include the cities of Milpitas and San Jose.

2. Alternatives

The General Reevaluation Report will address an array of alternatives. Alternatives analyzed during the reevaluation investigation will be a combination of one or more flood damage reduction and ecosystem restoration measures. These measures include levee work, floodwalls, off-line flood and sediment storage basins, vegetation plantings along the creek, and culvert improvements and replacements.

3. Scoping Process

a. The project study plan provides for a public scoping meeting to present information to the public and to receive information from the public. The Corps has initiated a process to involve concerned individuals, and local, State, and Federal agencies.

b. Significant issues to be analyzed in depth in the EIS/EIR include appropriate levels of flood damage reduction; adverse effects on vegetation and wildlife resources, special-status species, esthetics, cultural resources, recreation, land use, fisheries, water quality, air quality, transportation, and socioeconomics, and cumulative effects of related projects in the study area.

c. The Corps will consult with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and the U.S. Fish and Wildlife Service to provide a Fish and Wildlife Coordination Act Report as an appendix to the EIS/EIR.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the EIS/EIR circulation.

4. Availability

The draft EIS/EIR is scheduled to be available for public review and comment late in calendar year 2004.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–25772 Filed 10–12–01; 8:45 am]

BILLING CODE 3710–EZ–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Nonexclusive License; MK Ballistic Systems

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy gives notice of its intent to grant MK Ballistic Systems, a revocable, nonassignable, partially nonexclusive license, with exclusive fields of use in law enforcement, explosive ordnance disposal, squibs, initiators, in the United States to practice the Government-owned invention, U.S. Patent Application Serial Number 09/678,302 entitled ''Ignitor Apparatus.''

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than October 31, 2001.

ADDRESSES: Written objections are to be filed with Indian Head Division, Naval Surface Warfare Center, Code OC4, 101 Strauss Avenue, Indian Head, MD 20640–5035.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Deiter, Head, Technology Transfer Office, Naval Surface Warfare Center Indian Head Division, Code 05T, 101 Strauss Avenue, Indian Head, MD 20640–5035, telephone (301) 744–6111.

Dated: October 3, 2001.

Robert E. Vincent II,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–25868 Filed 10–12–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 14, 2001.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the

Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: October 9, 2001.

John Tressler,

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

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: An Evaluation of the State Program Improvement Grant (SIG) Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Govt, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 108; Burden Hours: 261.

Abstract: The purpose of this data collection is to obtain relevant and credible information from an evaluation of the State Improvement Grant Program in order to (1) make mid-course programmatic improvements to the program, and (2) describe the implementation and progress of the Program to Federal officials, Congress, and other stakeholders. These data will also inform the reauthorization of the Individuals with Disabilities Education Act (IDEA). Respondents will include SIG Directors, SIG project evaluators, SEA policymakers, and SIG sub-grant directors in each of the 36 states with currently funded SIG projects.

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 Sheila Carey at (202) 708–6287 or via her internet address Sheila.Carey@ed.gov. 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. 01–25784 Filed 10–12–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Horse Heaven Wind Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: This notice announces BPA's intention to prepare an EIS on the proposed Horse Heaven Wind Project (Project), located southwest of the town of Kennewick in Benton County, Washington. Washington Winds Incorporated (Washington Winds) proposes to construct and operate the wind generation facility, which would have a generating capacity up to 225 megawatts (MW). BPA proposes to purchase about 150 MW (up to 50 average megawatts) from the Project and to provide transmission services from an existing BPA transmission line. Washington Winds would construct a transmission line approximately 13 miles long to connect the Project to an existing BPA transmission line. The EIS will identify and analyze the potential environmental impacts to various resources from the temporary construction activities and the ongoing operation of the wind generation site and proposed transmission line. Benton County will be a ''cooperating agency,'' as contemplated by the National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA).

DATES: An EIS scoping meeting will be held at the location below on October 29, 2001. Written comments are due to the address below no later than November 14, 2001.

ADDRESSES: BPA invites comments and suggestions on the scope of the EIS. Send comment letters and requests to be placed on the Project mailing list to: Communications, Bonneville Power Administration—KC–7, Attn: Horse Heaven Wind Project, P.O. Box 12999, Portland, Oregon, 97212. Comments may also be faxed to 503–230–3285 or email to *comment@bpa.gov.* Please reference the ''Horse Heaven Wind Project'' in all communications.

An EIS scoping meeting will be held at the Benton County Public Utility District (PUD) Building, 2721 West 10th Avenue in Kennewick, Washington, from 5 p.m. to 8 p.m. on October 29, 2001. At this informal meeting, information about the Project will be available from BPA environmental and engineering staff, the Project developer, and the consultant who is currently conducting bird studies on the Project site. Printed information on the Project will be available, including maps of the Project area and the location of Project elements. BPA staff will accept oral and written comments on the proposed scope of the EIS and explain how and when comments can be submitted after the meeting.

FOR FURTHER INFORMATION CONTACT: Kimberly St. Hilaire, the Environmental Project Manager, at Bonneville Power Administration—KEC–4, P.O. Box 3621, Portland, Oregon, 97208–3621, or fax 503–230–5699, telephone 503–230–5361, or email krsthilaire@bpa.gov.

SUPPLEMENTARY INFORMATION:

Background

This Project would help to alleviate the current and/or future shortage of electrical power in the Northwest. In addition, there is increased demand on the energy industry to diversify portfolios and produce energy from renewable resources. The Northwest Power Planning Council's Fourth Conservation and Electric Power Plan recommends that Northwest utilities offer green power purchase opportunities as a way to help the region integrate renewable resources into the power system. BPA is committed to power conservation and increasing its supply of renewable resources to help meet demand.

Purpose and Need of Project

BPA needs to acquire additional power generation resources, to acquire power from renewable resources, and to acquire wind generation resources. These needs arise from BPA's statutory obligations and planning directives.

The purpose of the proposed action is to:

- Protect BPA and its utility customers against risks associated with power shortages by diversifying BPA's energy supplies;
- Fulfill BPA's obligations under the Northwest Electric Power Planning and Conservation Act to acquire additional power generation resources, develop renewable energy resources, and encourage the development of renewable energy resources;
- Meet the growing customer demand for energy from renewable resources;
- Ensure consistency with the resource acquisition strategy of BPA's Business Plan EIS (DOE/EIS 0183, June 1995) and Resource Programs EIS (DOE/EIS–0162, February 1993);
- Further the objectives of the President's National Energy Policy (May 2001) to diversify energy sources by making greater use of non-hydro

renewable sources such as wind power; and

• Meet the objective in the January 2000 Strategic Plan of BPA's Power Business Line to acquire at least 150 average megawatts of new renewable resources to meet customer demand by the end of fiscal year 2006.

Proposed Action

BPA proposes to execute one or more power purchase and transmission services agreements to acquire about 150 MW (up to 50 average MW) of electrical output from the proposed Horse Heaven Wind Project. The Project would be constructed and operated by Washington Winds. It would consist of the wind generation site and the transmission line that would connect the Project to an existing BPA transmission line. Construction on the Project would begin in 2002 and the Project would operate year-round for at least 20 years.

The privately owned wind generation site where wind turbines, a substation, and other Project elements would be located is in the Horse Heaven Hills. The wind generation site is located within portions of the following Sections within Township 7 North, Range 28 East, Willamette Meridian: Sections 4, 7, 8, 9, 10, 15, 16, 17, and 18.

Land uses within and adjacent to the proposed wind generation site consist primarily of dryland wheat farming, with scattered rural residences. Farming activities could continue adjacent to Project elements during operation of the wind generation facility.

Within the wind generation portion of the Project, approximately 250 wind turbines would be arranged in rows called ''strings,'' with approximately 250 to 450 feet between turbines in each string, depending upon the turbine size and topographical features. Washington Winds is considering using turbines ranging from 900-kilowatt (kW) to 2,000-kW output each. The proposed turbines would be upwind, dual-speed turbines (*i.e.,* the rotor always faces upwind and turns at one of two constant speeds), mounted on tubular steel towers installed on a reinforced concrete foundation. These turbines would operate during wind speeds of approximately 9 to 56 miles per hour (mph). At speeds greater than approximately 56 mph, the wind turbines automatically cease operating and remain stationary until the wind speeds become slower. The height of the turbines would range from approximately 246 feet to 380 feet, depending upon the type of turbine chosen for the site. Foundations would be either caisson or pad style, ranging from approximately 15 to 50 feet in width and extending 15 to 50 feet underground, depending upon turbine size and ground conditions.

Other Project elements within the wind generation site include small pad-mounted transformers located at the base of each wind turbine tower, access roads, several meteorological towers, a substation, and an Operations and Maintenance (O&M) facility. Power from the turbines would be collected by an underground and overhead cable system that would run between turbines and turbine strings. This system would then feed into a proposed substation, located on the Project site. The fenced substation and O&M facility would each occupy approximately four acres.

A transmission line would lead from the wind generation site to an existing BPA transmission line located to the south, near the town of Plymouth, Washington. The proposed 13-mile long transmission line would be either a 230/287-kilovolt (kV) or 345-kV line, depending on which existing BPA transmission line BPA determines can accept the output of the Project.

The location of the proposed transmission line is currently under consideration. The proposed transmission line would run along or near Plymouth Road, a county road, for most of its length and would likely cross Plymouth Road several times to avoid homes, agricultural facilities, and other transmission lines. Just north of the town of Plymouth, the proposed line may veer to the west of Plymouth Road for several miles, crossing agricultural lands, before connecting to the BPA transmission line. A small tap (fenced area) would be built within the existing BPA right-of-way to connect the proposed transmission line to the existing BPA transmission line. The proposed line would be located within Townships 5, 6, and 7 North, on or near the boundary between Range 27 East and Range 28 East (located within various sections depending on the location of the line).

Process to Date

Washington Winds has applied for a conditional use permit from Benton County. Field surveys to identify bird species that utilize or fly over the site were initiated by Washington Winds in April of 2001 and are ongoing. Scoping will help identify any additional studies that should be conducted.

Proposed Alternatives for Consideration

The alternatives include the proposed action and a no-action alternative. The proposed action alternative is to execute a power purchase agreement for approximately 150 MW (up to 50 average MW) of power from the Project and transmit up to the entire 225 MW output from the project to customers over existing BPA power lines, thereby enabling construction of the Project. The no-action alternative is for BPA to not purchase and transmit any power output from the Project site, thereby not enabling construction of the Project.

Public Participation and Identification of Environmental Issues

The environmental analyses for recent wind power projects in the region have addressed potential environmental issues, including visual issues, noise levels, impacts to cultural resources, socio-economic ramifications, effects on rare plant and animal species, and impacts to wildlife, including migratory birds. BPA has established a 30-day scoping period to enable affected tribes, landowners, concerned citizens, special interest groups, local governments, State and Federal agencies, and other interested parties to comment on the scope of the EIS. Comments will assist BPA in identifying the environmental issues that should be analyzed and addressed. After the public scoping meeting, the following activities are planned in order to satisfy the requirements of NEPA:

• A Draft EIS will be developed and circulated for public review and comment.

• BPA will hold at least one public comment meeting about the Draft EIS.

• Comments on the Draft EIS will be considered and responded to by BPA in the Final EIS.

• The Final EIS is scheduled for publication in 2002.

• BPA's subsequent decision will be documented in a Record of Decision.

Issued in Portland, Oregon, on October 5, 2001.

Stephen J. Wright,

Acting Administratr and Chief Executive Officer.

[FR Doc. 01–25832 Filed 10–12–01; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application To Amend License, and Soliciting Comments, Motions To Intervene, and Protests

October 9, 2001.

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Application Type:* Request for Approval to replace turbines on two of the project's main generating units.

b. *Project No:* 459–113.

c. *Date Filed:* August 1, 2001.

d. *Applicant:* AmerenUE (dba Union Electric Company).

e. *Name of Project:* Osage Project.

f. *Location:* The Project is located on the Osage River In Benton, Camden, Miller, and Morgan Counties, Missouri. The project utilizes federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Alan Sullivan, Consulting Engineer, Osage Project, AmerenUE, One American Plaza, 1901 Chouteau Avenue, P.O. Box 66149, St. Louis, MO 63166–6149. Tel: (573) 365–9329.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Allan Creamer at (202) 219–0365 or *allan.creamer@ferc.fed.us,* or, Mr. Mohamad Fayyad at (202) 219–2665 or *mohamad.fayyad@ferc.fed.us.*

j. *Deadline for filing comments and/or motions:* (October 25, 2001).

Please include the project number (P–459–113) on any comments or motions filed.

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.

k. *Description of Filing:* AmerenUE filed a letter proposing to replace turbines on two of the Osage Project's eight main generating units. Union states that the new turbines will be more efficient and will better utilize the resource potential of the Osage River. The project's maximum hydraulic capacity will increase by about 3,000 cfs. According to AmerenUE, it will not exceed the project's current maximum tailwater level obtained under the current license.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may also be viewed on the web at *http://www.ferc.gov.html* 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 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 Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–25778 Filed 10–12–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM01–12–000]

Electricity Market Design and Structure; Notice of Workshop Organization and Agenda

October 5, 2001.

As announced in the Notice of Workshops issued on September 28, 2001, a series of commissioner-led workshops is scheduled for October 15 through October 19, 2001. The workshops will begin at 10:00 a.m., in the Commission meeting room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. The purpose of the workshops is to discuss core issues related to the development of efficient electric markets in an era in which electric transmission systems will be operated by Regional Transmission Organizations.

The workshops are open for the public to attend. An agenda with workshop speakers is appended as Attachment A.

Although the Commission will specifically solicit public input in the rulemaking process that is likely to result from the workshops, those who wish to comment now may file written comments in this docket at any time before or within 15 days after the workshops are completed.

During the course of the workshops, it is possible that discussions may overlap with issues pending in the cases listed in Attachment B. The Commission will make every effort to prevent this from occurring. A transcript of the discussion will be placed in each of the listed dockets, if appropriate.

Filing Requirements for Paper and Electronic Filings

Comments, papers, or other documents related to this proceeding may be filed in paper format or electronically. Those filing electronically do not need to make a paper filing.

For paper filings, the original and 14 copies of the comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426 and should refer to Docket No. RM01–12–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at *www.ferc.gov,* click on ''E-Filing'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filing is available at 202–208–0258 or by E-mail to *efiling@ferc.fed.us.* Comments should not be submitted to the E-mail address.

All comments will be placed in the Commission's public files and will be available for inspection in the

Commission's Public Reference Room at 888 First Street, NE., Washington DC 20426, during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link. User assistance for RIMS is available at 202–208–2222, or by E-mail to *rimsmaster@ferc.fed.us.*

Opportunities for Listening to and Viewing the Workshops Offsite and Obtaining a Transcript

The workshops will be transcribed. Those interested in obtaining transcripts should contact Ace Federal Reporters at 202–347–3700.

The Capitol Connection will broadcast the workshops live via the Internet and by phone. To find out more about The Capitol Connection's Internet and phone bridge, contact David Reininger or Julia Morelli at 703–993–3100 or go to *www.capitolconnection.gmu.edu.*

Live and archived audio of the workshops will also available for a fee via National Narrowcast Network. Live audio is available by telephone at 202–966–2211 and by subscription on the Internet at *www.hearing.com.* The Internet audio will be archived and available for listening after the event is completed. Billing is based on listening time.

Anyone interested in purchasing videotapes of the workshops should call VISCOM at 703–715–7999.

Questions about the conference program should be directed to: Saida Shaalan, Office of Markets, Tariffs, and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, 202–208–0278, Saida.Shaalan@ferc.fed.us

Linwood A. Watson, Jr.,
Deputy Secretary.

Agenda

Note: The Commission workshops will start each day at 10 a.m. and end at 5 p.m. A lunch break will be taken.

Monday, October 15

Morning Session: RTO Markets and Design: Required RTO Markets

Peter Cramton, Professor, University of Maryland
Mark D. Kleinginna, Corporate Energy Director, Ormet Corporation
John Meyer, Vice President of Asset Commercialization, Reliant
John L. O'Neal, President, Mirant Mid-Atlantic
Roy J. Shanker, Ph.D.
State Commission Representative—To Be Named

Afternoon Session: RTO Markets and Design: Optional RTO Markets

Ed Cazalet, Chairman, Automated Power Exchange
Steven T. Naumann, Transmission Services Vice President, Commonwealth Edison
Richard J. Pierce, Jr., Lyle T. Alverson Research Professor of Law, George Washington University
Roy Thilly, President & CEO, Wisconsin Public Power, Inc.
Fiona Woolf, Head of the Electricity Group, CMS Cameron McKenna
State Commission Representative—To Be Named

Tuesday, October 16

Morning Session: Congestion Management and Transmission Rights

Reem J. Fahey, Director of Market Policy, Edison Mission Energy
Carol Guthrie, Group Manager for Electric Supply, Chevron
Shmuel Oren, Professor of Industrial Engineering and Operations Research, University of California Berkeley
Andrew Ott, General Manager of Markets Coordination, PJM Interconnection, LLC
Michael M. Schnitzer, Director, The NorthBridge Group
State Commission Representative—To Be Named

Afternoon Session: Planning and Expansion

Jose Delgado, President & CEO, American Transmission Company
Mark W. Maher, Senior Vice President, Transmission Business Line, Bonneville Power Administration
Laura Manz, Manager of Transmission Planning, PSE&G
Masheed Rosenquist, Director of Transmission Strategy, National Grid
Steve Walton, Enron
State Commission Representative—To Be Named

Wednesday, October 17

Morning Session: Standardizing RTO Tariffs

Ricky Biddle,Vice President, Planning Rates and Dispatching, Arkansas Electric Cooperative Corporation
Jim Caldwell, Policy Director, American Wind Energy Association
Peter Esposito, Senior Vice President & Regulatory Counsel, Dynegy
Glenn B. Ross, Director of Transmission Policy, Dominion Resources
Audrey Zibelman, Vice President Transmission, XCEL Energy
State Commission Representative—To Be Named

Afternoon Session: Cost Recovery Issues

Craig Baker, Senior Vice President of Regulation and Public Policy, AEP Services Corporation
Susan Kelly, Principal, Miller, Balis & O'Neil
William K. Newman, Senior Vice President, Transmission Planning & Operations, The Southern Company
Steve Ward, Public Advocate, Maine Consumer Counsel
Matthew Wright, Senior Vice President, Pacificorp
State Commission Representative—To Be Named

Thursday, October 18

Morning Session: Meeting with State Commissioners

State Commissions Representatives—To Be Named

Afternoon Session: Standardizing Markets, Business and Other Practices

Sarah Barpoulis, Senior Vice President, PG&E National Energy Group
William Boswell, Chairman, Board of Directors, GISB
David Christiano, Manager Electric System Control, City Utilities of Springfield, Missouri
Michael Kormos, General Manager of System Operations, PJM Interconnection, LLC
Marty Mennes, VP, Transmission, Operations and Planning, Florida Power & Light Company
State Commission Representative—To Be Named

Friday, October 19

Morning Session: Market Monitoring

Charles J. Cicchetti, Miller Chair in Government, Business and the Economy, University of Southern California
Marji Philips, Exelon Power Team
Sonny Popowski, The Consumer Advocate, Pennsylvania Office of Consumer Advocate
Craig R. Roach, Principal, Boston Pacific Company
Anjali Sheffrin, Director, Market Analysis, California ISO
State Commission Representative—To Be Named

Afternoon Session: Mitigation of Market Power

Richard Cowart, Director, The Regulatory Assistance Project
William Hall, Duke Energy
William W. Hogan, Professor of Public Policy and Administration, John F. Kennedy School of Government, Harvard University
Paul Joskow, Professor of Economics & Director, MIT Center for Environmental and Policy Research

Robert R. Nordhaus, Member, Van Ness Feldman, P.C.
State Commission Representative—To Be Named

PJM Interconnection, L.L.C., et al.	RT01–2–000
Allegheny Power	RT01–10–000
Duquesne Light Co.	RT01–13–000
Avista Corp. et al.	RT01–15–000
Southwest Power Pool, Inc.	RT01–34–000
Avista Corp. et al.	RT01–35–000
Arizona Public Service Co. et al.	RT01–44–000
GridFlorida LLC, et al.	RT01–67–000
GridSouth Transco L.L.C.	RT01–74–000
Entergy Services, Inc., et al.	RT01–75–000
Southern Company Services, Inc.	RT01–77–000
San Diego Gas & Electric Co.	RT01–82–000
Pacific Gas & Electric Co.	RT01–83–000
California ISO Corp.	RT01–85–000
Bangor Hydro-Electric Co., et al.	RT01–86–000
Midwest ISO	RT01–87–000
Alliance Companies	RT01–88–000
Southern California Edison Co.	RT01–92–000
California Power Exchange Corp.	RT01–93–000
NSTAR Services Co.	RT01–94–000
New York Independent System Operator, Inc.	RT01–95–000
PJM Interconnection, L.L.C.	RT01–98–000
Regional Transmission Organizations	RT01–99–000
Regional Transmission Organizations	RT01–100–000
Open-Access Same Time Information Systems, Phase II	RM00–10–000
Alliance Companies	ER99–3144–000
American Electric Power Service Co.	EC99–80–000
Illinois Power Co.	ER01–123–000
Commonwealth Edison Co.	ER01–780–000
Ameren Corp.	ER01–966–000

[FR Doc. 01–25779 Filed 10–12–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7083–1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, General Administration Request for Assistance Program Lobbying & Litigation Certification Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: General Administration Request for Assistance Programs (Lobbying & Litigation Certification Amendment), OMB Control Number 2030–0020, expiration date of December 31, 2002. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 14, 2001.

ADDRESSES: Send comments, referencing EPA ICR Number 0938.08 and OMB Control Number 2030–0020, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by E-mail at *Auby.susan@epamail.epa.gov*, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR Number 0938.08. For technical questions about the ICR contact Pamela Luttner in the Office of Grants & Debarment at (202) 564–1902 or E-mail at *www.luttner.pamela@epamail.epa.gov.*

SUPPLEMENTARY INFORMATION:

Title: General Administration Request for Assistance Programs (Lobbying & Litigation Certification Amendment), OMB Control Number 2030–0020, EPA ICR Number 0938.08, expiring December 31, 2002. This is a request to amend the existing approved collection.

Abstract: Public Law 106–377, section 424 of the FY 2001 VA, HUD and Independent Agencies Appropriations Act (Appropriations Act) requires ''A chief executive officer of any entity receiving funds under this Act shall certify that none of the funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized by law.'' Public Law 106–74, section 426 of the FY 2000 Appropriations Act contains a similar provision. These provisions impose additional information collection requirements on EPA assistance agreements and thus necessitate an amendment to the existing ICR.

The sole purpose of the certification is to validate that a chief executive officer of any entity receiving EPA assistance funds has certified that none of the funds were used in lobbying the Federal Government or in litigation against the United States. The certification will consist of a one-paragraph form that will be signed by a chief executive officer. It will normally be submitted with the final Financial Status Report. Recipients with multiple awards may choose to submit one certification covering all their awards on an annual basis.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 29, 2001, (66 FR 29125); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to be five minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Not-for-profit institutions, educational institutions, state, local or tribal governments.

Estimated Number of Respondents: 2000.

Frequency of Response: Once per project.

Estimated Total Annual Hour Burden: 166.

Estimated Total Annualized Capital, O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through

the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR Number 0938.08 and OMB Control Number 2030–0020 in any correspondence.

Dated: October 5, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–25896 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7021–1]

Notice of Availability for Draft Guidance on Source Determinations for Combined Heat and Power Facilities Under the Clean Air Act New Source Review and Title V Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The EPA is making available for public review and comment a preliminary draft of its pending guidance on Source Determinations for Combined Heat and Power (CHP) Facilities under the Clean Air Act New Source Review and Title V Programs. The combined generation of heat and power, also known as cogeneration, has been an energy supply option for nearly 100 years and is used in many sectors of the economy. In light of ever increasing demand for energy, electric power industry restructuring and cross-program pollution prevention initiatives, EPA is committed to improving the efficiency at which we convert fuels into useful energy. Properly designed and implemented CHP is a key element to achieving the nation's energy goals, because CHPs are capable of independently providing power to the grid or customers other than the host facility and therefore can help alleviate power shortfalls. Recognizing this, the Report of the National Energy Policy Development Group recommends ''that the President direct the EPA Administrator to promote CHP through flexibility in environmental permitting.''

A draft of EPA's guidance is available for public review and comment. The EPA does not intend to respond to individual comments, but rather to consider the comments from the public in the preparation of the final guidance. It is important that the draft guidance being made available today for public review and comment does not represent official EPA policy or a formal position on the subject matter discussed and therefore is not to be relied on in interpreting EPA policy.

DATES: The comment period on the draft guidance will close on November 14, 2001.

ADDRESSES: Written comments should be sent to Pamela J. Smith, Information Transfer and Program Integration Division (MD–12), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone 919–541–0641, telefax 919–541–5509 or e-mail *smith.pam@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Kathy Kaufman, Office of Air Quality Planning and Standards, U.S. EPA, MD–12, Research Triangle Park, NC 27711, telephone 919–541–0102 or e-mail *kaufman.kathy@epa.gov.*

SUPPLEMENTARY INFORMATION: A copy of the draft guidance document may be obtained by calling or E-mailing Pamela J. Smith. The draft guidance may also be downloaded from the NSR Web site *http://www.epa.gov/ttn/nsr* under the topic ''What's New on NSR.''

Dated: July 18, 2001.

Henry C. Thomas,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 01–25864 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7082–1]

Clean Water Act Section 303(d): Availability of Total Maximum Daily Loads (TMDLs) and Determinations That TMDLs Are Not Needed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability

SUMMARY: This notice announces the availability for comment of the administrative record file for forty-five TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to a court order dated October 1, 1999, in the lawsuit *Sierra Club, et al.* v. *Clifford et al.,* No. 96–0527, (E.D. La.). Under this court order, EPA is required to prepare TMDLs when needed for waters on the Louisiana 1998 section 303(d) list by December 31, 2007. The court order also requires EPA to add or delete waters to the schedule as new data confirms that waters are or are not meeting water quality standards.

This notice also announces the availability for comment of EPA determinations that TMDLs are not needed for six waterbody/pollutant combinations in the Mermentau and Vermilion/Teche river basins because new data and information show that water quality standards are being met. This proposed action would result in the removal of six waterbody/pollutant combinations from the Louisiana 303(d) list.

DATES: Comments must be submitted in writing to EPA on or before November 14, 2001.

ADDRESSES: Comments on the forty-five TMDLs and the determinations that TMDLs are not needed for six waterbody/pollutant combinations should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733. For further information, contact Ellen Caldwell at (214) 665–7513. The administrative record file for these TMDLs and the determinations that TMDLs are not needed are available for public inspection at this address as well. Documents from the administrative record file may be viewed at *www.epa.gov/region6/water/tmdl.htm,* or obtained by calling or writing Ms. Caldwell at the above address. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al.* v. *Clifford et al.,* No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner. Discussion of the court's order may be found at 65 FR 54032 (September 6, 2000).

EPA Seeks Comments on Forty-five TMDLs

By this notice EPA is seeking comments on the following forty-five TMDLs for waters located within the Mermentau and Vermilion/Teche basins:

Subsegment	Waterbody name	Pollutant
050103	Bayou Mallet	Ammonia, Nutrients, and Organic enrichment/low DO.
050402	Lake Arthur and Lower Mermentau	Ammonia, Nutrients, and Organic enrichment/low DO.
050602	Intracoastal Waterway	Organic enrichment/low DO.
050603	Bayou Chene-includes Bayou Grand Marais	Organic enrichment/low DO.
050701	Grand Lake	Nutrients, and Organic enrichment/low DO.
050702	Intracoastal Waterway	Nutrients, and Organic enrichment/low DO.
050802	Big Constance Lake and Associated Waterbodies (Estuarine).	Organic enrichment/low DO.
050901	Mermentau River Basin Coastal Bays and Gulf Waters to State 3-mile limit.	Nutrients, and Organic enrichment/low DO.
060207	Bayou des Glaises Diversion Channel	Nutrients, and Organic enrichment/low DO.
060209	Irish Ditch/Big Bayou-unnamed Ditch to Irish Ditch (Ditch)	Organic enrichment/low DO.
060210	Bayou Carron	Nutrients, and Organic enrichment/low DO.
060211	West Atchafalaya Borrow Pit Canal	Organic enrichment/low DO.
060212	Chatlin Lake Canal and Bayou DuLac	Organic enrichment/low DO.
060601	Charenton Canal	Nutrients, and Organic enrichment/low DO.
060701	Tete Bayou	Nutrients, and Organic enrichment/low DO.
060703	Bayou du Portage	Organic enrichment/low DO.
060803	Vermilion River Cutoff	Nutrients, and Organic enrichment/low DO.
060901	Bayou Petite Anse	Nutrients, and Organic enrichment/low DO.
060903	Bayou Tigre	Nutrients, and Organic enrichment/low DO.
060904	Vermilion River B890 Basin New Iberia Southern Drainage Canal.	Nutrients, and Organic enrichment/low DO.
060907	Franklin Canal	Nutrients, and Organic enrichment/low DO.
060908	Spanish Lake	Organic enrichment/low DO.
060909	Lake Peigneur	Nutrients, and Organic enrichment/low DO.
060911	Vermilion-Teche River Basin-(Dugas Canal)	Nutrients, and Organic enrichment/low DO.
061001	West Cote Blanche Bay	Organic enrichment/low DO.
061103	Freshwater Bayou Canal	Nutrients, and Organic enrichment/low DO.

EPA Seeks Comments on Proposed Determinations That Six TMDLs for Waterbody/Pollutant Combinations Are Not Needed Due to Assesssment of New Data and Information That Shows They Are Meeting WQS

Subsegment	Waterbody name	Pollutant
050102	Bayou Joe Marcel	Ammonia, Nutrients, and Organic enrichment/low DO.
060906	Intracoastal Waterway	Nutrients.
061101	Bayou Petite Anse	Nutrients.
060204	Bayou Courtableau—origin to West Atchafalaya Borrow Pit Canal.	Oil and Grease.

EPA requests that the public provide any water quality related data and information that may be relevant to the calculations for these forty-five TMDLs, or any other comments relevant to the six proposed determinations that TMDLs are not needed. EPA will review all data and information submitted during the public comment period and revise the TMDLs and determinations where appropriate. EPA will then forward the TMDLs to the Court and the Louisiana Department of Environmental Quality (LDEQ). LDEQ will incorporate the TMDLs into its current water quality management plan. EPA also will revise the Louisiana 303(d) list as appropriate.

Dated: October 4, 2001.

Jayne Fontenot,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 01–25738 Filed 10–12–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

October 5, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the

information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before December 14, 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 contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A–804, 445 Twelfth Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0391.

Title: Program to Monitor the Impacts of the Universal Service Support Mechanisms, CC Docket Nos. 98–202 and 96–45.

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 500.

Estimated Time Per Response: 3.4 hours per response (avg).

Total Annual Burden: 1718 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: Annually.

Needs and Uses: The Commission has a program to monitor the impacts of the universal service support mechanisms. The program requires the annual reporting of information regarding network usage and growth by certain companies to the National Exchange Carrier Association (NECA). The information is used by the Commission, Federal-State Joint Boards, Congress, and the general public to assess the impacts of the decisions of the Commission and the Joint Boards.

OMB Control No.: 3060–0665.

Title: Section 64.707—Public Dissemination of Information by Providers of Operator Services.

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 436.

Estimated Time Per Response: 4 hours per response (avg).

Total Annual Burden: 1744 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third party disclosure.

Needs and Uses: As required by 47 U.S.C. Section 226(d)(4)(b), 47 CFR Section 64.707 provides that operator service providers must regularly publish and make available upon request from consumers written materials that describe any changes in operator services and choices available to consumers. Consumers use the information to increase their knowledge of the choices available to them in the operator services marketplace.

OMB Approval No.: 3060–0374.

Title: Section 73.1690 Modification of transmission system.

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 300 AM; 300 FM/TV.

Estimated Time Per Response: 3 hours/respondent—AM ; 0.5 hours/respondent—FM/TV.

Frequency of Response: On occasion.

Cost to Respondents: $0.

Estimated Total Annual Burden: 1050.

Needs and Uses: Section 73.1690(e) requires AM, FM and TV station licensees to prepare an informal statement or diagram describing any electrical and mechanical modification to authorized transmitting equipment that can be made without prior Commission approval provided that equipment performance measurements are made to ensure compliance with FCC rules. This informal statement or diagram is to be retained at the transmitter site as long as the equipment is in use. The data are used by broadcast licensees to provide prospective users of the modified equipment with necessary information.

OMB Approval No.: 3060–0852.

Title: Application for Transfer of Control of a Multipoint Distribution Service Authorization.

Form No.: FCC 306.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 20.

Estimated Hours Per Response: 58 hours (2.0 hours—licensee; 15.2 hours—transferor; 40.8 hours—transferee).

Frequency of Response: On occasion.

Cost to Respondents: $211,275.

Estimated Total Annual Burden: 110 hours.

Needs and Uses: FCC Form 306 is to be used to apply for authority to transfer control of an MDS authorization pursuant to 47 C.F.R. Sections 21.11, 21.38 and 21.39. The data is used by FCC staff to determine if the applicant is qualified to become a Commission licensee or permittee and to carry out the statutory provisions of Section 310(d) of the Communications Act of 1934, as amended.

OMB Approval No.: 3060–0851.

Title: Application for Assignment of a Multipoint Distribution Service Authorization.

Form No.: FCC 305.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 160.

Estimated Hours Per Response: 55 hours (12.7 hours—assignor; 37.3 hours—assignee.

Frequency of Response: on occasion.

Cost to Respondents: $1,610,350.

Estimated Total Annual Burden: 800 hours.

Needs and Uses: FCC Form 305 is to be used to apply for authority to assign an MDS authorization pursuant to 47 C.F.R. Sections 21.11, 21.38 and 21.39. The data is used by FCC staff to determine if the applicant is qualified to become a Commission licensee or permittee and to carry out the statutory provisions of Section 310(d) of the Communications Act of 1934, as amended.

OMB Approval No.: 3060–0658.

Title: Section 21.960 Designated entity provisions of MDS.

Form No.: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 60.

Estimated Hours Per Response: designated entity exhibits—2.0 hours (1.0 hours—respondent; 1.0 hours—contract attorney); records maintenance—1.0 hours.

Frequency of Response: Reporting-on occasion, recordkeeping.

Cost to Respondents: $4,000.

Estimated Total Annual Burden: 60 hours.

Needs and Uses: Section 21.960(e) requires winning bidders who are designated entities (small businesses) to file with its long-form application or statement of intention an exhibit which includes eligibility requirements as listed in Section 21.960(e). This exhibit should also list and summarize all agreements that affect designated entity status.

Section 21.960(f) requires all holders of BTA authorizations acquired by

auction that claim designated entity status to maintain, at their principal place of business or with their designated agent, an updated documentary file of ownership and revenue information necessary to establish their status.

All BTA authorization holders claiming eligibility under designated entity provisions are subject to audits under Section 21.960(g). Selection for an audit may be random, on information from any source, or on the basis of other factors. These audits may include inspection of the BTA holders' books, documents and other materials sufficient to confirm that such holders' representations are, and remain, accurate.

The exhibit submitted under Section 21.960(e) is necessary for the Commission to determine whether the applicant is qualified as a designated entity (small business) and therefore eligible for special measures including installment payments, reduced up-front payments and bidding credits. The records maintenance and audit provisions of Sections 21.960(f) and (g) are necessary to prevent abuse of the special measures offered to those MDS auction winners claiming designated entity status. These provisions requiring the retention of records should not prove overly burdensome, and they will help to ensure that only entities eligible under the auction rules will be able to take advantage of the designated entity measures.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–25759 Filed 10–12–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

October 5, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before December 14, 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 contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0649.

Title: Sections 76.1601, Deletion or Repositioning of Broadcast Signals, 76.1619 Information on Subscriber Bills, 76.1708 Principal Headend.

From Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3300.

Estimated Time Per Response: 10 minutes to 40 hours.

Total Annual Costs: $6,000.

Needs and Uses: The Commission requires cable television system operators provide written notification to any broadcast television station at least 30-days prior to deleting or repositioning a station, or of a change in the designation of its principal headend. In addition, the Commission requires specific information on subscriber bills, and prescribes rules for inspection of public files.

OMB Control No.: 3060–0519.

Title: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (CC Docket No. 92–60).

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 30,000.

Estimated Time Per Response: 31.2 hours per response (avg).

Total Annual Burden: 936,000 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: Recordkeeping; Third party Disclosure.

Needs and Uses: 47 CFR Parts 64 and 68 contain procedures for avoiding unwanted telephone solicitation to residences, and to regulate the use of automatic telephone dialing systems, artificial or prerecorded voice messages, and telephone facsimile machines. The rules prohibit prerecorded message calls to residences absent an emergency or the prior express consent of the called party. The rules further require that telephone solicitors maintain and use company-specific lists of residential subscribers who request not to receive further telephone calls (company-specific do-not-call lists), thereby affording consumers the choice of which solicitors, if any, they will hear from by telephone. Telephone solicitors also are required to have a written policy for maintaining do-not-call lists, and are responsible for informing and training their personnel in the existence and use of such lists. Moreover, the rules require that those making telephone solicitations identify themselves to called parties, and that basic identifying information also be included in telephone facsimile transmissions. The Commission believes that the requirements are the best means of preventing unwanted telephone solicitations.

OMB Control No.: 3060–0653.

Title: Consumer Information-Posting by Aggregators—Sections 64.703(b) and (c).

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 56,200.

Estimated Time Per Response: Hours per response (avg).

Total Annual Burden: 206,566 end hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third party disclosure.

Needs and Uses: As required by 47 U.S.C. Section 226(c)(1)(A), 47 CFR Section 64.703(b) provides that aggregators, (providers of telephone to the public or transient users) must post in writing, on or near such phones, information about presubscribed operator services, rates, carrier access,

and the FCC address to which consumers may direct complaints. Section 64.703(c) establishes a 30-day outer limit for updating the posted consumer information when an aggregator has changed the presubscribed operator service provider. Consumers will use this information to determine whether they wish to use the services of the identified operator service provider.

OMB Control No.: 3060–0848.

Title: Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket 98–147.

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 1750.

Estimated Time Per Response: 94.62 hours per response (avg).

Total Annual Burden: 165,600 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Annually; Recordkeeping; Third party Disclosure.

Needs and Uses: In the Fourth Report and Order issued in CC Docket No. 98–147, the Commission requires a certification of interstate traffic from certain collocating carriers and the provision of a detailed description of available collocation space from incumbent local exchange carriers in certain circumstances. The requirements implement section 706 of the Communications Act of 1934, as amended, to promote deployment of advanced services without significantly degrading the performance of other services.

OMB Control No.: 3060–0823.

Title: Pay Telephone Reclassification Memorandum Opinion and Order, CC Docket No. 96–128.

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 400.

Estimated Time Per Response: 111.75 hours per response (avg).

Total Annual Burden: 44,700 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $480,000.

Frequency of Response: On occasion; Quarterly; Monthly; Annually; One-time; Recordkeeping; Third Party Disclosure.

Needs and Uses: In the Memorandum Opinion and Order (MO&O) issued in CC Docket No. 96–128, the Common Carrier Bureau clarified requirements established in the Payphone Orders for the provision of payphone-specific coding digits by local exchange carriers (LECs) and payphone service providers (PSPs), to interexchange carriers (IXCs). The MO&O clarified that only FLEX ANI complies with the requirements; required that LECs file tariffs to reflect FLEX ANI as a nonchargeable option to IXCs; required that LECs file tariffs to recover costs associated with implementing FLEX ANI; required that LEC provide IXCs information on payphones that provide payphone-specific coding digits for smart and dumb payphones; required that LECs provide IXCs and PSPs information on where FLEX ANI is available now, and when it is to be scheduled in the future; granted permission and certain waivers. The information disclosure rules and policies governing the payphone industry implement section 276 of the Communications Act of 1934, as amended.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–25760 Filed 10–12–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 96–262; 94–1; DA 01–2327]

Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document provides notice of a limited extension of time for the filing of cost submissions by price cap local exchange carriers and comments and reply comments on the filings in the subscriber line charge (SLC) cost review proceeding.

DATES: Cost submissions due November 16, 2001. Comments due December 17, 2001. Reply comments due January 9, 2002.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, Common Carrier Bureau, Competitive Pricing Division, (202) 418–1530.

SUPPLEMENTARY INFORMATION:

By Public Notice dated September 17, 2001, we initiated a cost review proceeding to determine the appropriate residential and single-line business subscriber line charge (SLC) caps for price cap local exchange carriers (LECs). On October 3, 2001, several price cap LECs filed a petition requesting an extension of 30 days for the filing of their cost submissions. The price cap LECs request additional time due to the size and complexity of the task of compiling cost submission information. We agree that a limited extension is warranted. Price cap LECs must now file their cost submissions no later than November 16, 2001. We also extend the dates for filing comments and reply comments on the cost submissions. Comments will be due no later than December 17, 2001, and reply comments are due no later than January 9, 2002. When filing cost information and comments, parties should reference CC Docket Nos. 96–262 and 94–1.

This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. *See* 47 CFR 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

An original and four copies of all cost information comments and reply comments must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A225, Washington, DC 20554. In addition, one copy of each submissions must be filed with Qualex International, the Commission's duplicating contractor, at its office at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, and one copy with the Chief, Competitive Pricing Division, 445 12th Street, SW., Room 5–A225, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–25831 Filed 10–12–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1391–DR]

New York; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York, (FEMA–1391–DR), dated September 11, 2001, and related determinations.

EFFECTIVE DATE: October 2, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or madge.dale@fema.gov.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 11, 2001:

Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates Counties for emergency protective measures (Category B) under the Public Assistance program.

Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties for emergency protective measures (Category B) under the Public Assistance program (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–25835 Filed 10–12–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL HOUSING FINANCE BOARD

[No. 2001–N–12]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2000–01 seventh quarter review cycle under the Finance Board's community support requirement regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for the 2000–01 seventh quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board on or before November 26, 2001.

ADDRESSES: Bank members selected for the 2000–01 seventh quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Office of Policy, Research and Analysis, Program Assistance Division, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, or by electronic mail at *fitzgeralde@fhfb.gov.*

FOR FURTHER INFORMATION CONTACT: Emma J. Fitzgerald, Program Analyst, Office of Policy, Research and Analysis, Program Assistance Division, by telephone at 202/408–2874, by electronic mail at *fitzgeralde@fhfb.gov*, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. A telecommunications device for deaf persons (TDD) is available at 202/408–2579.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to the requirements of section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirement regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. *See* 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the November 26, 2001 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before October 26, 2001, each Bank will notify the members in its district that have been selected for the 2000–01 seventh quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's web site: www.fhfb.gov. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2000–01 seventh quarter community support review cycle:

Member	City	State
Federal Home Loan Bank of Boston—District 1		
American Savings Bank	New Britain	Connecticut
Eastern Savings and Loan Association	Norwich	Connecticut
Putnam Savings Bank	Putnam	Connecticut
Merrill Merchants Bank	Bangor	Maine
Seaboard Federal Credit Union	Bucksport	Maine
Union Trust Company	Ellsworth	Maine
NorState Federal Credit Union	Medawaska	Maine
Norway Savings Bank	Norway	Maine
University Credit Union	Orono	Maine
Infinity Federal Credit Union	Portland	Maine
Maine Bank & Trust Company	Portland	Maine
Belmont Savings Bank	Belmont	Massachusetts
Enterprise Bank and Trust Company	Lowell	Massachusetts
The Lenox National Bank	Lenox	Massachusetts
Butler Bank	Lowell	Massachusetts
Northmark Bank	North Andover	Massachusetts
RTN Federal Credit Union	Waltham	Massachusetts
Westborough Savings Bank	Westborough	Massachusetts
Commerce Bank and Trust Company	Worcester	Massachusetts
New England Federal Credit Union	Williston	Vermont
Federal Home Loan Bank of New York—District 2		
MIIX Insurance Company	Lawrenceville	New Jersey
Millville Savings and Loan Association	Millville	New Jersey
Cenlar FSB	Trenton	New Jersey
Hamilton Savings Bank	Union City	New Jersey
Llewellyn-Edison Savings Bank, F.S.B	West Orange	New Jersey
SEFCU, A Federal Credit Union	Albany	New York
Cortland Savings Bank	Cortland	New York
Flushing Savings Bank, F.S.B	Flushing	New York
Gouverneur Savings & Loan Association	Gouverneur	New York
WCTA Federal Credit Union	Sodus	New York
Power Federal Credit Union	Syracuse	New York
Wyoming County Bank	Warsaw	New York
Community Mutual Savings Bank	White Plains	New York
Hudson Valley Bank	Yonkers	New York
Firstbank—Puerto Rico	Santurce	Puerto Rico
Federal Home Loan Bank of Pittsburgh—District 3		
Lehman Brothers Bank, FSB	Wilmington	Delaware
Wilmington Trust FSB	Wilmington	Delaware
AIG Federal Savings Bank	Wilmington	Delaware
First Columbia Bank & Trust Company	Bloomsburg	Pennsylvania
Fidelity Savings and LA of Bucks County	Bristol	Pennsylvania
Citizens Savings Association	Clarks Summit	Pennsylvania
CSB Bank	Curwensville	Pennsylvania
The Fidelity Deposit & Discount Bank	Dunmore	Pennsylvania
The First National Bank in Fleetwood	Fleetwood	Pennsylvania
Swineford National Bank	Hummels Wharf	Pennsylvania
S&T Bank	Indiana	Pennsylvania
Jonestown Bank and Trust Company	Jonestown	Pennsylvania
Commercial National Bank of Pennsylvania	Latrobe	Pennsylvania
Lafayette Ambassador Bank	LeHigh Valley	Pennsylvania
Farmers First Bank	Lititz	Pennsylvania
Members First Federal Credit Union	Mechanicsburg	Pennsylvania
The First National Bank of Mercersburg	Mercersburg	Pennsylvania
Juniata Valley Bank	Mifflintown	Pennsylvania
Mid Penn Bank	Millersburg	Pennsylvania
Three Rivers Bank and Trust Company	Monroeville	Pennsylvania
Royal Bank of Pennsylvania	Narberth	Pennsylvania
Atlantic Federal Credit Union	Newtown Square	Pennsylvania
The Peoples Bank of Oxford	Oxford	Pennsylvania
Port Richmond Savings	Philadelphia	Pennsylvania
Dwelling House Savings and Loan Association	Pittsburgh	Pennsylvania
First Pennsylvania Savings Association	Pittsburgh	Pennsylvania
Stanton Federal Savings Bank	Pittsburgh	Pennsylvania
Union Bank and Trust Company	Pottsville	Pennsylvania
Citadel Federal Credit Union	Thorndale	Pennsylvania
The Turbotville National Bank	Turbotville	Pennsylvania
Merck, Sharp & Dohme Federal Credit Union	West Point	Pennsylvania

Member	City	State
Woodlands Bank	Williamsport	Pennsylvania
The United Federal Credit Union	Morgantown	West Virginia
Jefferson Security Bank,	Shepherdstown	West Virginia
Steel Works Community Federal Credit Union	Weirton	West Virginia
Federal Home Loan Bank of Atlanta—District 4		
Compass Bank	Birmingham	Alabama
National Bank of Commerce of Birmingham	Birmingham	Alabama
First National Bank of Shelby County	Columbiana	Alabama
Bank of Dadeville	Dadeville	Alabama
The Peoples Bank of Coffee County	Elba	Alabama
First Southern Bank	Florence	Alabama
Citizens Bank & Savings Company	Russellville	Alabama
Troy Bank and Trust Company	Troy	Alabama
Security Bank	Tuscaloosa	Alabama
State Bank and Trust	Winfield	Alabama
IDB—IIC Federal Credit Union	Washington	D.C.
United States Senate	Washington	D.C.
Gibraltar Bank FSB	Coral Gables	Florida
Merchants and Southern Bank	Gainesville	Florida
Community Savings, F.A.	North Palm Beach	Florida
Ocala National Bank	Ocala	Florida
U.S. Trust Company of Florida, S.B	Palm Beach	Florida
J.P. Morgan, FSB	Palm Beach	Florida
Bankers Insurance	St. Petersburg	Florida
Suncoast Schools Federal Credit Union	Tampa	Florida
Southern Exchange Bank	Tampa	Florida
Citrus Bank, N.A	Vero Beach	Florida
First Choice Credit Union	West Palm Beach	Florida
CDC Federal Credit Union	Atlanta	Georgia
Bank of Camilla	Camilla	Georgia
Rabun County Bank	Clayton	Georgia
Planters First	Cordele	Georgia
First State Bank of Donalsonville	Donalsonville	Georgia
Colony Bank of Dodge County	Eastman	Georgia
The Gordon Bank	Gordon	Georgia
Citizens Community Bank	Hahira	Georgia
Georgia State Bank	Mableton	Georgia
Century South Bank, N.A	Macon	Georgia
The United Banking Company	Nashville	Georgia
The Patterson Bank	Patterson	Georgia
Pelham Banking Company	Pelham	Georgia
The Bank of Perry	Perry	Georgia
United Bank and Trust Company	Rockmart	Georgia
The Savannah Bank, N.A	Savannah	Georgia
Century South Bank of the Coastal Region, N.A	Savannah	Georgia
The Park Avenue Bank	Valdosta	Georgia
Flag Bank	Vienna	Georgia
Oconee State Bank	Watkinsville	Georgia
Atlantic Coast Federal	Waycross	Georgia
The First National Bank of Waynesboro	Waynesboro	Georgia
Kosciuszko Federal Savings Bank	Baltimore	Maryland
Midstate Federal Savings & Loan Association	Baltimore	Maryland
Fullerton Federal Savings Association	Baltimore	Maryland
Bradford Federal Savings Bank	Baltimore	Maryland
Johns Hopkins Federal	Baltimore	Maryland
First Mariner Bank	Baltimore	Maryland
The Centreville National Bank of Maryland	Centreville	Maryland
The Columbia Bank	Columbia	Maryland
County Banking and Trust Company	Elkton	Maryland
The Bank of Glen Burnie	Glen Burnie	Maryland
Cedar Point Federal Credit Union	Lexington Park	Maryland
Sandy Spring National Bank of Maryland	Olney	Maryland
BUCS Federal	Owings Mills	Maryland
Peninsula Bank	Princess Anne	Maryland
The Sparks State Bank	Sparks	Maryland
Prince Georges Federal Savings Bank	Upper Marlboro	Maryland
Belmont Federal Savings and Loan Association	Belmont	North Carolina
Black Mountain Savings Bank, SSB	Black Mountain	North Carolina
Morganton Federal Savings & Loan Association	Morganton	North Carolina
Coastal Federal Credit Union	Raleigh	North Carolina
Security Savings Bank, SSB	Southport	North Carolina
Bank of North Carolina	Thomasville	North Carolina

Member	City	State
Carolina State Bank	Chesnee	South Carolina
Clover Community Bank	Clover	South Carolina
The Peoples National Bank	Easley	South Carolina
Carolina First Bank	Greenville	South Carolina
Lighthouse Community Bank	Hilton Head Island	South Carolina
Williamsburg First National Bank	Kingstree	South Carolina
Arthur State Bank	Union	South Carolina
Provident Community Bank	Union	South Carolina
Pinnacle State Bank	Woodruff	South Carolina
Union Bank & Trust Company	Bowling Green	Virginia
The First National Bank of Christianburg	Christiansburg	Virginia
The National Bank of Fredericksburg	Fredericksburg	Virginia
The Bank of McKenney	McKenney	Virginia
Greater Atlantic Savings Bank	Reston	Virginia
Farmers and Merchants Bank	Timberville	Virginia
Southern Financial Bank	Warrenton	Virginia
Federal Home Loan Bank of Cincinnati—District 5		
Union National Bank and Trust Company	Barbourville	Kentucky
Bank of Benton	Benton	Kentucky
Taylor County Bank	Campbellsville	Kentucky
First Federal Savings Bank	Elizabethtown	Kentucky
City National Bank	Fulton	Kentucky
Commonwealth Community Bank	Hartford	Kentucky
The Citizens Bank	Hickman	Kentucky
First State Bank	Irvington	Kentucky
First Federal Bank	Lexington	Kentucky
Whitaker Bank N.A	Lexington	Kentucky
Cumberland Valley NB&T Company	London	Kentucky
Inez Deposit Bank FSB	Louisa	Kentucky
Green River Bank	Morgantown	Kentucky
Citizens Bank of New Liberty	New Liberty	Kentucky
Citizens National Bank of Paintsville	Paintsville	Kentucky
West Point Bank	Radcliff	Kentucky
Sebree Deposit Bank	Sebree	Kentucky
Shelby County Trust Bank	Shelbyville	Kentucky
The Peoples Bank	Taylorsville	Kentucky
United Bank and Trust Company	Versailles	Kentucky
The Farmers & Merchants State Bank	Archbold	Ohio
The Citizens Bank of Ashville	Ashville	Ohio
The Caldwell Savings and Loan Company	Caldwell	Ohio
CINCO Federal Credit Union	Cincinnati	Ohio
Century Federal Credit Union	Cleveland	Ohio
Pioneer Savings Bank	Cleveland	Ohio
Clyde-Findley Area Credit Union	Clyde	Ohio
First Federal S&LA of Delta	Delta	Ohio
Ohio Central Savings	Dublin	Ohio
The Croghan Colonial Bank	Fremont	Ohio
First Service Federal Credit Union	Groveport	Ohio
The Killbuck Savings Bank Company	Killbuck	Ohio
OC Federal Credit Union	Maumee	Ohio
The Old Fort Banking Company	Old Fort	Ohio
Cornerstone Bank	Springfield	Ohio
Peoples Savings Bank of Troy	Troy	Ohio
The First National Bank of Wellston	Wellston	Ohio
The Metropolitan National Bank	Youngstown	Ohio
First Federal Savings Bank	Clarksville	Tennessee
The Bank/First Citizens Bank	Cleveland	Tennessee
Peoples Bank	Clifton	Tennessee
Bank of Dickson	Dickson	Tennessee
The Home Bank fsb	Ducktown	Tennessee
Security Bank	Dyersburg	Tennessee
Greeneville Federal Bank, FSB	Greeneville	Tennessee
Citizens Bank	Hartsville	Tennessee
Citizens Bank of Blount County	Maryville	Tennessee
National Bank of Commerce	Memphis	Tennessee
ORNL Federal Credit Union	Oak Ridge	Tennessee
The Bank of Sharon	Sharon	Tennessee
Merchants and Planters Bank	Toone	Tennessee
AEDC Federal Credit Union	Tullahoma	Tennessee
First State Bank	Union City	Tennessee

Member	City	State
Federal Home Loan Bank of Indianapolis—District 6		
Star Financial Bank	Anderson	Indiana
First Community Bank and Trust	Bargersville	Indiana
Hendricks County Bank and Trust Company	Brownsburg	Indiana
First Farmers Bank and Trust	Converse	Indiana
1st National Bank of Dana	Dana	Indiana
Professional Federal Credit Union	Fort Wayne	Indiana
Springs Valley Bank and Trust Company	French Lick	Indiana
Garrett State Bank	Garrett	Indiana
Griffith Savings Bank	Griffith	Indiana
Eli Lilly Federal Credit Union	Indianapolis	Indiana
Indiana Members Credit Union	Indianapolis	Indiana
First National Bank & Trust	Kokomo	Indiana
Dearborn Savings Association, F.A.	Lawrenceburg	Indiana
Farmers State Bank	Mentone	Indiana
The North Salem State Bank	North Salem	Indiana
Tri-County Bank & Trust Company	Roachdale	Indiana
Central Bank	Russiaville	Indiana
Teachers Credit Union	South Bend	Indiana
Bank of Lenawee	Adrian	Michigan
University Bank	Ann Arbor	Michigan
Blissfield State Bank	Blissfield	Michigan
Byron Center State Bank	Byron Center	Michigan
CSB Bank	Capac	Michigan
Independent Bank East Michigan	Caro	Michigan
Exchange State Bank	Carsonville	Michigan
First National Bank	Crystal Falls	Michigan
State Savings Bank	Frankfort	Michigan
First National Bank of Gaylord	Gaylord	Michigan
First Community Bank	Harbor Springs	Michigan
Republic Bank	Lansing	Michigan
G.W. Jones Exchange Bank	Marcellus	Michigan
Shelby State Bank	Shelby	Michigan
ChoiceOne Bank	Sparta	Michigan
Midwest Guaranty Bank	Troy	Michigan
Federal Home Loan Bank of Chicago—District 7		
State Bank of the Lakes	Antioch	Illinois
First National Bank	Ava	Illinois
Town & Country Bank	Buffalo	Illinois
Farmers State Bank of Hoffman	Centralia	Illinois
American Union Savings and Loan Association	Chicago	Illinois
Cole Taylor Bank	Chicago	Illinois
First Bank of the Americas, S.S.B	Chicago	Illinois
First East Side Savings Bank	Chicago	Illinois
International Bank of Chicago	Chicago	Illinois
LaSalle Bank, NA	Chicago	Illinois
Park Federal Savings Bank	Chicago	Illinois
The PrivateBank and Trust Company	Chicago	Illinois
Selfreliance Ukranian Federal Credit Union	Chicago	Illinois
First National Bank	Chicago Heights	Illinois
Cissna Park State Bank	Cissna Park	Illinois
GreatBank, A National Association	Evanston	Illinois
The Peoples National Bank of McLeansboro	Fairfield	Illinois
UnionBank/Northwest	Hanover	Illinois
National Bank	Hillsboro	Illinois
Community Trust Bank	Irvington	Illinois
First Midwest Bank, N.A	Itasca	Illinois
Advance Bank	Lansing	Illinois
Midwest Bank of Western Illinois	Monmouth	Illinois
The Bank of Illinois in Normal	Normal	Illinois
Hemlock Federal Bank	Oak Forest	Illinois
Community Bank & Trust, NA	Olney	Illinois
Palos Bank and Trust Company	Palos Heights	Illinois
Citizens Equity Federal Credit Union	Peoria	Illinois
Pontiac National Bank	Pontiac	Illinois
Household Bank, f.s.b	Prospect Heights	Illinois
First Bankers Trust Company N.A	Quincy	Illinois
AMCORE Bank N.A	Rockford	Illinois
The First National Bank in Toledo	Toledo	Illinois
Busey Bank	Urbana	Illinois
Fox Communities Credit Union	Appleton	Wisconsin

Member	City	State
Peoples State Bank	Augusta	Wisconsin
The First National B&T Company of Beloit	Beloit	Wisconsin
Citizens State Bank	Cadott	Wisconsin
Bank of Buffalo	Cochrane	Wisconsin
Denmark State Bank	Denmark	Wisconsin
Security National Bank	Durand	Wisconsin
Union Bank and Trust Company	Evansville	Wisconsin
1st Security Credit Union	Green Bay	Wisconsin
Johnson Bank Hayward	Hayward	Wisconsin
State Bank of Howards Grove	Howards Grove	Wisconsin
State Bank of La Crosse	La Crosse	Wisconsin
Trane Federal Credit Union	La Crosse	Wisconsin
Capitol Bank	Madison	Wisconsin
The Park Bank	Madison	Wisconsin
Premier Community Bank	Marion	Wisconsin
Bay View Federal Savings & Loan Association	Milwaukee	Wisconsin
Farmers Savings Bank	Mineral Point	Wisconsin
Bank of Mondovi	Mondovi	Wisconsin
The Necedah Bank	Necedah	Wisconsin
Farmers Exchange Bank of Neshkoro	Neshkoro	Wisconsin
Hometown Bank	St. Cloud	Wisconsin
Community State Bank	Union Grove	Wisconsin
American Community Bank	Wausau	Wisconsin
Federal Home Loan Bank of Des Moines—District 8		
Union National Bank	Anita	Iowa
Quad City Bank and Trust	Bettendorf	Iowa
Exchange State Bank	Collins	Iowa
Security Savings Bank	Eagle Grove	Iowa
Iowa State Bank & Trust of Fairfield	Fairfield	Iowa
First Bank and Trust Company	Glidden	Iowa
American National Bank	Holstein	Iowa
Home State Bank	Jefferson	Iowa
Security Savings Bank	Larchwood	Iowa
Farmers & Merchants Savings Bank	Manchester	Iowa
First Citizens National Bank	Mason City	Iowa
Northwoods State Bank	Mason City	Iowa
First Iowa Bank	Monticello	Iowa
Pilot Grove Savings Bank	Pilot Grove	Iowa
Frontier Bank	Rock Rapids	Iowa
Alliance Bank	Rockwell City	Iowa
Citizens State Bank	Sheldon	Iowa
The First National Bank of Farragut	Shenandoah	Iowa
Morningside Bank & Trust	Sioux City	Iowa
Cedar Valley State Bank	St. Ansgar	Iowa
Tama State Bank	Tama	Iowa
First American Bank	Webster City	Iowa
First Bank	West Des Moines	Iowa
NCMIC Insurance Company	West Des Moines	Iowa
Security Bank Minnesota	Albert Lea	Minnesota
First Security Bank	Byron	Minnesota
Miners National Bank of Eveleth	Eveleth	Minnesota
American Bank of the North	Grand Rapids	Minnesota
National City Bank of Minneapolis	Minneapolis	Minnesota
State Bank of Young America	Norwood Young America	Minnesota
Peoples State Bank of Plainview	Plainview	Minnesota
United Prairie Bank-Slayton	Slayton	Minnesota
First Security Bank	Sleepy Eye	Minnesota
Cherokee State Bank	St. Paul	Minnesota
The First National Bank in Wadena	Wadena	Minnesota
Wadena State Bank	Wadena	Minnesota
Boonslick Bank	Boonville	Missouri
First Security State Bank of Charleston	Charleston	Missouri
Peoples Bank	Cuba	Missouri
Century Bank of the Ozarks	Gainesville	Missouri
The Hamilton Bank	Hamilton	Missouri
Farmers and Merchants Bank	Hannibal	Missouri
Premier Bank	Jefferson City	Missouri
B&L Bank	Lexington	Missouri
First Bank CBC	Maryville	Missouri
Bank of Minden	Mindenmines	Missouri
Bank of Cairo and Moberly	Moberly	Missouri
St. Clair County State Bank	Osceola	Missouri

Member	City	State
Platte Valley Bank of Missouri	Platte City	Missouri
Farmers State Bank of Northern Missouri	Savannah	Missouri
Central Bank of Missouri	Sedalia	Missouri
Great Southern Bank	Springfield	Missouri
Mid-Missouri Bank	Springfield	Missouri
Community First National Bank	Fargo	North Dakota
Gate City Bank	Fargo	North Dakota
State Bank of Alcester	Alcester	South Dakota
First American Bank & Trust	Madison	South Dakota
Federal Home Loan Bank of Dallas—District 9		
First National Bank of Izard County	Calico Rock	Arkansas
Community Bank of North Arkansas	Elkins	Arkansas
First Federal Bank of Arkansas F.A.	Harrison	Arkansas
Simmons First Bank of Jonesboro	Jonesboro	Arkansas
Central Bank and Trust	Little Rock	Arkansas
Simmons First Bank of Russellville	Russellville	Arkansas
Warren Bank and Trust Company	Warren	Arkansas
Mississippi River Bank	Belle Chasse	Louisiana
Citizens Savings Bank	Bogalusa	Louisiana
Homeland Federal Savings Bank	Columbia	Louisiana
Vermilion Bank and Trust Company Inc.	Kaplan	Louisiana
People State Bank	Many	Louisiana
City Bank and Trust Company	Natchitoches	Louisiana
First Bank and Trust	New Orleans	Louisiana
First Federal Savings & Loan Association	Opelousas	Louisiana
ANECA Federal Credit Union	Shreveport	Louisiana
The Federal Savings Bank of Evangeline Parish	Ville Platte	Louisiana
Bank of Anguilla	Anguilla	Mississippi
Guaranty Bank & Trust Company	Belzoni	Mississippi
The Carthage Bank	Carthage	Mississippi
First National Bank of Clarksville	Clarksdale	Mississippi
Bank of Forest	Forest	Mississippi
Hancock Bank	Gulfport	Mississippi
Merchants and Farmers Bank	Kosciusko	Mississippi
Citizens State Bank	Magee	Mississippi
First National Bank of Picayune	Picayune	Mississippi
The Peoples Bank	Ripley	Mississippi
First National Bank in Alamogordo	Alamogordo	New Mexico
First State Bank of Taos	Albuquerque	New Mexico
New Mexico Educators Federal Credit Union	Albuquerque	New Mexico
Ranchers Banks	Belen	New Mexico
FirstBank	Clovis	New Mexico
University Federal Credit Union	Austin	Texas
Citizens National Bank of Brownwood	Brownwood	Texas
Columbus State Bank	Columbus	Texas
Lone Star Bank	Dallas	Texas
Mainbank, N.A	Dallas	Texas
Texas Community Bank and Trust, N.A	Dallas	Texas
Share Plus Federal Credit Union	Dallas	Texas
Millers Fire Insurance Company	Fort Worth	Texas
Graham Savings and Loan, F.A.	Graham	Texas
P.T.&T. Federal Credit Union	Houston	Texas
Jacksonville Savings Bank, SSB	Jacksonville	Texas
American State Bank	Lubbock	Texas
Marble Falls National Bank	Marble Falls	Texas
First Bank and Trust of Memphis	Memphis	Texas
Liberty National Bank in Paris	Paris	Texas
Security State Bank	Pearsall	Texas
Hale County State Bank	Plainview	Texas
First International Bank	Plano	Texas
Legacy Bank of Texas	Plano	Texas
First National Bank of San Benito	San Benito	Texas
Texas Savings Bank, s.s.b	Snyder	Texas
Mainland Bank	Texas City	Texas
First Bank of Texas	Tomball	Texas
The First National Bank of Van Alstyne	Van Alstyne	Texas
The Herring National Bank	Vernon	Texas
Community Bank	Wellington	Texas
Federal Home Loan Bank of Topeka—District 10		
Bank of Colorado	Fort Lupton	Colorado

Member	City	State
Alpine Bank	Glenwood Springs	Colorado
First Western National Bank	La Jara	Colorado
First National Bank of Las Animas	Las Animas	Colorado
FirstBank of Arapahoe County	Littleton	Colorado
Mancos Valley Bank	Mancos	Colorado
The Pueblo Bank and Trust Company	Pueblo	Colorado
High Country Bank	Salida	Colorado
Community National Bank	Chanute	Kansas
Fidelity State Bank and Trust Company	Dodge City	Kansas
Armed Forces Bank, NA	Fort Leavenworth	Kansas
Kansas State Bank	Holton	Kansas
Heartland Bank, N.A	Jewell	Kansas
First National Bank and Trust Company	Junction City	Kansas
First State Bank of Kansas City, Kansas	Kansas City	Kansas
Premier Bank	Lenexa	Kansas
Enterprise Banking, NA	Overland	Kansas
Metcalf Bank	Overland Park	Kansas
Team Bank, N.A	Paola	Kansas
Community National Bank	Seneca	Kansas
Mid American Credit Union	Wichita	Kansas
Five Points Bank	Grand Island	Nebraska
City National Bank and Trust Company	Hastings	Nebraska
First State Bank	Hickman	Nebraska
First National Bank and Trust Company	Minden	Nebraska
FCE Credit Union	Omaha	Nebraska
Plattsmouth State Bank	Plattsmouth	Nebraska
The Jones National Bank and Trust Company	Seward	Nebraska
First National Bank of Wahoo	Wahoo	Nebraska
First National Bank and Trust Company of Ada	Ada	Oklahoma
Alva State Bank & Trust Company	Alva	Oklahoma
Community National Bank	Alva	Oklahoma
American National Bank	Ardmore	Oklahoma
First Bethany Bank & Trust, N.A	Bethany	Oklahoma
Federal BankCentre	Broken Arrow	Oklahoma
Farmers and Merchants Bank	Crescent	Oklahoma
The Eastman National Bank of Newkirk	Newkirk	Oklahoma
Oklahoma Employees Credit Union	Oklahoma City	Oklahoma
The First National B&TC of Okmulgee	Okmulgee	Oklahoma
First State Bank	Picher	Oklahoma
F&M Bank NA	Piedmont	Oklahoma
McClain Bank NA	Purcell	Oklahoma
Tinker Federal Credit Union	Tinker AFB	Oklahoma
Oklahoma Central Credit Union	Tulsa	Oklahoma
SpiritBank	Tulsa	Oklahoma
Welch State Bank	Welch	Oklahoma
Federal Home Loan Bank of San Francisco—District 11		
Humboldt Bank	Eureka	California
Six Rivers National Bank	Eureka	California
Cathay Bank	Los Angeles	California
General Bank	Los Angeles	California
F&A Federal Credit Union	Monterey Park	California
Stanford Federal Credit Union	Palo Alto	California
CBC Federal Credit Union	Port Hueneme	California
Gateway Bank, A F.S.B	San Francisco	California
First Bank of San Luis Obispo	San Luis Obispo	California
Chinatrust Bank (U.S.A.)	Torrance	California
Visalia Community Bank	Visalia	California
Federal Home Loan Bank of Seattle—District 12		
City Bank	Honolulu	Hawaii
Hawaii USA Federal Credit Union	Honolulu	Hawaii
Citizens State Bank	Hamilton	Montana
Mountain West Bank of Kalispell, N.A	Kalispell	Montana
Valley Bank of Kalispell	Kalispell	Montana
First National Bank of Montana	Missoula	Montana
First Technology Credit Union	Beaverton	Oregon
Bank of the Cascades	Bend	Oregon
Siuslaw Valley Bank	Florence	Oregon
Portland Area Community Employees CU	Portland	Oregon
Umpqua Bank	Roseburg	Oregon
Clackamas County Bank	Sandy	Oregon

Member	City	State
Bank of Utah	Ogden	Utah
Goldenwest Credit Union	Ogden	Utah
Heritage Bank	St. George	Utah
North County Bank	Arlington	Washington
Industrial Credit Union of Whatcom County	Bellingham	Washington
Cashmere Valley Bank	Cashmere	Washington
Mt. Rainier National Bank	Enumclaw	Washington
Grant National Bank	Ephrata	Washington
EverTrust Bank	Everett	Washington
NorthWest Plus Credit Union	Everett	Washington
NW Federal Credit Union	Seattle	Washington
Seattle Telco Federal CU	Seattle	Washington
First Heritage Bank	Snohomish	Washington
Horizon Credit Union	Spokane	Washington
Rainier Pacific Bank	Tacoma	Washington
American National Bank of Cheyenne	Cheyenne	Wyoming
The Bank of Laramie	Laramie	Wyoming
First Federal Savings Bank	Sheridan	Wyoming

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before October 26, 2001, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2000–01 seventh quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2000–01 seventh quarter review cycle must be delivered to the Finance Board on or before the November 26, 2001 deadline for submission of Community Support Statements.

By the Federal Housing Finance Board.
Dated: October 1, 2001.

James L. Bothwell,

Managing Director.

[FR Doc. 01–24948 Filed 10–12–01; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 8, 2001.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervision) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. BancFirst Ohio, Corp., Zanesville, Ohio; to acquire 14.90 percent of the voting shares of UNB Corp., Canton, Ohio, and thereby indirectly acquire The United National Bank & Trust Company, Canton, Ohio.

2. UNB Corp., Canton, Ohio; to merge with BancFirst Ohio, Corp., Zanesville, Ohio, and thereby indirectly acquire The First National Bank of Zanesville, Zanesville, Ohio.

B. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. FNB Corporation, Christiansburg, Virginia; to merge with Salem Community Bankshares, Inc., Salem, Virginia, and thereby indirectly acquire Salem Bank & Trust, National Association, Salem, Virginia.

C. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. Coastal Community Investments, Inc., Panama City Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Apalachicola State Banking Corporation, Apalachicola, Florida, and thereby indirectly acquire voting shares of Apalachicola State Bank, Apalachicola, Florida.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Community State Bancshares, Inc., Bradley, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of The Bradley Corporation, Bradley, Arkansas, and thereby indirectly acquire voting shares of The Bank of Bradley, Bradley, Arkansas.

E. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Superior National Banc Holding Company, Superior, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Superior National Bank, Superior, Wisconsin.

F. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Chickasaw Banc Holding Company, Yukon, Oklahoma; to become a bank

holding company by acquiring 100 percent of the voting shares of First Bancorp in Davidson, Inc., Davidson, Oklahoma, and thereby indirectly acquire voting shares of First State Bank in Davidson, Davidson, Oklahoma.

Board of Governors of the Federal Reserve System, October 9, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–25834 Filed 10–12–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 29, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. M.S. Investment Company, Milwaukee, Wisconsin, and its subsidiary, Mitchell Bank Holding Corporation, Milwaukee, Wisconsin, to continue to engage in extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, October 10, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–25899 Filed 10–12–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Childhood Lead Poisoning Prevention: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Committee on Childhood Lead Poisoning Prevention, Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period through October 31, 2003.

For information, contact Gary P. Noonan, Executive Secretary, Advisory Committee on Childhood Lead Poisoning Prevention, Centers for Disease Control and Prevention, of the Department of Health and Human Services, 1600 Clifton Road, NE, M/S E–25, Atlanta, Georgia 3033, telephone 404–498–1442 or fax 404–498–1444.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: October 4, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–25851 Filed 10–12–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0046]

Agency Information Collection Activities; Announcement of OMB Approval; Current Good Manufacturing Practice Regulations for Medicated Feeds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Current Good Manufacturing Practice Regulations for Medicated Feeds'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA).

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 June 15, 2001 (66 FR 32629), 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 0910–0152. The approval expires on September 30, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: October 5, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–25763 Filed 10–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0132]

Agency Information Collection Activities; Announcement of OMB Approval; Protection of Human Subjects, Recordkeeping and Reporting Requirements for Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Protection of Human Subjects, Recordkeeping and Reporting Requirements for Institutional Review Boards,'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA).

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 30, 2001 (66 FR 17427), 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 0910–0130. The approval expires on September 30, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: October 5, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–25764 Filed 10–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0114]

Agency Information Collection Activities; Announcement of OMB Approval; Patent Term Restoration, Due Diligence Petitions, Filing, and Content of Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions '' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 23, 2001 (66 FR 16249), 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 0910–0233. The approval expires on September 30, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: October 5, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–25837 Filed 10–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80N–0042]

RIN 0910–AA01

Anticaries Drug Products for Over-the-Counter Human Use; Use of Intraoral Appliance Models for Compliance With Biological Testing Requirements; Request for Information and Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting information and comments on the use of intraoral appliance (IOA) models as a substitute for the animal caries reduction (''rat caries models'') biological test required by the monograph for over-the-counter (OTC) anticaries drug products to demonstrate the availability of fluoride in OTC dentifrice formulations. This notice is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Submit written or electronic comments by January 14, 2002.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments.

FOR FURTHER INFORMATION CONTACT: Robert L. Sherman, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The testing procedures for fluoride dentifrice drug products in 21 CFR 355.70 of the final monograph for OTC anticaries drug products (60 FR 52474, October 6, 1995), include both in vitro and biological testing to demonstrate the effectiveness of OTC anticaries dentifrices. The two in vitro tests (fluoride enamel uptake and enamel solubility reduction) demonstrate that fluoride is chemically available. The biological testing (animal caries reduction) assures that the fluoride is also bioavailable to alter tooth structure and make the tooth resistant to caries.

In the preamble to the final monograph for OTC anticaries drug products, FDA encouraged the development of additional testing procedures, such as remineralization tests. The agency noted that sufficient data were not available to correlate these tests specifically with clinical studies that demonstrate the effectiveness of fluoride dentifrices (60 FR 52474 at 52499). The agency stated that it would consider such tests as a substitute for the animal caries reduction test if adequate data were submitted demonstrating that an alternative testing procedure provides results of equivalent accuracy.

In 1996, FDA granted a petition (Refs. 1 and 2) that included the results of a study conducted in humans wearing an IOA with attached enamel chips as a substitute for the animal caries reduction test. Although the agency had initial concerns about the design and results of this IOA test, the data were considered sufficient to accept the test as an alternative to the animal caries model to demonstrate the effectiveness of the tested dentifrice formulation.

The petition also requested that the results of the IOA test be accepted as evidence of the effectiveness of the petitioner's other formulations. However, because these formulations contain different abrasives and flavorings, the agency determined that all other formulations must be tested individually (Ref. 2). The agency also recommended that protocols for any further IOA tests be submitted for review prior to conducting the tests.

IOA models employ small pieces of tooth enamel, mounted in the acrylic flanges of dentures worn by subjects that have been randomized to the various treatments to be investigated. The enamel chips are examined for demineralization or remineralization using various test methods. Proponents of the IOA model argue that, when compared with the animal caries reduction test, the IOA test is more

sensitive, reliable, and accurate, and that the testing does not require the sacrificing of animals.

Proponents add that a potential advantage of the IOA model is comparability to normal dentifrice use. In the animal caries reduction test, rats are superinfected with cariogenic bacteria and, unlike clinical subjects, swallow the fluoride toothpaste. Thus, it may be difficult to determine if the caries reduction is confounded by systemic absorption of fluoride. Further, the use of a removable appliance containing multiple enamel specimens offers a number of advantages. Most importantly, this method provides a sufficient number of specimens for several different analyses to be used: (1) Microradiography demonstrates the occurrence and extent of remineralization, (2) fluoride uptake measures in-situ bioavailability of fluoride, and (3) microhardness and acid-resistance testing measure the stability of remineralized enamel lesions. Multiple specimens also ensure that sufficient samples are available even if some are damaged during wearing or analysis.

In 1989, the Council on Dental Therapeutics (the Council) of the American Dental Association (ADA) accepted a new, modified fluoride dentifrice based largely upon data from IOA models, thus acknowledging that IOA models could be used as a potential indicator of clinical effectiveness. This marked an important departure from the Council's past practice of accepting modified anticaries agents only when conventional clinical trials had demonstrated a statistically significant benefit. Subsequently, the Council concluded that further consideration should be given to statistical issues related to IOA models and recommended that guidelines be developed concerning the validity and reliability of these models for use in approval of product claims (Ref. 3).

The animal caries reduction test has a long history of reliability in demonstrating the effectiveness of fluoride dentifrices. This test directly measures the effectiveness of a fluoride dentifrice in an animal model in vivo after limited brushing and gives a more complete assessment of tested formulations compared with the two in vitro tests (fluoride enamel uptake and enamel solubility reduction). This test has been a requirement of the OTC anticaries final monograph since it was published in 1995. The anticaries final monograph provides general guidance on appropriate statistical analyses for the animal caries model.

In 1996, when FDA granted the petition to accept an IOA study as a substitute for the animal caries reduction test, the agency did not anticipate many similar requests. However, since that time, several citizen petitions (Refs. 4, 5, and 6) requested substitution of an IOA model for the animal caries test. Based on information in these petitions, the agency believes that a well-conducted IOA study can provide a measure of both remineralization and demineralization of tooth structure and potentially may provide results that, when compared to the animal caries model, are of equivalent accuracy.

The agency also received a citizen petition opposing these requests (Ref. 7). The petition presented two major criticisms of the IOA model: (1) It measures demineralization but not remineralization, and (2) it does not adequately mimic realistic caries challenges.

Thus, there is disagreement within the dental research community about whether IOA studies provide sufficient evidence of both demineralization and remineralization. There is also disagreement about whether the potential advantages of the IOA model, which uses human teeth, outweigh the predictability and the experience of the animal model.

II. The Current Request for Data and Information

Because of the lack of consensus within the dental community regarding the IOA test and the apparent increased interest among manufacturers to rely on this test in lieu of animal studies to demonstrate the effectiveness of new fluoride formulations, the agency has determined that it is appropriate to address these issues in a public forum where experts can debate the usefulness and acceptability of alternate biological testing methods such as the IOA model. The agency is publishing this notice to gather information concerning IOA models and whether and how they can be used in lieu of the animal caries models in meeting the biological testing requirements for OTC anticaries drug products. This information would include various study designs, the parameters measured, methods for measuring these parameters, and the statistical methods employed to analyze the data. The agency would also like to have information concerning the statistical analyses that have been applied to the data generated by animal caries studies conducted to support monograph status for currently-marketed dentifrices.

In terms of study design, the agency is seeking information on both short-term and long-term IOA models. In the short-term study, the test product is used only once and the treatment phase lasts anywhere from 1 to 6 hours. In long-term studies, subjects wear the appliance for 2 to 8 weeks, using the test product several times a day. Because one of the criticisms of IOA models is their inability to measure remineralization, the agency seeks discussion regarding the ability of short-term and long-term studies to measure demineralization and remineralization.

Currently, the literature cites several ways of calculating the extent of mineralization or demineralization in these studies. Two common methods of measuring the percent mineral change in enamel are microradiographic analysis and microhardness testing. The agency requests detailed explanations of these methods, as well as others that are being proposed for this use. The agency also encourages discussion of the validity of substituting examination of mineral changes in the enamel chips in the IOA model for caries in the animal model. Further, the agency requests information on the validity of accelerating mineral changes in enamel both by soaking the chips in a sucrose solution and placing gauze over the chips to attract additional plaque.

Adequate demonstration of bioavailability in the biological testing models for fluoride dentifrices requires that the test product be significantly superior to the placebo, and noninferior to the reference standard performance. In the June 15, 1988, tentative final monograph for OTC anticaries drug products (53 FR 22430 at 22440), the agency discussed equivalence testing for the biological tests as follows: ''The more general statement 'not significantly lower than the score for the reference formulation' allows the application of appropriate statistical criteria to laboratory data to demonstrate that fluoride dentifrices achieve scores in the biological tests that are not significantly lower than the scores for the reference formulations.'' The use of the appropriate statistical analysis is further emphasized in the next paragraph of that section where it states: ''Further, as stated in § 211.165(d) [21 CFR 211.165(d)], appropriate statistical quality control criteria must be used for drug products.''

Recent petitions requesting that the agency accept the IOA model in lieu of the animal caries reduction test have interpreted the phrase ''not significantly lower than the scores for the reference formulation'' as allowing the use of

hypothesis testing as an acceptable statistical method. Although FDA considers computing p-values to be the correct method to test the hypothesis that a difference exists between the test product and placebo, the agency does not consider this method appropriate for demonstrating noninferiority of the test product to the reference standard. Failure to demonstrate a difference can result from several factors, including a small sample size, inappropriate adjustment, or poor study design. However, it is incorrect to infer from hypothesis testing that two products are equivalent or that one is not inferior to the other. For the comparison between the test product and the reference standard, the agency believes that noninferiority testing, a subset of equivalence testing, is necessary.

The agency is seeking comment on statistical analyses that can be used to support the comparison between the test product and the reference standard. Because statistical testing for demonstrating superiority of a test dentifrice to a placebo dentifrice is generally straightforward, the agency is particularly interested in the statistical testing that would support either equivalence or noninferiority comparisons. Coupled with this, the agency is requesting information on whether the IOA models would require larger sample sizes than the animal caries models.

The agency anticipates that this information-gathering process will be followed by an advisory committee meeting at which the various models and the appropriate statistical analyses will be discussed.

III. Request for Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments regarding this notice by January 14, 2002. Three copies of all written comments are to be submitted. Individuals submitting written comments or anyone submitting electronic comments may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

IV. References

The following references are on display in the Dockets Management Branch (address above) under Docket No. 80N–0042 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Comment No. CP5.
2. Comment No. LET35.
3. Proskin, H. M., N. W. Chilton, and A. Kingman, ''Interim Report of the Ad Hoc Committee for the Consideration of Statistical Concerns Related to the Use of Intra-oral Models in Submissions for Product Claims Approval to the American Dental Association,'' *Journal of Dental Research*, 71:949–952, 1992.
4. Comment No. CP7.
5. Comment No. CP9.
6. Comment No. AMD3.
7. Comment No. CP8.

Dated: September 28, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–25762 Filed 10–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HRSA Aids Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 2001.

Name: HRSA AIDS Advisory Committee (HAAC).

Date and Time: November 1, 2001; 8:30 a.m.–5 p.m., November 2, 2001; 8:30 a.m.–2:30 p.m.

Place: Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814, Telephone: (301) 897–9400.

The meeting is open to the public.

Agenda: Agenda items for the meeting include reauthorization studies of the Ryan White CARE Act, new CARE Act data requirements, estimating and documenting unmet need, and discussion of HRSA and CDC collaboration.

Anyone requiring further information should contact Joan Holloway, HIV/AIDS Bureau, Parklawn Building, Room 7–13, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–5761.

Dated: October 9, 2001.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–25838 Filed 10–12–01; 8:45 am]

BILLING CODE 4165–15–P

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 (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 2001.

Name: Advisory Committee on Infant Mortality (ACIM).

Date and Time: November 14, 2001; 9 a.m.–5 p.m. November, 15, 2001; 8:30 a.m.–3 p.m.

Place: Pooks Hill Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814, (301) 897–9400.

The meeting is open to the public.

Purpose: The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department programs which are directed at reducing infant mortality and improving the health status of pregnant women and infants; factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth; factors determining the length of hospital stay following childbirth; strategies to coordinate the variety of Federal, State, and local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start initiative and infant mortality objectives from *Healthy People 2010.*

Agenda: Topics that will be discussed include the following: Early Postpartum Discharge; Low-Birth Weight; Disparities in Infant Mortality; and the Healthy Start Program.

Anyone requiring information regarding the Committee should contact Peter C. van Dyck, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration (HRSA), Room 18–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone: (301) 443–2170.

Individuals who are interested in attending any portion of the meeting or who have questions regarding the meeting should contact Ms. Kerry P. Nesseler, HRSA, Maternal and Child Health Bureau, telephone: (301) 443–2170.

Agenda items are subject to change as priorities are further determined.

Dated: October 9, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–25839 Filed 10–12–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of October 2001:

Name: National Advisory Council on Migrant Health.

Date & Time: October 25, 2001; 9 a.m. to 5 p.m.; October 26, 2001; 9 a.m. to 1 p.m.; October 27, 2001; 8 a.m. to 11 a.m.

Place: Renaissance Asheville Hotel, 1 Thomas Wolfe Plaza, Asheville, North Carolina 28801, Phone: (828) 252–8211; Fax (828) 236–9691.

The meeting is open to the public.

Agenda: This will be a meeting of the Council. The agenda includes an overview of general Council business activities and priorities. Topics of discussion will include development of expert background papers to support the Council's recommendations and the development of future recommendations. The Council will hear presentations from experts on farmworker issues in North Carolina, research on pesticide exposure in adults, and the North Carolina Area Health Education Center (AHEC) program. In addition, the Council will be holding a public hearing at which migrant farmworkers will have the opportunity to testify before the Council regarding matters that affect their health. The hearing is scheduled for Saturday, October 27 from 8 to 11 a.m. at the Renaissance Asheville Hotel.

The Council meeting is being held in conjunction with the annual East Coast Migrant Stream Forum sponsored by the North Carolina Primary Health Care Association, which is being held in Asheville during the same period of time.

Anyone requiring information regarding the subject Council should contact Judy Rodgers, Migrant Health Program, staff support to the National Advisory Council on Migrant Health, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East-West Highway, Bethesda, Maryland 20814, Telephone 301/594–4304.

Agenda items are subject to change as priorities indicate.

Dated: October 9, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–25765 Filed 10–12–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization Functions and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995 as last amended at 66 FR 41249–51, dated August 7, 2001).

This notice sets forth several major organizational changes in the Bureau of Health Professions (BHPr). Certain other organizational changes in various organizations within Health Resources and Services Administration are reflected in the notice.

In addition to the changes in BHPr this notice will move communications functions throughout the agency into the Office of Communications, Office of the Administrator. Legislative functions throughout the agency will be consolidated into the Office of Legislation, Office of the Administrator. The Center for Quality and the Office for the Advancement of Telehealth will be moved from the Office of the Administrator and placed in the HIV/AIDS Bureau, and the Center for Health Services Financing and Managed Care will be placed in the Office of Planning and Evaluation. In addition, the Office of International Health Affairs will be moved from the Office of the Administrator and placed within the Office of Management and Program Support.

Section RA–00, Mission

The Health Resources and Services Administration (HRSA) directs national health programs which improve the health of the Nation by assuring quality health care to underserved, vulnerable and special-need populations and by promoting appropriate health professions workforce capacity and practice, particularly in primary care and public health.

Section RA–10 Organization

The Office of the Administrator is headed by the Administrator, Health Resources and Services Administration (OA) who reports directly to the Secretary. The OA includes the following components:

(1) Immediate Office of the Administrator (RA);

(2) Office of Equal Opportunity and Civil Rights (RA2);

(3) Office of Planning and Evaluation (RA5);

(4) Office of Communications (RA6);

(5) Office of Minority Health (RA9); and

(6) Office of Legislation (RAE)

Section RA–20 Function

1. Revise the functional statement for the Immediate Office of the Administrator. Immediate Office of the Administrator (RA)

(1) Leads and directs programs and activities of the Agency and advises the Office of the Secretary of Health and Human Services on policy matters concerning them; (2) provides consultation and assistance to senior Agency officials and others on clinical and health professional issues; (3) serves as the Agency's focal point on efforts to strengthen the practice of public health as it pertains to the HRSA mission; (4) establishes and maintains verbal and written communications with health organizations in the public and private sectors to support the mission of HRSA; and (5) manages the legislative and communications programs for the agency.

2. In the Office of the Administrator, establish the Office of Legislation (RAE) as follows:

Office of Legislation (RAD)

(1) Serves as the Administrator's primary staff unit and principal source of advice on legislative affairs; (2) oversees communications between the Administrator and higher levels of the Department on legislative matters; (3) oversees the legislative program for the Administrator; (4) develops a legislative program for the Agency and develops legislative proposals; (5) prepares the Administrator's analyses, position papers, and reports on proposed legislation; (6) coordinates the preparation of testimony and backup materials on the Administration's legislative program for presentation to Congressional Committees; (7) monitors hearings and Congressional activities affecting the Administration; (8) in conjunction with the Office of the Assistant Secretary for Legislation (L), coordinates the preparation of information requested by, and provides technical assistance to, Congressional Committees, Members of Congress, or their staff in relation to the Agency's legislative programs; and (9) coordinates the distribution of legislative materials and serves as a legislative reference center.

3. Rename the Office of Planning, Evaluation and Legislation (RA5) as the Office of Planning and Evaluation (RA5)

4. In the Office of Planning, Evaluation and Legislation (RA5), abolish the Division of Data Policy (RA54) and place the function in the Office of Information Technology, Office of Management and Program Support.

5. Abolish the Center for Health Services Financing and Managed Care (RAC) and transfer the functions to the Office of Planning and Evaluation (RA5).

6. In the Office of Planning and Evaluation (RA5) establish the Center for Health Services Financing and Managed Care (RA55) as follows:

Center for Health Services Financing and Managed Care (RA55)

The Center for Health Services Financing and Managed Care serves as the focal point within the Health Resources and Services Administration (HRSA) for leadership, coordination, and advancement of managed care systems for safety net providers serving at risk, vulnerable populations and for training programs for health professionals. The Center for Health Services Financing and Managed Care carries out the following functions. Specifically: (1) Provides leadership within HRSA for the development of managed care policies and programs and in coordinating policy development with other Departmental agencies; (2) provides technical and other support to HRSA components and other mission related agencies as they establish managed care initiatives; (3) provides technical assessment and training to HRSA grantees and related safety net providers and health professions training institutions in all aspects of managed care including dissemination of best practices; (4) develops working relationships with the private managed care industry to assure mutual areas of cooperation, maximization of expertise and coordination; (5) assesses new and existing managed care systems and advises the HRSA Administrator on strategies to maximize the application of these systems to HRSA's programs; and (6) works with Foundations, private agencies and other Federal, State, and local agencies to assure effective development of policies, resources, program development, and resolution of program barriers and issues.

7. Delete the functional statement for the Office of Communications and replace as follows:

Office of Communications (RA6)

(1) Provides leadership and general policy and program direction for and conducts and coordinates communications and public affairs activities of the Agency; (2) serves as focal point for coordination of Agency communications activities with those of other health agencies within the Department of Health and Human Services and with field, State, local, voluntary and professional organizations; (3) develops and implements national communications initiatives to inform and educate the public, health care professionals, policy makers and the media; (4) coordinates, researches, writes and prepares speeches and audiovisual presentations for the HRSA Administrator and staff; (5) provides communication and public affairs expertise and staff advice and support to the Administrator in program and policy formulations and execution consistent with policy direction established by the Assistant Secretary for Public Affairs; (6) develops and implements policies and procedures related to external media relations and internal employee communications including those for the development, review, processing, quality control, and dissemination of Agency communications materials, including exhibits and those disseminated electronically; (7) serves as Communications and Public Affairs Officer for the Agency including establishment and maintenance of productive relationships with the news media; and (8) serves as focal point for intergovernmental affairs for the Agency (9) coordinates the implementation of the Freedom of Information Act for the Agency.

8. In the Bureau of Primary Health Care, abolish the Information Dissemination and Communications Staff (RC–5) and place the function in the Office of the Administrator Office of Communication.

9. In the Bureau of Primary Health Care, delete the functional statement in the Office of Program and Policy Development (RC1) and replace as follows:

Office of Program and Policy Development (RC1)

(1) Serves as the Bureau's principal staff arm for program planning, coordination, and analysis, including the development of alternative program and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Associate Administrator and his/her immediate staff on program policy and operational implications arising from activities of the Bureau; (4) collaborates in the development and implementation of annual and 5-year program and financial plans for the Bureau's program planning and budgeting systems; (5) conducts special inquiries and studies and provides liaison and coordination with the Office of the Administrator, Health Resources and Services Administration in the evaluation program for the Bureau; (6) manages the Bureau's correspondence activities; (7) coordinates the development of and accomplishes the formal clearance of policy for the Bureau; (8) maintains liaison with the Office of the General Counsel and the Office of the Inspector General, DHHS; (9) develops and/or provides technical assistance in the development and implementation of new and revised regulations and standards; (10) prepares and/or provides guidance and assistance in the development of associated **Federal Register** notices; and (11) provides the focus for the Bureau's program of health center managed care training and technical assistance and other health center related financing and reimbursement issues; and provides coordination and liaison with the Centers for Medicare and Medicaid Services.

10. In the Maternal and Child Health Bureau, delete the Office of Communications (RM8) and place the function in the Office of the Administrator Office Of Communication.

11. Revise the functional statement for the Maternal and Child Health Bureau (RM) as follows:

Maternal and Child Health Bureau (RM)

Provides national leadership and policy direction for the planning, development, implementation and evaluation of the programs and activities of the Bureau. These programs are designed to improve the health of women of childbearing age, infants, children, adolescents, and their families, of children with special health needs, and of persons with hemophilia. Specifically: (1) Oversees the day-to-day management and operations of the Bureau's Offices, and Divisions; (2) coordinates all internal functions of the Bureau and facilitates effective, collaborative relationships with other health and related programs; (3) establishes a program mission, goals, objectives and policy with broad Administration guidelines; (4) serves as the focal point for managing the Bureau-wide strategic planning operation as it relates to long and short range programmatic goals and objectives for the Bureau; (5) works with other

Bureaus to further the Agency goals and mission; (6) develops and administers internal operating policies and procedures and provides guidance and direction to Field Office staff, to State Health Officers, and to State Maternal and Child Health and Special Health Needs Directors; (7) serves as principal contact point to the Agency, the Department, Office of Management and Budget (OMB), and the White House on matters concerning the health status of America's mothers and children; (8) directs and coordinates the Bureau's program responsibilities, including the Maternal and Child Health block grants to States, contracts, and other funding arrangements in the areas of research, training, genetics, hemophilia, and health service improvement through regionally and nationally significant projects, a national program to improve emergency medical services for children, a Healthy Start program designed to strengthen and improve the delivery of health services to improve the outcome of pregnancy, a national program on traumatic brain injury and on injury prevention for children and adolescents, and a national abstinence education program; (9) directs and coordinates the planning, implementation and monitoring of a national maternal and child health data and information system based in State and local jurisdictions; (10) provides direction and serves as the focal point for international matters of concern to the health of mothers, children, and their families; (11) develops a policy statement and an action plan to address the health needs of mothers and children from culturally diverse groups; (12) directs and coordinates Bureau activities in support of Equal Opportunity programs; (13) provides direction for the Bureau's Civil Rights compliance activities; (14) provides information and reports on the Bureau's programs to public, health, education and related professional associations, the Congress, other Federal agencies, OMB, and the White House; (15) administers the implementation of the Privacy Act and the Freedom of Information Act in the Bureau; and (16) performs the executive secretariat functions and coordinates responses to General Accounting Office (GAO) audit reports and monitors the implementation of GAO recommendations.

12. In the Office of the Administrator, abolish the Office for the Advancement of Telehealth and place the function within the HIV/AIDS Bureau.

13. In the HIV/AIDS Bureau, delete the Office of Communications (RV1) and place the function in the Office of the Administrator Office of Communication.

14. Revise the functional statement for the HIV/AIDS Bureau (RV) as follows:

HIV/AIDS Bureau (RV)

Provides leadership and direction for the HIV/AIDS programs and activities of the Bureau and oversees its relationship with other national health programs. Specifically: (1) Coordinates the formulation of an overall strategy and policy for HRSA AIDS programs; (2) coordinates the internal functions of the Bureau and its relationships with other national health programs; (3) establishes AIDS program objectives, alternatives, and policy positions consistent with broad Administration guidelines; (4) administers the Agency's AIDS grants and contracts programs; (5) reviews AIDS related program activities to determine their consistency with established policies; (6) represents the Agency and the Department at AIDS related meetings, conferences and task forces; (7) serves as principal contact and advisor to the Department and other parties concerned with matters relating to planning and development of health delivery systems relating to HIV/AIDS; (8) develops and administers operating policies and procedures for the Bureau; (9) directs and coordinates the Bureau activities in support of the Department/Bureau's Affirmative Action and Equal Employment Opportunity programs by ensuring that all internal employment practices provide an equal opportunity to all qualified persons and its employment practices do not discriminate on the basis of race, color, sex, age, national origin, religious affiliation, marital status, and that all external benefits and service oriented activities relative to the recipients of federal funds are likewise addressed in accordance with applicable laws, Executive Orders, DHHS regulations and policies; (10) provides direction to the Bureau's Civil Rights compliance activities; (11) directs and coordinates Bureau Executive Secretariat activities; (12) serves in developing and coordinating (telehealth) programs and in facilitating the electronic dissemination of best practices in health care to health care professional; and (13) directs the Center for Quality.

15. In the Bureau of Health Professions (RP), delete the functional statement in its entirety and replace as follows:

Bureau of Health Professions (RP)

Provides national leadership in coordinating, evaluating, and supporting the development and utilization of the Nation's health personnel. Specifically: (1) Assesses the Nation's health personnel supply and requirements and forecasts supply and requirements for future time periods under a variety of health resources utilization assumptions; (2) collects and analyzes data and disseminates information on the characteristics and capacities of the Nation's health personnel production systems; (3) proposes new or modifications to existing Departmental policies, and programs related to health personnel development and utilization; (4) develops, tests and demonstrates new and improved approaches to the development and utilization of health personnel within various patterns of health care delivery and financing systems; (5) provides financial support to institutions and individuals for health professions education programs; (6) administers Federal programs for targeted health personnel development and utilization; (7) provides leadership for promoting equity and diversity in access to health services and health careers for under-represented minority groups; (8) provides technical assistance, consultation, and special financial assistance to national, State, and local agencies, organizations, and institutions for the development, production, utilization, and evaluation of health personnel; (9) provides linkage between Bureau headquarters and HRSA Field Office activities related to health professions education and utilization by providing training, technical assistance, and consultation to Field Office staff; (10) coordinates with the programs of other agencies within the Department, and in other Federal Departments and agencies concerned with health personnel development and health care services; (11) provides liaison and coordinates with non-Federal organizations and agencies concerned with health personnel development and utilization; (12) in coordination with the Office of the Administrator, Health Resources and Services Administration, serves as a focus for technical assistance activities in the international aspects of health personnel development, including the conduct of special international projects relevant to domestic health personnel problems; (13) administers the National Practitioner Data Bank Program; (14) administers the Healthcare Integrity and Protection Data Bank Program; (15) administers the Ricky Ray Hemophilia

Relief Fund Program; (16) administers the Children's Hospitals Graduate Medical Education (CHGME) Payment Program; (17) administers the National Health Service Corps Program which assures accessibility of health care in underserved areas; (18) plans the activities of the National Health Service Corps Advisory Council; (19) administers the Public Health Service Scholarship Training Program and the National Health Service Corps Scholarship Loan Repayment Program; (20) administers the designation of health professional shortage areas and medically-underserved populations; (21) administers the Community Scholarship Program; (22) administers the State Loan Repayment Program; (23) administers the Nursing Education Loan Repayment Program; and (24) administers the Federal Credentialing Program.

16. Move the Legislative function in the Office of Planning and Project Development in the Bureau of Health Professions and place it in the Office of the Administrator Office of Legislation. Rename the Office of Planning And Project Development (RPA) in the Bureau of Health Professions as the Office of Policy and Planning, then delete the functional statement in its entirety and replace as follows:

Office of Policy and Planning (RP)

Serves as the Bureau focal point for program planning and evaluation program/operations review, analysis and Information Management System. Maintains liaison with governmental, professional, voluntary, and other public and private organizations, institutions, and groups for the purpose of providing information exchange. Specifically: (1) Stimulates, guides, and coordinates program planning, reporting, and evaluation activities of the Divisions and staff offices; (2) provides staff services to the Associate Administrator for program and strategic planning and its relation to the budgetary and regulatory processes, the development of issue papers, congressional reports, and coordination of OMB information clearance requests for forms and regulations; (3) coordinates the development and implementation of the Bureau's evaluation program; (4) reviews and interprets program award policies and authorities for incorporation into the development and implementation of the Bureau's program and award procedures; (5) coordinates the development, clearance, and dissemination of regulations, **Federal Register** notices, application guidelines and operating procedures; (6) identifies issues and coordinates the resolution of program award policy and procedural questions that arise; (7) serves as the Bureau's focal point for correspondence control; (8) coordinates the development of the Bureau's annual procurement plans and schedule for Bureau grants, contracts, and cooperative agreements; (9) coordinates and provides guidance on the Freedom of Information Act and Privacy Act activities for the Bureau; (10) monitors obligatory service requirements and conditions of deferment for compliance; and (11) maintains liaison with the Office of the General Counsel and the Office of the Inspector General, DHHS.

17. In the Bureau of Health Professions, delete the Office of Program Support in its entirety and replace as follows:

Office of Program Support

Plans, directs, coordinates and evaluates Bureau-wide administrative management activities, including grants management and financial management activities. Maintains close liaison with officials of the Bureau, Agency, the Office of Public Health and Science, and the Office of the Secretary on management and support activities. Specifically: (1) Serves as the Associate Administrator's principal source for management and administrative advice and assistance; (2) provides advice, guidance, and coordinates personnel activities for the Bureau with the Office of Human Resources Development, HRSA; (3) directs and coordinates the allocation of personnel resources; (4) provides organization and management analysis, develops policies and procedures for internal operation, and interprets and implements the Bureau's management policies, procedures and systems; (5) develops and coordinates program and administrative delegations of authority activities; (6) responsible for planning and directing Bureau financial management activities, including budget formulation, presentation, and execution functions; (7) conducts all business management aspects of the review, negotiation, award and administration of Bureau grants management activities; (8) provides Bureau-wide support services such as supply management, equipment utilization, printing, property management, space management, records management and management reports; (9) manages the Bureau's performance management systems; and (10) develops general guidance and criteria related to the Bureau's grant programs.

18. In the Bureau of Health Professions, delete the Office of Extramural Program Review (RPG) in its entirety and replace as follows:

Office of Peer Review (RPG)

(1) Serves as the Bureau's focal point for the administration and management of the grants and cooperative agreement review process, and its peer review functions; (2) develops, implements and maintains policies and procedures necessary to carry out primary functions in keeping with all Agency requirements; (3) maintains close liaison between Divisions/Offices to obtain information regarding potential peer reviewer panelists; (4) provides technical assistance to Peer Reviewers ensuring that reviewers are aware of and comply with the appropriate administrative policies and regulations, e.g., conflict of interest, confidentiality, and Privacy Act; (5) provides technical advice and guidance to the Associate Administrator regarding the Bureau's peer review processes; (6) coordinates and assures the development of program policies and rules relating to the Bureau's extramural activities; and (7) administers the Bureau's peer review function; and provide Divisions with final disposition, e.g., approval/disapproval for all applications peer reviewed.

19. In the Bureau of Health Professions, delete the Division of Interdisciplinary and Community Based Programs (RPE) in its entirety and replace as follows:

Division of State, Community and Public Health (RPE)

Serves as the principal focal point for specialized DHHS interagency projects, HRSA initiatives and Bureau of Health Professions interdivisional activities. Specifically: (1) Promotes, designs, supports and administers activities relating to the planning and development of nationally integrated health professions education programs; (2) administers special projects, such as the Secretary's Primary Care Policy Fellowship Program and the Secretary's Award Program for Innovations in Health Promotion and Disease Prevention; (3) promotes, plans and develops collaborative, interdisciplinary activities in the speciality areas of behavioral/mental health, rural health, geriatrics and the associated health professions, veterinary medicine, optometry, and pharmacy; allied health professions, including physical therapy, occupational therapy, medical technology, dental hygiene, respiratory therapy, radiography, radiation therapy, emergency medical technicians, and a

long list of similar professionals; chiropractic health care; social workers, especially in medical settings; clinical psychology; mental health workers; and new and developing health disciplines; (4) promotes quality improvement in health professions education through collaboration and partnerships with national and international institutes and centers for quality improvement; (5) promotes and supports academic-community partnerships whose goal is the development of interdisciplinary, community-based programs designed to improve access to health care through improving the quality of health professions education and training; (6) collaborates with relevant Divisions/Offices of the Bureau, HRSA and the Department; (7) maintains liaison with related professional groups, foundations, and other private and government organizations as needed; (8) serves as the Federal focus for the development and improvement of education for professional public health, preventive medicine, environmental health, and health administration practice, including undergraduate, graduate, and continuing professional development; (9) administers the Community Scholarship Program; and (10) administers the State Loan Repayment Program.

20. In the Bureau of Health Professions, delete the Division of Health Professions Diversity (RPD) in its entirety and replace as follows:

Division of Health Careers Development (RPD)

Serves as the focal point for the Health Professions and Nursing Student Loan and Scholarship Programs, the Exceptional Financial Need Scholarship Program, the Federal Assistance to Disadvantaged Health Professions Scholarship Program, the Health Educational Assistance Loan Program, the Health Professions and Nursing Educational Loan Repayment and Loan Cancellation Programs by providing leadership to assure equity in access to health resources and health careers for diverse and disadvantaged populations. Specifically: (1) Provides technical assistance to groups that represent and seek to improve the health status of diverse and disadvantaged populations, and facilitates the access of such groups to Bureau and other Federal programs and resources; (2) provides leadership and direction for the development and implementation of Bureau objectives as they relate to diverse and disadvantaged populations; (3) develops and recommends health resources and health career opportunities for diverse and disadvantaged populations; (4) initiates, stimulates, supports, coordinates, and evaluates Bureau programs for improving the availability and accessibility of health careers for diverse and disadvantaged populations; (5) initiates, stimulates, supports, coordinates, and evaluates in conjunction with other Bureau units, comprehensive data systems and analyses on requirements, resources, accessibility, and accountability of the health delivery system for diverse and disadvantaged populations; (6) conducts special studies and collects baseline data to identify specific factors contributing to the health and health-related problems of diverse and disadvantaged populations, and to develop strategies for improving health services and career opportunities for diverse and disadvantaged populations; (7) conducts extramural programs, including the use of grants and contracts, specifically designed to promote equity in access to health careers; (8) assures contract compliance and implementation of the Policy Statement on Civil Rights in the Bureau; (9) in coordination with the Bureau's divisions and in collaboration with other HRSA entities, provides leadership for and assures implementation of Presidential, Departmental, and other special initiatives addressing the needs of diverse and disadvantaged populations; (10) conducts and coordinates Bureau programs in health careers for women; (11) provides leadership to develop and coordinate Bureau program support to student health organizations; (12) provides advice and consultation on policy and other matters related to assuring equity in access to health resources and health careers for diverse and disadvantaged populations; (13) plans, develops, implements and promotes special initiatives and projects; (14) coordinates all necessary Federal, State and/or private sector involvement to insure the success of the initiative; (15) takes appropriate steps to institutionalize initiatives which successfully promote the mission of the Bureau; (16) directs and administers the Health Professions and Nursing Student Loan and Scholarship Programs, the Exceptional Financial Need Scholarship Program, the Federal Assistance to Disadvantaged Health Professions Scholarship Program, the Health Educational Assistance Loan Program, the Health Professions and Nursing Educational Loan Repayment and Loan Cancellation Programs including the awarding of loan and scholarship funds; (17) develops and implements program plans and policies and operating and evaluation plans and procedures in coordination with the Office of Policy and Planning; (18) monitors and assesses educational and financial institutions with respect to capabilities and management of Federal support for students; (19) develops and conducts training activities for staff of educational and financial institutions; (20) maintains liaison with and provides assistance to program-related public and private professional organizations and institutions; (21) maintains liaison with the Office of the General Counsel, and the Office of the Inspector General, DHHS, components of the Department of Education and the Department of Defense, and State agencies concerning student assistance; (22) coordinates financial aspects of programs with educational institutions; and (23) develops program data needs, formats, and reporting requirements, including collection, collation, analysis and dissemination of data.

21. In the Bureau of Health Professions, delete the Division of Quality Assurance (RP8) in its entirety and replace as follows:

Division of Practitioner Data Banks (RP8)

Serves as the focal point within DHHS/HRSA for medical, dental, nursing and other health professions quality assurance efforts. Specifically in coordination with the Department and other Federal entities, State licensing boards, and national, State and local professional organizations: (1) Administers the National Practitioner Data Bank (NPDB) as authorized under Title IV of the Health Care Quality Improvement Act of 1986 and Section 5 of the Medicare and Medicaid Patient and Program Protection Act of 1987; (2) prepares and submits periodic reports to the Congress on NPDB activities; (3) conducts and supports research based on NPDB information; (4) maintains active consultative relations with professional organizations, societies, and Federal agencies involved in the NPDB; (5) proposes and monitors guidelines for (a) credentials assessment, granting of privileges, and monitoring and evaluating programs for physicians, dentists, and other health care professionals; (b) professional review of specified medical events in the health care system; and (c) risk management and utilization reviews; (6) encourages evaluation and demonstration projects and research concerning quality assurance, medical liability and malpractice; (7) works with the Secretary's office to provide

technical assistance to States undertaking malpractice reform; (8) provides staff to and coordinates the activities of the PHS Interagency Advisory Council on Quality Assurance and Risk Management; (9) undertakes other quality assurance and risk management development efforts; (10) administers the Healthcare Integrity and Protection Data Bank Program (HIPDB); and (11) administers the Federal Credentialing Program (FCP).

22. In the Bureau of Health Professions, delete the National Center for Workforce Information and Analysis (RP–2) in its entirety and replace as follows:

National Center for Health Workforce Analysis (RPL)

Serves as the Bureau focal point for health professions data analysis and research. Maintains liaison with governmental, professional, voluntary, and other public and private organizations, institutions, and groups for the purpose of providing information exchange. Specifically: (1) Provides Departmental, Agency and Bureau leadership for a National Health Workforce and Analysis Program; (2) sponsors and conducts research on important issues that affect the national, State and local health workforce; (3) provides technical assistance to States, educational institutions, professional associations and other Federal Agencies relative to health personnel analytical information and analysis; (4) develops and applies econometric, statistical, and other quantitative methods, and conducts and sponsors research to develop new models and techniques for assessing and forecasting the capacity and output of health professions educational institutions and the labor supply behavior of specific types of health personnel; (5) conducts special studies to update national supply and requirements projection models and to increase the accuracy and reliability of supply and requirements projections; (6) develops forecasting models of various sectors of the health care system, and develops integrated models to provide a system-wide forecasting capability; (7) develops and coordinates the Bureau data collection and modeling in conjunction with other entities involved in data collection and analysis, such as the Agency for Healthcare Research and Quality (AHRQ), the National Center for Health Statistics (NCHS), the Centers for Medicare and Medicaid Services (CMS), the Administration on Aging (AOA); (8) provides technical coordination for the preparation of coordinated Bureau reports to Congress and other major technical reports, (9) develops, maintains and updates detailed models for the supply and requirements of physicians by specialty; (10) supports and conducts programs which address the development, supply, utilization, and quality of nursing personnel; (11) maintains communication and liaison with government, private and academic researchers concerned with educational research as well as modeling of health personnel supply, demand, and employment; (12) conducts analytical studies relevant to current and future policies of the Bureau and their impact on the supply and demand for health professionals and the health industry at large; (13) provides regular assessment to Office Directors and Bureau Associate Administrator of new information that has relevance to policy changes; (14) prepares policy analysis reports suitable for publication in peer reviewed journals; (15) initiates and conducts special studies to aid in the development of health professions policy initiatives and future health policy directions; (16) provides national leadership in the development and analysis of data related to nursing personnel requirements, distribution and availability and the relationship of nursing requirements to requirements for other types of health personnel; (17) provides national leadership and management of the designation of health professional shortage areas and medically-underserved populations; (18) maintains and enhances the Agency's critical role in the Nation's efforts to address equitable distribution of health professionals and access to health care for underserved populations; (19) encourages and fosters an ongoing, positive working relationship with other Federal, State and private sector partners; (20) approves designation requests and finalizes designation policies and procedures for both current and proposed designation criteria; (21) negotiates and approves State designation agreements (e.g., use of databases, population estimates, Statewide Rational Service Areas,); and (22) develops and obtains health professions and other health data.

23. In the Bureau of Health Professions, delete the Division of Shortage Designation (RPJ) and place the functions in the National Center for Health Workforce Analysis (RPK)

24. In the Bureau of Health Professions, delete the functional statement for the Division of Medicine and Dentistry (RPC) in its entirety and replace as follows:

Division of Medicine and Dentistry (RPC)

Serves as the principal focus with regard to education, practice, and research of medical personnel; with special emphasis on allopathic and osteopathic physicians, podiatrists, dentists and physician assistants. Specifically: (1) Provides professional expertise in the direction and leadership required by the Bureau for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health personnel for these professions; (2) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of such personnel; (3) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between the members of the health care team, their tasks, education requirements, and training modalities, credentialing and practice; (4) conducts and supports studies and evaluations of physician, dentist, physician assistant, and podiatric personnel requirements, distribution and availability, and cooperates with other components of the Bureau and Agency in such studies; (5) analyzes and interprets physician, dental, physician assistant, and podiatric programmatic data collected from a variety of sources; (6) conducts, supports, or obtains analytical studies to determine the present and future supply and requirements of physicians, dentists, physician assistants, and podiatrists by specialty and geographic location, including the linkages between their training and practice characteristics; (7) conducts and supports studies to determine potential national goals for the training and distribution of physicians in graduate medical education programs and develops alternative strategies to accomplish these goals; (8) supports and conducts programs with respect to activities, associated with the international migration, domestic training, and utilization of foreign medical graduates and U.S. citizens studying abroad; (9) maintains liaison with relevant health professional groups and others, including consumers, having common interest in the Nation's capacity to deliver health services; (10) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including Regional Offices, other agencies of the Federal Government, and international agencies and foreign governments, on all aspects of the Division's functions; (11)

provides administrative and staff support for the Advisory Committee on Training and Primary Care Medicine and Dentistry, and for the Council on Graduate Medical Education; and (12) represents the Bureau, Agency and Federal Government, as designated, on nation committees and/or the Accreditation Council on Graduate Medical Education (ACGME) and the Accreditation Council for Continuing Medical Education (ACCME); (13) administers support programs for the development, improvement, and the operation of general, pediatric, and public health dental educational programs; (14) designs, administers and supports activities relating to dentists; (15) provides technical assistance and consultation to grantee institutions and other governmental and private organizations on the operation of these educational programs; (16) promotes the dissemination and application of findings arising from programs supported; and (17) develops congressional and other mandated or special program-specific reports and publications on dental educational processes, programs and approaches.

25. In the Bureau of Health Professions, delete the functional statement for the Division of Nursing (RP5) in its entirety and replace as follows:

Division of Nursing (RP5)

Serves as the principal focus for nursing education and practice. Specifically: (1) Provides national leadership and professional nursing expertise in the areas of policy development, budget, planning, coordination, evaluation and utilization of nursing personnel resources; (2) serves, on behalf of the Secretary, as the Chair of the National Advisory Council on Nurse Education and Practice; (3) supports and conducts programs which address the development, supply, utilization, and quality of nursing personnel; (4) promotes the involvement of States and communities in developing and administering nursing programs and assists States and communities in improving nursing services and educational programs; (5) encourages coordination of nursing-related issues within and across Departmental entities; (6) facilitates coordination of nursing-related issues with other governmental agencies and consults with them on national or international nursing workforce planning and development issues; (7) maintains liaison with external health professional groups, the academic community, consumers, and State and community groups with a common interest in the Nation's capacity to deliver nursing services; (8) advances and promotes the development of effective models of nursing practice and education; (9) stimulates initiatives in the area of international nursing information exchange and nursing workforce planning and development; (10) provides overall direction and management of Division's human and financial resources; and (11) administers the Nursing Education Loan Repayment Program.

26. In the Bureau of Health Professions, delete the functional statement for the Division of National Health Service Corps (RPH) in its entirety and replace as follows:

Division of National Health Service Corps (RPH)

(1) Provides strategic planning and overall policy guidance and program oversight to the National Health Service Corps (NHSC); (2) initiates national program and policy changes, including regulatory and statutory amendments, as necessary, to ensure NHSC consistency with evolving national health care policy; (3) supports the NHSC National Advisory Council (NAC), which advises the Secretary, DHHS, on national health care policy, particularly as it affects health-manpower issues and the NHSC; (4) works with the Office of the Administrator and the Office of the Secretary to ensure that the NAC members are nationally recognized leaders in national health care policy issues, and in their respective primary health care disciplines; (5) provides national NHSC leadership, integration and coordination with HRSA and other Departmental programs serving or impacting the Nation's underserved communities and populations; (6) works directly with Bureau, Agency, intra-Agency, Departmental, and inter-Departmental organizations and staffs, as appropriate, on national policies and strategies affecting underserved populations and the development and distribution of primary care clinical personnel; (7) speaks for NHSC with national, regional, State, and local public and private health care professional associations, universities and other health professions training institutions and other groups whose public policy interests relate to primary health care manpower and access issues; (8) articulates NHSC policy interests and issues to a variety of national forums, including universities, foundations, think tanks, and other organizations whose interests in primary and other health care public policy issues have potential for affecting the NHSC; (9) provides policy guidance and support to HRSA field offices on NHSC issues; (10) coordinates NHSC's policy on primary and other health care manpower issues, and works with a wide variety of national, regional, State and local constituencies in ensuring their effective implementation; (11) directs and administers the Public Health Service Scholarship Training Program, the NHSC Loan Repayment Program, and the National Health Service Corps (NHSC) Scholarship Program programs, including the recruitment, application, selection and awarding of scholarship funds and deferment and service monitoring systems in close coordination with the NHSC; (12) develops and implements program plans and policies and operating and evaluation plans and procedures; (13) provides guidance and technical assistance for field office and educational institutions on the NHSC scholarship program; (14) provides guidance and technical assistance for field office and educational institutions on the NHSC scholarship program (15) maintains liaison with, and provides assistance to, program-related public and private professional organizations and institutions; (16) coordinates financial aspects of programs with educational institutions; (17) develops program data needs, formats and reporting requirements including collection, collation, analysis and dissemination of data; and (18) participates in the development of forward plans and budgets, directs and administers these programs, including the recruitment, application, selection and awarding of scholarship funds and deferment and service monitoring systems in close coordination with the NHSC.

27. In the Bureau of Health Professions, abolish the Division of Scholarships and Loan Repayments (RPI) and place the function in the Division of National Health Service Corps (RPH).

28. In the Bureau of Health Professions, abolish the Division of Vaccine Injury Compensation and place it in the Office of Special Programs.

29. In the Bureau of Health Professions, abolish the Division of Student Assistance (RP6) and place the function in the Division of Health Careers Development (RPD).

30. In the Bureau of Health Professions, abolish the Center of Public Health (RP–4) and place the function in the Division of State, Community and Public Health (RPE).

31. In the Bureau of Health Professions, abolish the Center for Program Coordination (RP–1) and place the

function in the Office of Policy and Planning (RPA).

32. In the Office of Special Programs (RR), delete the functional statement in its entirety and replace as follows:

Office of Special Programs (RR)

Provides overall leadership and direction for: Procurement, allocation, and transplantation of human organs and bone marrow; programmatic, financial and architectural/engineering support for construction/renovation programs; operation of the Vaccine Injury Compensation Program; and grants to States to improve health insurance coverage for the uninsured. Specifically: (1) Administers the Organ Procurement and Transplantation Network and the Scientific Registry of Transplant Recipients to assure compliance with Federal Regulations and policies; (2) administers the National Marrow Donor Program in matching volunteer unrelated marrow donors for transplants and studying the effectiveness of unrelated marrow transplants and related treatments; (3) develops, conducts and maintains a national program of grants and contracts to organ procurement organizations and other entities to increase the availability of various organs to transplant candidates; (4) manages national programs for compliance with uncompensated care and other assurances; (5) directs and administers Section 242 hospital mortgage insurance program (via inter-agency agreement with HUD) and HHS direct and guaranteed construction loan programs; (6) directs and administers grant program for construction/renovation/equipping of health care and other facilities; (7) directs and administers the National Vaccine Injury Compensation Program; and (8) directs and administers the State Planning Grant Program'.

30. In the Office of Special Programs, establish the Division of Vaccine Injury Compensation Program (RR4) as follows:

Division of Vaccine Injury Compensation (RR4)

The Division of Vaccine Injury Compensation (RP9) (DVIC), on behalf of the Secretary of Health and Human Services (HHS), administers all statutory authorities related to the operation of the National Vaccine Injury Compensation Program (VICP) by the (1) evaluation of petitions for compensation filed under the VICP through medical review and assessment of compensability for all complete claims; (2) processing of awards for compensation made under the VICP; (3) development of regulations to revise the Vaccine Injury Table; (4) provision of professional and administrative support to the Advisory Commission on Childhood Vaccines (ACCV); (5) development and maintenance of all automated information systems necessary for program implementation; (6) provision and dissemination of program information; (7) promotion of safer childhood vaccines; and (8) maintains a working relationship with other Federal and private sector partners in the administration and operation of the VICP.

Section RA–30 Delegation of Authority

All delegations of authority which were in effect immediately prior to the effective date hereof have been continued in effect in them or their successors pending further redelegation. I hereby ratify and affirm all actions taken by any DHHS official which involved the exercise of these authorities prior to the effective date of this delegation.

This reorganization is effective upon the date of signature.

Dated: October 4, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–25841 Filed 10–12–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (60 FR 56605 as amended November 6, 1995, as last amended at 66 FR 41249–51, dated August 7, 2001).

This notice is to reflect changes in the Office of Management and Program Support in the Health Resources and Services Administration (HRSA), establishes the Office of International Health Affairs and places the Office of Information Technology in the Office of the Administrator.

1. Delete the functional statement for the Office of Management and Program Support (RS) in its entirety and replace with the following:

Office of Management and Program Support (RS)

Provides agencywide leadership, program direction, and coordination to all phases of management: Specifically (1) provides management expertise and staff advice and support to the Administrator in program and policy formulation and execution; (2) plans, directs, and coordinates the Agency's activities in the areas of administrative management, financial management, human resources management, including labor relations, debt management, audits, grants and procurement management, real and personal property accountability and management, alternative dispute resolution and audit resolution and administrative services; (3) directs and coordinates the development of policy and regulations; (4) oversees the development of annual operating objectives and coordinates HRSA work planning and appraisals; (5) directs and coordinates the Agency's organization, functions and delegations of authority programs; (6) administers the Agency's Executive Secretariat and committee management functions (7) administers the Agency's internal controls and integrity activities; and (8) administers the agency's international health affairs program.

2. Delete the functional statement for the Division of Management Services (RS1) in its entirety and replace with the following:

Division of Management Services (RS1)

Provides agencywide leadership and direction in the areas of management policies and procedures, and property management and serves as the Executive Officer for the Office of Management and Program Support and the Office of the Administrator. Specifically: (1) Provides advice and guidance for the establishment or modification of organizational structures, functions, and delegations of authority; (2) conducts and coordinates the Agency's issuances, reports and mail management programs; (3) manages and maintains a records and forms management program for the Agency, this includes electronic data; (4) manages the intra- and interagency agreements process; (5) conducts agencywide management improvement programs; (6) conducts management and information studies and surveys; (7) oversees and coordinates the implementation of directives and policies relating to the Privacy Act; (8) plans, directs, and coordinates administrative management activities and services including personnel, financial, materiel management, and

general administrative services for the Office of the Administrator and the Office of Management and Program Support; (9) acts for the Associate Administrator for Management and Program Support concerning space, parking, and communications management for headquarters and represents him/her in matters relating to the management of the Parklawn Building complex; (10) advises on and coordinates agencywide policies and procedures required to implement General Services Administration and departmental regulations governing materiel management, including travel, transportation, motor vehicle, and utilization and disposal of property; (11) oversees and coordinates the Agency's committee management program; and (12) coordinates the Agency's Alternative Dispute Resolution Program.

3. Delete the functional statement for the Division of Policy Review and Coordination(RS7) in its entirety and replace with the following:

Division of Policy Review and Coordination (RS7)

(1) Advises the Administrator and other key Agency officials on policy issues and assists in the identification and resolution of policy issues and problems; (2) establishes and maintains review and tracking mechanisms and systems that provide agencywide coordination and clearance of policies, regulations and guidelines; (3) contributes to the analysis, development and implementation of agencywide programs and policies through coordination with relevant Agency program components and other related sources; (4) plans, organizes and directs the Agency's Executive Secretariat with primary responsibility for preparation and management of written policy and other communications to and from the Administrator and with Department officials; (5) arranges for briefing Department and OMB officials on critical policy issues and development of necessary background information and prepares briefing documents; (6) administers early alert system for the Agency to assure Department and other officials are notified of concerns, emerging issues and crises associated with primary care, rural health, maternal and child health, AIDS, health professions, organ procurement and other areas within the Agency's mission; and (7) coordinates the preparation of proposed rules and regulations relating to Agency programs and coordinates Agency review and comment on other Department regulations and policy directives that may affect the Agency's programs.

4. Delete the Office of International Health Affairs (RAD) in the Office of the Administrator and place it in the Office of Management and Program Support as the follows:

The Office of International Health Affairs (RS8)

The Office of International Health Affairs serves as a focal point within the Health Resources and Services Administration (HRSA) for leadership, coordination, and advancement of international health activities relating to health care services for vulnerable and at-risk populations and for training programs for health professionals. The office carries out the following functions in coordination with the Department and State Department and to the extent authorized by laws within the authority of HRSA. Specifically: (1) Provides leadership within HRSA for the support for international health in coordinating policy development with other Departmental agencies; (2) provides technical and other support to HRSA components as they interface with Departmental international health activities; (3) develops working relationships with private sector providers and HRSA grantees to assure mutual areas of cooperation, maximization of expertise and coordination as it relates to international health; (4) advises the HRSA Administrator on strategies to maximize the participation of the Agency and its components in international health programs and activities; (5) works with foundations, private agencies and other Federal, State, and local agencies for the effective development of policies and resources relating to health care for vulnerable populations world-wide; (6) coordinates international travel and visitor programs within the jurisdiction of HRSA.

5. Delete the Office of Information Technology (RS6) from the Office of Management and Program Support.

6. Establish the Office of Information Technology (RAG) in the Office of the Administrator as follows:

Office of Information Technology (RAG)

The Office of Information Technology (OIT) is headed by the Chief Information Officer (CIO), whose responsibilities include: (1) Providing advice and assistance to the Administrator and other senior management personnel to ensure that information technology is acquired and information resources are managed in a manner that implements the policies and procedures of the Clinger-Cohen Act and the priorities established by the Secretary; (2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the Agency; (3) promoting the effective and efficient design and operation of all major information resources management processes for the Agency, including improvements to work processes of the Agency; (4) monitoring the performance of information technology programs of the Agency, evaluating the performance of those programs on the basis of the applicable performance measurements, and advising the Administrator regarding whether to continue, modify, or terminate a program or project; (5) assessing the requirements established for Agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management; (6) developing and implementing an effective entity-wide security planning and management program; (7) managing the delivery of critical information technology (IT) services to Agency personnel including: network connectivity, telecommunications, web development and hosting, software training, enterprise applications, information systems security, electronic and IT procurement, desktop support, and cross-cutting data management and analysis activities; (8) maintaining liaisons with other Federal and non-Federal health agencies on matters within its areas of responsibility; and (9) manages the Agency's video conferencing function.

Delegation of Authority

All delegations and redelegations of authorities to officers and employees of the Health Resources and Services Administration which were in effect immediately prior to the effective date of this action will be continued in effect in them or their successors, pending further redelegation, provided they are consistent with this action.

This document is effective upon date of signature.

Dated: October 4, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–25840 Filed 10–12–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The invention described below is owned by an agency of the U.S. Government and is available for licensing in the U.S., in accordance with 35 U.S.C. 207, to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent application listed below may be obtained by contacting Catherine Joyce, Ph.D., J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7735 ext. 258; fax: 301/402–0220; e-mail: *joycec@od.nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

Development of a Single Vector Containing cre Recombinase and Two Functional lox Sites: Active cre Produced in Eukaryotic but not Prokaryotic Systems,

Stan Kaczmarczyk, Jeffrey E. Green (NCI), DHHS Reference No. E–172–00/0 filed 04 Apr 2001

The bacterial recombinase *cre* will recombine lox sites within bacteria. Since this will occur with extremely low levels of *cre,* it has not been possible to place the *cre* gene within a vector which also contains two lox recombination site and clone the construct in bacteria. Therefore, in order to use *cre*-lox technology, the use of two separate vectors has been required—one containing *cre* and another containing the lox sites. The inventors have devised a strategy to generate vectors that contain *cre* in a form which is not translated in bacteria thereby allowing for the co-existence of two lox sites within the same vector. Under these circumstances, the vector can be cloned and grown in bacteria enabling experiments to be conducted in eukaryotic cells using just one vector instead of two separate vectors. This system provides a significant advantage in performing many types of experiments.

In *in vitro* transfection experiments, only one vector needs to be incorporated into a cell instead of two separate vectors. This overcomes the inherent problem of trying to transfect two vectors into one cell, where the relative ratios of the two vectors which enter the cells can vary widely. Of even greater significance is the application of this technology to transgenic animal work where the incorporation of one vector into a line of transgenic animals is all that is required, instead of the generation of two separate lines of transgenic animals which then must be crossed to produce an animal which contains both constructs. In addition, this technology can be applied to gene therapy approaches in which the tissue-specific expression of a therapeutic gene can be activated by *cre* contained within the same construct. The technology allows generation of one vector which contains the *cre*-variant and two lox sites enabling one to either switch the expression of one gene to another gene and/or amplify the expression of a particular gene to high levels in a tissue specific manner.

This research has appeared, in part, in Kaczmarczyk and Green, Nucleic Acids Res 2001 Jun 15;29(12):E56.

Dated: September 28, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–25829 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Initial Review Group. Subcommittee F—Manpower & Training.

Date: November 13–15, 2001.

Time: 6:30 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Mary Bell, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, PHS, DHHS, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892–8328, 301–496–7978.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25791 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Initial Review Group, Subcommittee G—Education.

Date: October 23–25, 2001.

Time: 8:30 AM to 6 PM.

Agenda: To review and evaluate grant applications.

Place: Radisson Plaza Hotel Baltimore–Inner Harbor, 20 West Baltimore Street, Baltimore, MD 20201

Contact Person: Harvey P. Stein, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8137, Bethesda, MD 20892, (301) 496–7841.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25802 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Initial Review Group, Subcommittee H—Clinical Groups.

Date: November 14–15, 2001.

Time: 1:00 PM to 1:30 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, Terrace Room, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Deborah R. Jaffe, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8038, MSC 8328, Bethesda, MD 20892, (301) 496–7721.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25803 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

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 meetings.

The meetings 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 Center for Research Resources Special Emphasis Panel Comparative Medicine.

Date: October 10, 2001.

Time: 7:30 PM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Charles G. Hollingsworth, DRPH, Director, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Drive, Room 6018, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892–7965, 301–435–0806, *charlesh@ncrr.nih.gov.*

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.

Name of Committee: National Center for Research Resources Special Emphasis Panel Comparative Medicine.

Date: January 17, 2002.

Time: 7 AM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Homewood Suites by Hilton, 206 Western Avenue West, Seattle, WA 98119.

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810, *kingc@ncrr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25819 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of 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 a meeting of the Board of Scientific Counselors, National Eye Institute.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended

for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Eye Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Eye Institute.

Date: December 3–4, 2001.

Open: December 3, 2001, 8 AM to 9 AM.

Agenda: Opening remarks by the Acting Scientific Director, Intramural Research Program, on matters concerning the intramural program of the NEI.

Place: Building 10, Room 10B16, Bethesda, MD 20892.

Closed: December 3, 2001, 9 AM to 5 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Building 10, Room 10B16, Bethesda, MD 20892.

Closed: December 4, 2001, 8 AM to 12 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Building 10, Room 10B16, Bethesda, MD 20892.

Time: 8 AM to 12 PM.

Agenda: Personal qualifications and performance, and competence of individual investigators.

Place: Building 10, Room 10B16, Bethesda, MD 20892.

Contact Person: Terry M Green, Secretary, National Institutes of Health, National Eye Institute, Bethesda, MD 20892, 301–451–6763.

Information is also available on the Institute's/Center's home page: www.nei.nih.gov, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25825 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Ancillary Studies in Heart, Lung, and Blood Disease Trials.

Date: October 26, 2001.

Time: 1 PM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Drive, Room 5110, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Joyce A. Hunter, PhD, Review Branch, Room 7194, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20872.

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. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25795 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel, NHLBI, National Service Award.

Date: October 28–30, 2001.

Time: 7:30 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Roy L. White, PhD, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291.

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. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25796 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Loung, and Blood Institute Special Emphasis Panel, Special Emphasis Panel for 1 PO1 HL69999–01.

Date: November 8, 2001.

Time: 8:30 AM to 1 PM.

Agenda: To review and evaluate grant applications.

Place: Hilton National Airport Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Louise P Corman, PhD, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892–7924, (301) 435–0270.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Disease Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25811 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Demonstration & Educational Research—R18s.

Date: November 8, 2001.

Time: 2 PM to 5:30 PM.

Agenda: To review and evaluate grant applications.

Place: Hilton National Airport Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Louise P. Corman, PhD, Scientific Review Administrator, Review Branch, Room 7180, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25812 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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: Heart, Lung, and Blood Program Project Review Committee, Program Project Review Committee.

Date: November 29, 2001.

Time: 8 AM to 2 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.

Contact Person: Jeffrey H Hurst, PhD, Scientific Review Administrator, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, (301) 435–0303, *hurstj@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25814 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

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 meetings.

The meetings 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 Environmental Health Sciences Special Emphasis Panel Review of P01 Applications.

Date: October 22–24, 2001.

Time: 7 PM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: Hawthorn Suites, 321 Bercut Drive, Sacramento, CA 95814.

Contact Person: Ethel B. Jackson, DDS, Chief Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, 919/541–7846, jackson4@niehs.nih.gov

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.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Review of program project Applications.

Date: November 1–3, 2001.

Time: 7 PM to 11 AM.

Agenda: To review and evaluate grant applications.

Place: Marriott By The Courtyard, 500 West Third Street, Covington, KY 41011.

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS

Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25790 Filed 10–12–01; 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 Initial Review Group, Biomedical Research and Research Training Review Subcommittee A.

Date: November 8–9, 2001.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Carole H. Latker, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–2848, *latkerc@nigms.nih.gov*

(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: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25792 Filed 10–12–01; 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: Minority Programs Review Committee MARC Review Subcommittee A.

Date: October 15–17, 2001.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard I. Martinez, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

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; 93.9859, 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: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25793 Filed 10–12–01; 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 Initial Review Group Biomedical Research and Research Training Review Subcommittee B.

Date: November 8–9, 2001.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Arthur L. Zachary, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13H, Bethesda, MD 20892, (301) 594–2886, zachary@nigms.nih.gov

(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: October 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25794 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

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 meetings.

The meetings 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–C (J1).

Date: October 18, 2001.

Time: 8 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Carolyn Miles, PhD, Scientific Research Administrator, Review Branch, DEA, NIDDK, Room 755, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7791.

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.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–1(C1).

Date: November 6, 2001.

Time: 2 PM to 3:30 PM.

Agenda: To review and evaluate contract proposals.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, RM 757, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 757, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7797, connaughtonj@extra.niddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25797 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of 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 a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDCD.

Date: October 26, 2001.

Open: 7:15 a.m. to 8:15 a.m.

Agenda: Report from the Institute Director and Director, Division of Intramural Research.

Place: 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.

Closed: 8:15 a.m. to 3:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.

Contact Person: Robert J. Wenthold, PhD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 2B28, Rockville, MD 20852, 301–402–2829.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25798 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: November 30, 2001.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS–25S, Bethesda, MD 20892, (301) 594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25799 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 section 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 Child Health and Human Development Special Emphasis Panel.

Date: October 15, 2001.

Open: 8:30 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

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.

(Catalog of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25808 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (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 Child Health and Human Development Special Emphasis Panel.

Date: October 15, 2001.

Time: 2:30 PM to 5:30 PM.

Agenda: To review and evalaute grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

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. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25809 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel, Special Emphasis Panel.

Date: October 17, 2001.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: John E. Richters, PhD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594–5971.

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. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25810 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel.

Date: October 15, 2001.

Time: 11:30 AM to 1:30 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, National Institutes of health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

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. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research, 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 04, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25813 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institutes of Child Health and Human Development Special Emphasis Panel.

Date: November 26, 2001.

Time: 12 pm to 2 pm.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Blvd. 5th Floor, Rockville, MD 20852, (Telephone Conference Call)

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25815 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health 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 Environmental Health Sciences Special Emphasis Panel, Review of Program Project Grant Applications.

Date: November 7–9, 2001.

Time: 7 pm to 12 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Baltimore, On the Inner Harbor, 300 Light Street, Baltimore, MD 21202.

Contact Person: Brenda K. Weis, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institutes of Environmental Health Sciences, P.O. Box 12233, MD/EC–30, Research Triangle Park, NC 27709, 919/541–4964.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: October 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25816 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel.

Date: October 29, 2001.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Governor's House, 1615 Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Laurence R. Stanford, PhD, Director, Division of Scientific Review, National Institutes of Child Health and Human Development, NIH, 6100 Building, Room 5E03, 9000 Rockville Pike MSC 7510, Bethesda, MD 20892, (301) 496–1485.

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. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research, 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 9, 2001,

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25817 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Child Health and Human Development; 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 Child Health and Human Development Initial Review Group Population Research Subcommittee.

Date: November 8, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD. 20814.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25818 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 a meeting of the Board of Scientific Counselors, NIDDK.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Diabetes and Digestive and Kidney Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDDK.

Date: November 28–30, 2001.

Open: November 28, 2001, 6 PM to 6:30 PM.

Agenda: Introductions and Overview.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Closed: November 28, 2001, 6:30 PM to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Closed: November 29, 2001, 8 AM to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Closed: November 30, 2001, 8 AM to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Contact Person: Marvin C. Gershengorn, MD, Scientific Director, Division of Intramural Research, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 9000 Rockville Pike, Bldg. 10, Rm. 9N222, Bethesda, MD 20892, (301) 496–4129.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93–849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25821 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel.

Date: November 1–2, 2001.

Time: November 1, 2001, 8 AM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Anthony Macaluso, PhD, Scientific Review Administrator, NIAID/DEA, Scientific Review Program, Room 2212, 6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, 301–496–7465, *amacaluso@niaid.nih.gov*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25822 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Child Health and Human Development Initial Review Group Maternal and Child Health Research Subcommittee.

Date: October 16–17, 2001.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, Bethesda, MD 20892.

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 Programs Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25823 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel.

Date: October 18, 2001.

Time: 8:30 AM to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

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. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25824 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Environmental Health Sciences Special Emphasis Panel, October 1, 2001, 7 PM to October 3, 2001, 12 PM, The Charles Hotel, One Bennett Street, Cambridge, MA, 02138 which was published in the **Federal Register** on September 7, 2001, FR 66: 46806.

The date of this meeting has been changed to November 5–7, 2001. The times and place of the meeting will remain the same. The meeting is closed to the public.

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25826 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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: Biomedical Library Review Committee, Medical Informatics Subcommittee.

Date: November 8, 2001.

Time: 12 PM to 1 PM.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Merlyn M Rodrigues, MD, PhD, Scientific Review Adm., National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25800 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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: Biomedical Library Review Committee, Medical Library Resource Subcommittee.

Date: November 8, 2001.

Time: 12 PM to 1 PM.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Conference Room B, Bethesda, MD 20892.

Contact Person: Merlyn M Rodrigues, MD, PHD, Scientific Review Adm., National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25801 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 a meeting of the Board of Scientific Counselors, National Library of Medicine.

The meeting will be closed to the public as indicated below in accordance with the provision is set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Library of Medicine, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Library of Medicine, Board of Scientific Counselors, National Center for Biotechnology Information, National Library of Medicine.

Date: December 3–4, 2001.

Time: December 3, 2001, 7:00 PM to 10:00 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Time: December 4, 2001, 8:30 AM to 2:00 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Contact Person: David J. Lipman, MD, Director, Natl Ctr for Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Bethesda MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: October, 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25804 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of 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 open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact person listed below in advance of the 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 s 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: Biomedical Library Review Committee.

Date: November 8–9, 2001.

Closed: November 8, 2001, 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg. 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Open: November 8, 2001, 11:30 a.m. to 12 p.m.

Agenda: Administrative Reports and Program Discussion.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: November 8, 2001, 1 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Open: November 8, 2001, 1:30 a.m. to 2 p.m.

Agenda: Remarks by the Director, NLM.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: November 8, 2001, 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Merlyn M. Rodrigues, MD, PhD, Scientific Review Adm., National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25805 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review

Notice is hereby given of the cancellation of the Visual Sciences C Study Section, October 11, 2001, 8 a.m. to October 12, 1001, 4 p.m., Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037 which was published in the **Federal Register** on September 28, 2001, 66 FR 49683–49685.

The meeting is cancelled due to the lack of standing members.

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25806 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Centers for Scientific Review; 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 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: Center for Scientific Review Emphasis Panel.

Date: October 9–10, 2001.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, *sharmag@csr.nih.gov.*

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. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25807 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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: Center for Scientific Review Special Emphasis Panel.

Date: October 15, 2001.

Time: 5 PM to 7 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dharma S. Dhindsa, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5126, MSC 7854, Bethesda, MD 20892, (301) 435–1174, *dhindsad@csr.nih.gov*

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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 16–17, 2001.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781, *th88q@nih.gov*

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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 17–18, 2001.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, Westbury Conference Room, 1500 New Hampshire Avenue NW., Washington, DC 20036.

Contact Person: Syed Husain, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7850, Bethesda, MD 20892, (301) 435–1224, *husains@csr.nih.gov*

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.

Name of Committee: Cell Development and Function Integrated Review Group, Cell Development and Function 5.

Date: October 18–19, 2001.

Time: 8:30 AM to 2 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.

Contact Person: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435–1021, *duperes@csr.nih.gov*

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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 25, 2001.

Time: 8 AM to 9:30 AM.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, 1 Washington Circle, NW., Washington, DC 20037.

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov.

Name of Committee: Nutritional and Metabolic Sciences Integrated Review Group Metabolism Study Section.

Date: October 25–26, 2001.

Time: 8 AM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, (301) 435–4514.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 25–26, 2001.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 25, 2001.

Time: 8 AM to 9 AM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Robert Weller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770; Bethesda, MD 20892, (301) 435–0694.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group Microbial Physiology and Genetics Subcommittee 2.

Date: October 25, 2001.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Rona L. Hirschberg, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7808, Bethesda, MD 20892, (301) 435–1150.

Name of Committee: Immunological Sciences Integrated Review Group Immunological Sciences Study Section.

Date: October 25–26, 2001.

Time: 8:30 AM to 6 PM.

Agenda: To review and evaluate grant applications.

Place: Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.

Contact Person: Alexander D. Politis, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812; Bethesda, MD 20892, (301) 435–1225, *politisa@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 25–26, 2001.

Time: 8:30 AM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.

Contact Person: Michael Micklin, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, *micklinm@csr.nih.gov*

Name of Committee: Biochemical Sciences Integrated Review Group Pathobiochemistry Study Section.

Date: October 25–26, 2001.

Time: 8:30 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Zakir Bengali, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, MSC 7842, Bethesda, MD 20892, (301) 435–1742.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 25–26, 2001.

Time: 9 AM to 5:30 PM.

Agenda: To review and grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Yvette M. Davis, VMD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–0906.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 25–26, 2001.

Time: 9 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Mary Ann Guadagno, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1104, MSC 7770, Bethesda, MD 20892, (301) 451–8011.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group Social Sciences, Nursing, Epidemiology and Methods 3.

Date: October 25–26, 2001.

Time: 9 AM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Robert Weller, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0694.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 26, 2001.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Betty Hayden, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov*

Name of Committee: Center for Scientific Review and Special Emphasis Panel.

Date: October 26, 2001.

Time: 9 AM to 2 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiay Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Chhanda L. Ganguly, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 26, 2001.

Time: 2 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Syed Amir, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, *amirs@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 28–30, 2001.

Time: 6 PM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.

Contact Person: Elaine Sierra-Rivera, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverse@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29, 2001.

Time: 8 AM to 1 PM.

Agenda: To review and evaluate grant applications.

Place: The Virginia Suites, 1500 Arlington Boulevard, Arlington, VA 22209.

Contact Person: Lee Rosen, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29–30, 2001.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.

Contact Person: Gloria B. Levin, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, *leving@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29–30, 2001.

Time: 8 AM to 3 PM.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Ranga V. Srinivas, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinvar@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29–30, 2001.

Time: 8 AM to 6 PM.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Gillian Einstein, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5198, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *einsteig@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 29–30, 2001.
Time: 8 AM to 12 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, Fortune Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Syed M. Quadri, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Cardiovascular and Renal Study Section.
Date: October 29–30, 2001.
Time: 8 AM to 5 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 2180, MSC 7818, Bethesda, MD 20892, (301) 435–1169, *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 29–30, 2001.
Time: 8 AM to 3:30 PM.
Agenda: To review and evaluate grant appliations.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Stephen M. Nigida, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

Name of Committee: Genetic Sciences Integrated Review Group, Mammalian Genetics Study Section.
Date: October 29–30, 2001.
Time: 8 AM to 5 PM.
Agenda: To review and evaluate grant applications.
Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.
Contact Person: Camilla Day, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 2208, MSC 7890, Bethesda, MD 20892, (301) 435–1037, *dayc@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Development Neuroscience Integrated Review Group, Molecular, Cellular and Developmental Neurosciences 6.
Date: October 29–30, 2001.
Time: 8 AM to 5 PM.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites & Chevy Chase Pavilion, 4300 Military Road, NW., Wisconsin at Western Avenue, Washington, DC 20015.
Contact Person: Michael Nunn, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 5208, MSC 7850, Bethesda, MD 20892, (301) 435–1257.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 29, 2001.
Time: 11 AM to 12 PM.
Agenda: To review and evalated and grant applications.
Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.
Contact Person: Elaine Sierra-Rivera, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 4136, MSC 7804, Bethesda, MD 20892, (301) 435–1779, *riverse@csr.nih.gov*

Name of Committee: Center for Scientific Review special emphasis Panel.
Date: October 29, 2001.
Time: 1 PM to 2 PM.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20982. (Telephone Conference Call)
Contact Person: John Bishop, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 29, 2001.
Time: 1 PM to 5 PM.
Agenda: To review and evaluate grant applications.
Place: The Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.
Contact Person: Lee Rosen, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 29, 2001.
Time: 1 PM to 3 PM.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, National Cancer Institute, 6130 Executive Blvd. Room 611–A, Rockville, MD 20892. (Telephone Conference Call)
Contact Person: Michael R. Schaefer, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2205, MSC 7890, Bethesda, MD 20892, 301–435–2477, schaefem@csr.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 29, 2001.
Time: 2 PM to 3:30 PM.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC, Bethesda, MD 20892, 301–435–0902, mkrause@mail.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 30–31, 2001.
Time: 8 AM to 5 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Nadarajen A. Vydelingum, PHD, Scientific Review Administrator, Special Study Section—8, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, MSC 7854, Rm 5122, Bethesda, MD 20892, 301–435–1176, vydelinn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 30, 2001.
Time: 8 AM to 2 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.
Contact Person: Rass M. Shayiq, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–2359.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 30–31, 2001.
Time: 9 AM to 6 PM.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Michael Nunn, PhD, BS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7850, Bethesda, MD 20892, (301) 435–1257.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 30, 2001.
Time: 2 PM to 3:30 PM.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call)
Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 31, 2001.
Time: 8 AM to 3 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: N. Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 31, 2001.
Time: 8 AM to 12 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Bill Bunnag, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892–7854, (301) 435–1177, *bunnagb@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 31–November 1, 2001.

Time: 1:30 PM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892–7854, (301) 435–1177, *bunnagb@csr.nih.gov*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25827 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

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 Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: November 1–2, 2001.

Time: 9 a.m. to 1 p.m.

Agenda: To provide advice on appropriate research activities with respect to women's health and related studies to be undertaken by the national research institutes, to provide recommendations regarding ORWH activities, and to assist in monitoring compliance regarding the inclusion of women in clinical research.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Joyce Rudick, Director, Programs & Management, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892, 301/402–1770.

Information is also available on the Institute's/Center's home page: www4.od.nih.gov/orwh/, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Programs Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–25820 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Listing of Members of the National Institutes of Health's Senior Executive Service Performance Review Board (PRB)

The National Institutes of Health (NIH) announces the persons who will serve on the National Institutes of Health's Senior Executive Service Performance Review Board. This action is being taken in accordance with Title 5, U.S.C., section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals, and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

The following persons will serve on the NIH Performance Review Board, which oversees the evaluation of performance appraisals of NIH Senior Executive Service (SES) members:

Yvonne Maddox, Ph.D., Chair
Wendy Baldwin, Ph.D.
J. Carl Barrett, Ph.D.
Elvera Ehrenfeld, Ph.D.
Maureen Gormley
Michael Gottesman, M.D.
Thomas Kindt, Ph.D.
Charles Leasure
John McGowan, Ph.D.
Richard Millstein
Donald Poppke
Louise Ramm, Ph.D.
Lawrence Self

For further information about the NIH Performance Review Board, contact the Office of Human Resource Management, Senior and Scientific Employment Division, National Institutes of Health, Building 31/B3C08, Bethesda, Maryland 20892, telephone (301) 496–1443 (not a toll-free number).

Dated: October 5, 2001.

Yvonne Maddox,

Acting Deputy Director, National Institutes of Health.

[FR Doc. 01–25828 Filed 10–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Renewal Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service has submitted the collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act. A copy of the information collection requirement is included in this notice. Copies of the proposed information collection requirement, related forms, and explanatory material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: OMB has up to 60 days to approve or disapprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must submit comments on or before November 14, 2001.

ADDRESSES: Send comments and suggestions on specific requirements directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of the Interior Desk Officer, 725 17th Street, NW., Washington, DC 20503; and a copy to our Rebecca A. Mullin, Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service [MS 222 ARLSQ], 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Mullin, Service Information Collection Clearance Officer at (703) 358–2287 or electronically at rmullin@fws.gov.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 that amends the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668 dd–ee) requires that we authorize economic privileges on any national wildlife refuge by permit only when the activity will be compatible and appropriate with the purposes for which the refuge was established. We will provide the permit applications as requested by interested citizens. We will use information provided on the required written forms and/or verbal applications to ensure that the applicant is eligible for the permit. We make provision in our general refuge regulations for public entry for specialized purposes, including economic activities such as the operation of guiding and other visitor services on refuges by concessionaire or cooperators under appropriate contractors or legal agreements or special use permits (50 CFR § 25.41 and §§ 25.61, 30.11, 31.13, and 31.16). These regulations provide the authorities and procedures for allowing permits on refuges outside of Alaska.

We use this permit to authorize such items as farming operations (haying and grazing, and beneficial management tools that we use to provide the best habitat possible on some refuges), recreational visitor service operations (outfitters/guides), commercial filming, and other commercial and noncommercial activities. Likely respondents will be individual citizens, certain corporations who wish to be considered to conduct special uses on a refuges, non-profit organizations, Federal, State, local, or Tribal governments. We will issue permits for a specific period as determined by the type and location of the use or visitor service provided.

OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We are submitting a request to OMB to renew its existing approval of the collection of information for National Wildlife Refuge System Special Use Permit for all Refuges Outside Alaska, which expires on December 31, 2001.

Federal agencies 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.

We previously published a 60-day notice on this information collection requirement in the **Federal Register** on April 26, 2001 (66 FR 21006) inviting public comment. We received no comments on that notice as of the comment close of June 25, 2001. This notice provides an additional 30 days in which to comment on the following information:

Title: National Wildlife Refuge System Special Use Permit for all Refuges Outside Alaska.

Approval Number: 1018–0102.

Service Form Number: 3–1383.

Frequency of Collection: On occasion.

Description of Respondents: Individuals and households; Business and other for-profit organizations; nonprofit institutions; Farms; and State, local or tribal governments.

Total Annual Burden Hours: We have 522 national wildlife refuges outside the State of Alaska. We anticipate that each refuge will authorize approximately 20 permits each year. This is a total of 10,440 permits. We estimate that it takes an hour to complete the application requirements to supply the necessary information. Therefore the annual burden estimate in hours is 10,440.

Dated: September 6, 2001.

Rebecca A. Mullin,

Service Information Collection Clearance Officer.

[FR Doc. 01–25866 Filed 10–12–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment/Habitat Conservation Plan for Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit for the Incidental Take of the Bald Eagle (*Haliaeetus leucocephalus*) During the Continued Development of the East Lake Area, The Woodlands, Montgomery County, TX

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of documents availability; request for comments.

SUMMARY: The Applicant, The Woodlands Operating Company, L.P., have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a) of the Endangered Species Act (Act). The Applicants have been assigned permit number TE–048649–0. The requested permit, which would be for a period of 30 years, would authorize the incidental take of the threatened bald eagle (*Haliaeetus leucocephalus*). The proposed take would occur as a result of the otherwise lawful development of the East Lake Area of The Woodlands, Montgomery County, Texas.

An Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application has been prepared. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before November 14, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Edith Erfling, U.S. Fish and Wildlife Service, Clear Lake Ecological Services Field Office, 17629 El Camino Real, Suite 211, Houston, Texas 77058 (281/286–8282). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Houston, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Houston, Texas, at the above address. Please refer to permit number TE–048649–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Edith Erfling at the above U.S. Fish and Wildlife Service, Clear Lake Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the bald eagle. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

APPLICANT: The Woodlands is a 28,000-acre master-planned new community development, located approximately 30 miles north of Houston, Montgomery County, Texas. The current population of The Woodlands is approximately 63,000 residents. At build-out, the total population is expected to reach 110,000 residents. This action may result in the abandonment of a bald eagle nest site. The Applicant proposes to compensate

for this incidental take by agreeing to provide buffers between forested areas and development as well as funding a bald eagle research project.

Stephen C. Helfert,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 01–25852 Filed 10–12–01; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Restoration of the Diamond Lake Recreational Fishery

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service announces that we are cancelling a Notice of Intent to gather information necessary to prepare an Environmental Impact Statement (EIS) for the proposed Oregon State project ''Restoration of the Diamond Lake Recreational Fishery.''

FOR FURTHER INFORMATION CONTACT: Jerry Novotny, Office of Migratory Birds and State Programs, U.S. Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181. Telephone: 503–231–6128.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy, the U.S. Fish and Wildlife Service (Service) advises the public that we are cancelling a Notice of Intent Act to gather information necessary to prepare an Environmental Impact Statement (EIS) for the proposed State project ''Restoration of the Diamond Lake Recreational Fishery'' (**Federal Register** Vol. 64, No. 39, pages 10009–10011, March 1, 1999). This State project was to be funded through the Service's Federal Aid in Sport Fish Restoration Program. The State of Oregon, at the direction of their Fish and Wildlife Commission, has notified the Service that they are withdrawing their proposal and associated funding request to treat the lake with rotenone in an attempt to eradicate an overpopulation of tui chub. Water quality issues, concerns about downstream disturbances, and escalating costs of such a large project resulted in the State's change of plans. They now intend to selectively manage the lake for species native to the watershed to seek control of the tui chub population.

Dated: October 3, 2001.

Cynthia U. Barry,

Acting Regional Director.

[FR Doc. 01–25869 Filed 10–12–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Redhawk Communities, Inc. Development in Riverside County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: Redhawk Communities, Incorporated (the Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Service is considering issuance of a 7-year permit to the Applicant that would authorize take of the endangered Riverside fairy shrimp (*Streptocephalus woottoni*) incidental to otherwise lawful activities. Such take would occur during the construction of 326 residential units and 84 condominium units on a previously graded site located near Temecula in southwestern Riverside County, California.

We request comments from the public on the permit application, and an Environmental Assessment, both of which are available for review. The permit application includes the proposed Habitat Conservation Plan (HCP) and an accompanying Implementing Agreement (legal contract).

DATES: We must receive your written comments on or before December 14, 2001.

ADDRESSES: Please address written comments to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You also may send comments by facsimile to (760) 431–5902.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Cleary-Rose, Habitat Conservation Plan Coordinator, at the above address or call (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of these documents for review by contacting the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address and at the Temecula Library located at 41000 County Center Drive, Temecula, California.

Background

Section 9 of the Endangered Species Act (Act) and Federal regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to include ''harass, harm, pursue, hunt, shot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.'' The Service may, under limited circumstances, issue permits to authorize incidental take (i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for threatened and endangered species are found in 50 CFR 17.32 and 17.22.

The Applicant has proposed development of 326 residential units and 84 condominium units on 102.81 acres. Surrounding land uses include residential development and a golf course.

Biologists surveyed the project site for biological resources between 1998–2001. While no listed species had been found on Vesting Tentative Tracts 1, 2 and 3 and Tract 30246, issuance of a grading permit by the County was conditioned on surveys for Quino checkerspot butterfly (*Euphydryas editha quino*) and coastal California gnatcatcher (*Polioptila californica californica*) in the year immediately prior to construction. Surveys were conducted in 2001 by Pacific Southwest Biological Services. Neither Quino checkerspot butterfly nor coastal California gnatcatcher was found on the project site. During a break in pre-construction protocol surveys for the gnatctacher on March 23, 2001, five fairy shrimp were observed and collected in two small temporary erosion control sedimentation basins on site.

During additional 2001 surveys of the sedimentation basins, biologists found Riverside fairy shrimp in 11 of the 19 temporary sedimentation basins that still contained water. No shrimp were collected in two of the basins, and six basins were dry and not sampled. For purposes of this incidental take permit application, all 19 of the temporary

sedimentation basins are considered to be occupied by Riverside fairy shrimp.

Based on the survey results, the Service concluded that implementation of the proposed project would result in take of Riverside fairy shrimp habitat through the permanent removal of 1.01 acres of temporary sedimentation basins. Environmental effects addressed in the HCP and Environmental Assessment include: (1) Potential loss of Riverside fairy shrimp cysts during salvage and translocation to the mitigation site; and (2) potential loss of Riverside fairy shrimp that could occupy a permanent sedimentation basin to be built and maintained on the project site in the future.

The Applicant proposes to implement the following measures to mitigate and minimize take of Riverside fairy shrimp: (1) Restore, preserve, and manage in perpetuity a total of 1.5 acres of vernal pool habitat and 8 acres of the surrounding watershed on the Johnson Ranch northeast of the project site; (2) Avoid permanent loss of fairy shrimp individuals and temporal loss of their habitat by salvaging cysts from the Redhawk site and translocating them to the restored pools in the dry season (fall of 2001) to be ready for potential hydration and hatching during the winter rains of 2001–2002; (3) Store approximately one-fifth of the salvaged cysts at the San Diego Zoological Society's Center for the Reproduction of Endangered Species (CRES) until the created pools meet their final success criteria. Storage at CRES would ensure that viable genetic material from the affected population remained in case the created pools were unsuccessful; and (4) Implement an adaptive management plan for the conserved areas. The Applicant proposes to endow the long-term management of the off-site mitigation of 1.5 acres of fairy shrimp basin habitat and surrounding watershed with a contribution of $25,000 to the California Department of Fish and Game (CDFG, the owner of the mitigation site) upon issuance of the incidental take permit. After success criteria stipulated in the HCP and mitigation plan are met, the conserved area would be protected and managed in perpetuity by the CDFG.

The Environmental Assessment considers the environmental consequences of three alternatives including the Proposed Action. The Proposed Action consists of the issuance of an incidental take permit and implementation of the HCP and its Implementing Agreement, which include measures to minimize and mitigate impacts of the project on Riverside fairy shrimp. Under the ''No Action'' alternative, the Service would not issue a permit. Under this alternative, the Applicant could retain the property or sell it to somebody else who may choose to develop it. In either case, the temporary sedimentation basin habitat onsite would continue to be operated and maintained as a result of (1) Administrative Order No. 94–20 issued by the Regional Water Quality Control Board (RWQCB) in 1994 and (2) requirements of the Environmental Protection Agency (EPA). The ''No Action'' alternative does not avoid take of Riverside fairy shrimp.

Under the ''Avoidance of Temporary Sedimentation Basins'' alternative, complete redesign of the proposed development would be required to avoid the 1.01 acres of temporary erosion control basin habitat. The complete avoidance and preservation of the temporary erosion control sedimentation basins would result in the loss of about 20 lots and make the proposed project economically infeasible. The temporary sedimentation basins were constructed along a central circulation road to provide easy access for maintenance and their avoidance would render the development infeasible. The benefits of the avoidance of the temporary sedimentation basins to Riverside fairy shrimp are not commensurate with the increased costs to the project. Additionally, the preservation of habitat in the middle of a residential development would result in a difficult management situation with marginal benefit for the species and the required operation and maintenance of the temporary sedimentation basins still would result in take of Riverside fairy shrimp and reduce the likelihood of their long-term survival on site. The significant costs for redesign would not result in improved conservation of the species.

Under either of the alternatives, no HCP would be prepared. The alternatives would preclude the main conservation benefit of the HCP, the restoration of vestigial vernal pool habitat on the Johnson Ranch. Funds would not be contributed to provide for the management of the restored habitat in perpetuity.

The alternatives to the Proposed Action would result in less habitat value for the Riverside fairy shrimp and contribute less to its long-term survival in the wild than the off-site mitigation measures under the Proposed Action.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the regulations of the National Environmental Policy Act of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the official administrative record and may be made available to the public. We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If we determine that those requirements are met, we will issue a permit to the Applicant for the incidental take of Riverside fairy shrimp. We will make our final permit decision no sooner than 60 days from the date of this notice.

Dated: October 5, 2001.

David Patte,

Acting Deputy Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 01–25786 Filed 10–12–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree in Comprehensive Environmental Response, Compensation and Liability Act Cost Recovery Action

In accordance with the Department Policy, 28 C.F.R. 50.7, notice is hereby given that a Partial Consent Decree in *United States* v. *American Scrap Company,* Civil Action No. 1:99–CV–2047, was lodged with the United States District Court for the Middle District of Pennsylvania on October 1, 2001. This Partial Consent Decree resolves the United States' claims against Chemung Supply Corporation (''Settling Defendant'') under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), for response costs incurred at the Jack's Creek/Sitkin Smelting Superfund Site in Mifflin County, Pennsylvania. The Partial Consent Decree requires the Settling Defendant to pay $210,000.00 in past response costs.

The Department of Justice will accept written comments on the proposed Partial Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *American Scrap Company*, DOJ # 90–11–2–911/1.

Copies of the proposed Partial Consent Decree may be examined at the Office of the United States Attorney,

Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108, and at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. A copy of the proposed Partial Consent Decree may be obtained by mail for the U.S. Department of Justice, Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044–7611. When requesting a copy of the proposed Partial Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the ''Consent Decree Library'' in the amount of $6.00, and reference *United States* v. *American Scrap Company*, DOJ #90–11–2–911/1.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environmental and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 01–25874 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

Notice is hereby given that a consent decree in *United States* v. *Chevron U.S.A. Production Company* Civil Action No. 01–D–1921 (D. CO) was lodged with the District Court for the District of Colorado on September 28, 2001.

Under this Consent Decree Chevron shall pay a civil penalty and perform injunctive relief to resolve claims alleging violations of the CWA, 33 U.S.C. 1251 *et seq.* The Complaint asserts claims pursuant to Sections 301(a) and 311(b)(3) of the CWA, 33 U.S.C. 1311(a) & 1321(b)(3), for spills of produced water and oil from pipelines at Chevron's Rangely Weber Sand Unit and oil exploration and production unit, in Rangely, Colorado. Under the terms of the settlement, Chevron shall pay a $750,000 civil penalty and perform work over the next few years at the Rangely Unit in an effort to achieve compliance with the Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Chevron U.S.A. Production Company* Civil Action No. 01–D–1921 (D. CO), DOJ Ref. #90–5–1–1–4513.

The proposed consent decree may be examined at the Office of United States Attorney, District of Colorado, 1961 Stout St., Suite 1200, Denver, CO 80294, (303) 454–0100. A copy of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $9.00 (25 cents per page reproduction costs, including attachments), payable to the Consent Decree Library.

Bob Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25876 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq.

Under 28 CFR 50.7, notice is hereby given that on September 25, 2001, a proposed partial consent decree (''consent decree'') in *United States* v. *Chrysler Corp., et al.,* Civil Action No. 5:97CF00894, was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States sought recovery, under Sections 107(a) and 113 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607(a) and 9613, of response costs incurred in connection with the Krejci Dump Site in Summit County, Ohio (''Site''). The Decree resolves claims under Sections 106 and 107 of CERCLA against three entities alleged to be liable as a result of having arranged for the disposal of hazardous substances at the Site or having transported hazardous substances to the Site: Ford Motor Company (''Ford''), General Motors Corporation (''GM''), and the United States Department of Defense (''DoD''). Under the proposed Decree, Ford will perform the long-term remedial action at the Site, with financial support from GM. In addition, the Decree requires DoD to reimburse the Department of Interior for $594,000 in response costs and $66,000 in natural resource damages relating to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *Chrysler Corp., et al.,* D.J. Ref. No. 90–11–3–768 and 90–11–6–183.

The proposed consent decree may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, Cleveland, Ohio. A copy of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $16.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 01–25879 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, notice is hereby given that on September 28, 2001, two proposed consent decrees in the case captioned *United States* v. *Honeywell International Inc., et al.,* Civil Action No. C–3–00–536 (S.D. Ohio), were lodged with the United States District Court for the Southern District of Ohio. The proposed consent decrees relate to the AlliedSignal/Ironton Coke Superfund Site in Ironton, Lawrence County, Ohio. The proposed consent decrees would resolve civil claims of the United States for recovery of response costs under Section 107 of the Comprehensive Environmental Response, Compensation,and Liability Act, as amended, 42 U.S.C. 9607, against Honeywell International Inc. (''Honeywell'') and Amcast Industrial Corp. (''Amcast''). The proposed consent decree with Honeywell would require Honeywell to pay the United States $900,000 in partial reimbursement of past response costs, and to pay future response costs that will be incurred by the United States. The proposed consent decree with Amcast would require Amcast to pay the United States $41,016 in partial reimbursement of past response costs.

The Department of Justice will receive, for a period of thirty (30) days

from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resource Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Honeywell International Inc. et al.,* Civil Action No. C–3–00–536, and DOJ Reference No. 90–11–3–07044.

The proposed consent decrees may be examined at: (1) The Office of the United States Attorney for the Southern District of Ohio, 602 Federal Building, 200 W. Second St., Dayton, OH 45402; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604–3590. Copies of the proposed consent decrees may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting copies, please refer to the above-referenced case and DOJ Reference Number and enclose a check for $7.50 for the Honeywell Consent Decree (30 pages at 25 cents per page reproduction cost), and $5.75 for the Amcast Consent Decree (23 pages at 25 cents per page reproduction cost) made payable to the Consent Decree Library.

William D. Brighton,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25871 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with 28 CFR § 50.7, the Department of Justice gives notice that a proposed consent decree in *United States* v. *Hoosier Calcium Corporation,* Civil No. IP 00–0977–C–T/G, was lodged with the United States District Court for the Southern District of Indiana on September 27, 2001, pertaining to Hoosier Calcium Corporation's limestone crushing facility located in Stinesville, Indiana. The proposed consent decree would resolve the United States' civil claims against Hoosier Calcium Corporation brought under the Clean Air Act, 42 U.S.C. 7401 to 7671q.

Under the proposed consent decree, Hoosier Calcium Corporation will pay a civil penalty of $20,000 and undertake a number of injunctive measures at the Facility, including repair and replacement of equipment that prevents fugitive dust emissions; improved record keeping; improved operating procedures; initiation of daily inspections of control equipment; the purchase, installation and continuous operation of baghouses; removal of outside storage of crushed limestone; and continuous compliance with the Indiana SIP and all permits. The consent decree also requires the payment of stipulated penalties for failure to comply with the compliance plan. Finally, the consent decree requires Hoosier to shut down and permanently discontinue operations if it fails to achieve and maintain compliance by April 2, 2002.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments pertaining to the proposed consent decree should refer to *United States* v. *Hoosier Calcium Corporation,* Cause No. IP 00–0977–C–T/G and DOJ No. 90–5–2–06730.

The proposed consent decree may be examined at: (1) the Office of the United States Attorney for the Southern District of Indiana, 10 West Market, Suite 2100, Indianapolis, Indiana 46204, (317) 226–6333; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Jane Woolums (312–886–6720)). A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and DOJ Number 90–5–2–06730 and enclose a check in the amount of $4.75 for the consent decree (19 pages at 25 cents per page reproduction costs), made payable to the Consent Decree Library.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25870 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

Under 28 CFR 50.7 notice is hereby given that on September 27, 2001, a proposed Consent Decree (''Consent Decree'') in *United States of America* v. *Knauf Fiber Glass GmbH,* Civil Cause No.: IP–01–1445–CV–B/S was lodged with the United States District Court for the Southern District of Indiana, Indianapolis Division.

In this action the United States sought enforcement of the Clean Air Act and the State Implementation Plan (''Indiana SIP''), duly promulgated by the State of Indiana, for emission violations at the Knauf fiber glass manufacturing facilities located in Shelbyville, Indiana. The proposed Consent Decree resolves claims of the United States concerning Knauf's past violations of the emission standards, as established in the Indiana SIP, and the Clean Air Act, 42 U.S.C. 7413(b), including, inter alia, emissions of particulate matter from the Line 205 furnace stack at the Shelbyville facility. Pursuant to the proposed Consent Decree, Knauf Fiber Glass GmbH will, among other requirements, develop and implement a Supplemental Environmental Project (''SEP'') providing for the installation and operation of equipment (approximately one year earlier than would otherwise be required by EPA regulations) that will decrease particulate matter, carbon monoxide, and NO_X emissions. Also, under the proposed Consent Decree, Knauf Fiber Glass GmbH will pay $70,000 in civil penalties for violations of the Indiana SIP and the Clean Air Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Knauf Fiber Glass GmbH,* Civil Cause No. IP–01–1445–CV–B/S, D.J. Ref. 90–5–2–1–06368.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 10 West Market Street, Suite 2100, Indianapolis, Indiana 46204–3048 (contact Assistant United States Attorney Thomas Kieper at (317) 229–2400), and at U.S. EPA Region 5, 14th Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Assistant Regional Counsel Padmavati Klejwa at (312) 353–8917).

A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $5.75 ($.25 cents

per page reproduction cost) payable to the Consent Decree Library.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25872 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act

Under 28 CFR 50.7, notice is hereby given that on September 26, 2001, a Consent Decree in *United States, et al.,* v. *Lee Brass Co., Inc.,* Civil Action No. 01–B–2422–S was lodged with the United States District Court for the Northern District of Alabama.

In the Complaint, the United States seeks injunctive relief against Lee Brass Co., Inc. (''Lee Brass''), pursuant to the Resource Conservation and Recovery Act, (''RCRA''), 42 U.S.C. 6901 *et seq.* for alleged violations at Lee Brass's brass foundry in Anniston, Alabama.

Under the terms of the settlement, Lee Brass will take all steps to come into permanent, consistent compliance with RCRA, including the implementation of management practices with respect to its management of used foundry sand, the closure of its thermal sand reclamation unit, the conduct of a RCRA compliance audit and the implementation of the recommendations of that audit, and corrective action activities associated with each solid waste management unit located at its facility. In addition, Lee Brass will pay a civil penalty of $350,000. The State of Alabama will join in this settlement as a signatory to the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611, and should refer to *United States, et al.,* v. *Lee Brass Co., Inc.,* D.J. Ref. 90–7–1–06919.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Alabama, Room 200, Robert S. Vance Federal Building, 1800 Fifth Avenue, North, Birmingham, Alabama 35203. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, In requesting a copy; please enclose a check in the amount of $25.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25877 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Amendment to Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'')

In accordance with 28 CFR 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that on September 21, 2001, an Amendment to Consent Decree in *United States of America, et al.* v. *Richard Dingwell, d/b/a The McKin Company, et al.,* Civil Action No. 88–0101 B, was lodged with the Untied States District Court for the District of Maine.

The original Consent Decree, entered on November 21, 1988 (''1988 Consent Decree''), settled claims of the EPA and the State of Maine pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606, 9607(a), against Settling Parties who were alleged to be liable as generators of hazardous substances sent to the McKin Superfund Site (''Site'') in Gray, Maine. Under the 1988 Consent Decree, the Settling Parties agreed to perform the remedy set forth in a 1985 Record of Decision (''ROD'') and to pay EPA's response costs. The remedy included pumping and treating of groundwater contaminated with trichloroethylene (''TCE''), with a goal that within five years it would attain a specified performance standard. The Settling Parties operated the pump and treat system for four years without attaining the performance standard for groundwater. EPA, with the concurrence of the State of Maine, issued a Finding of Technical Impracticability in January, 2001, and in March 2001, amended the Record of Decision to modify the remedy for remediation of the groundwater that was selected in 1985. The amended Record of Decision provides for (1) institutional controls to prevent use of the groundwater; (2) monitoring of the groundwater plume to demonstrate that it is not expanding; (3) monitoring of the Royal River; and (4) performing five year reviews in accordance with § 121(c) of CERCLA, 42 U.S.C. § 9621(c). Under the Amendment to Consent Decree the Settling Parties will implement the remedy in the Amended Record of Decision, pay $650,000 to EPA for response costs, and pay $45,000 to the State for activities to protect the Royal River and its watershed. Along with other requirements related to institutional controls, the Settling Parties will pay for conservation easements along the Royal River, and purchase an insurance policy in case of continued contamination of the Royal River.

The Department of Justice will receive a period of thirty (30) days from the date of this publication comments relating to the Amendment to Consent Decree. Comments should be addressed to the Assistance Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States of America, et al.* v. *Richard Dingwell, d/b/a The McKin Company, et al.,* Civil Action No. 88–0101 B, D.J. Ref. 90–11–2–133.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Maine, 100 Middle Street, Portland, Maine 04101, and at EPA Region 1, Office of Environmental Stewardship, One Congress Street, Boston, Massachusetts (Attn: Marcia Lamel). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check payable to the Consent Decree Library in the amount of $83.25 (25 cents per page reproduction cost) for a copy including appendices, or $7.00 (25 cents per page reproduction cost) for a copy exclusive of appendices.

Catherine R. McCabe,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 01–25880 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 42 U.S.C. 9622(i), notice is hereby given that on September 28,

2001, a proposed Consent Decree in United States v. Mountain Metal Co., *et al.,* Civil Action No. CV–98–C–2562–S and CV–98–C–2886–S was lodged with the United States District Court for the Northern District of Alabama.

In this action, the United States sought reimbursement of costs incurred in responding to the release and threatened release of hazardous substances at the ILCO battery cracking site in Leeds, Alabama. A group of previous settlers also sued to obtain contribution for their costs in performing work at the site. In this Consent Decrees, Morris Scrap Metal, Inc., is settling its liability to the United States and the private plaintiffs by paying a total of $470,000 plus interest. Prior to this Consent Decree, the United States obtained partial reimbursement of its costs through judicial settlements with 58 parties and administrative settlements with 286 parties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to United States v. Mountain Metal Co., *et al.,* D.J. Ref. 90–11–2–108/2.

The Consent Decrees may be examined at the Office of the United States Attorney, 200 Robert S. Vance Fed. Bldg., 1800 5th Avenue N., Room 200, Birmingham, Alabama, and at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia. A copy of the Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $10.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25873 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of First Amended Consent Decree Under the Clean Water Act

Under 28 CFR 50.7 notice is hereby given that on September 27, 2001, a proposed First Amended Consent Decree (''Amended Consent Decree'') in *United States of America and State of Indiana* v. *City of New Albany*, Civil No. NA–90–46–C–B/G was lodged with the United States District Court for the Southern District of Indiana, New Albany Division.

In this action, the United States sought enforcement of a Consent Decree entered into in 1993 for Clean Water Act violations at New Albany's wastewater treatment plant. The First Amended Consent Decree resolves claims of the United States concerning New Albany's wastewater treatment facility and sewer collection system for violations of the 1993 Consent Decree and the Clean Water Act, 33 U.S.C. 1251, et seq., including, inter alia, bypasses and sanitary sewer overflow events. Pursuant to the Amended Consent Decree, New Albany will, among other requirements, develop and implement a capacity assurance plan to address the bypasses and sanitary sewer overflows at its wastewater treatment plant and in the sewer collection system. Also, under the Amended Consent Decree, New Albany will pay $180,000 in civil penalties for violations of the 1993 Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Amended Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and State of Indiana* v. *City of New Albany,* Civil Cause No. NA–90–46–C–B/G, D.J. Ref. 90–5–1–1–3448/A.

The Amended Consent Decree may be examined at the Office of the United States Attorney, 10 West Market Street, Suite 2100, Indianapolis, Indiana 46204–3048 (contact Assistant United States Attorney Thomas Kieper at (317) 229–2400), and at U.S. EPA Region 5, 14th Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Deborah A. Carlson at (312) 353–6121). A copy of the Amended Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $15.00 ($.25 cents per page reproduction cost) payable to the Consent Decree Library.

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25875 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Sequa Corporation and John H. Thompson,* C.A. No. 01–CV–4784 (E.D.Pa.), was lodged on September 20, 2001, with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the United States' claims against defendants Sequa Corporation (''Sequa'') and John H. Thompson (''Thompson'') with respect to past response costs incurred through September 30, 1999, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607. The costs were incurred in connection with the Dublin TCE Site, located in the Borough of Dublin, Bucks County, Pennsylvania. Defendant Thompson owns the Site property, or a portion thereof, and defendant Sequa conducted manufacturing activities at the Site, which became contaminated with trichloroethylene.

Under the consent decree, defendants will pay the United States $3,200,000 in reimbursement of past response costs incurred in connection with the Site. Said amount will be paid within thirty (30) days after entry of the consent decree by the Court.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Acting Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Sequa Corporation and John H. Thompson,* DOJ Reference No. 90–11–2–780.

The proposed consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106; and the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania. A copy of the proposed decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $7.75 (.25 cents per page

production costs), payable to the Consent Decree Library.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–25878 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AAF Association, Inc.

Notice is hereby given that, on September 17, 2001, pursuant to Section 6(a) of the National Cooperative Research Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), AAF Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Informix Software, Inc., Lenexa, KS has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership or planned activity of the group research project. Membership in this group research project remains open, and AAF Association, Inc. intends to file additional written notification disclosing all changes in membership.

On March 28, 2000, AAF Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on June 19, 2001. A notice was published in the **Federal Register** purusuant to Section 6(b) of the Act on July 18, 2001 (66 FR 37491).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–25882 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—HDP User Group International, Inc.

Notice is hereby given that, on September 13, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), HDP User Group International, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Silicon Bandwidth, Inc., Fremont, CA; Ericsson Radio Systems AB, Stockholm, Sweden; and Sanmina, San Jose, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HDP User Group International, Inc. intends to file additional written notification disclosing all changes in membership.

On September 14, 1999, HDP User Group International, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 23, 1995 (60 FR 15306).

The last notification was filed with the Department on May 24, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 27, 2001 (66 FR 39203).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–25883 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on June 6, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Telemanagement Forum (''the Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Proxy Software Systems, Tel Aviv, Israel; Xacct Technologies, Inc., Santa Clara, CA; MCH-Group, MCN–Group, Neiweigein, The Netherlands; OnFiber Communications, Inc., Austin, TX; Longitude Systems, Chantilly, VA; Ortia, North Yorkshire, United Kingdom; Sheer Networks, Sunnyvale, CA; Santera Systems Inc., Plano, TX; CNI–NMG Telecoms, Lyon, France; Teloptica, Richardson, TX; Trigon Technology Group, Richardson, TX; MFormation Technology Group, Iselin, NJ; Component Insights, Inc., Fairfax, VA; ComputerLand S.A., Warsaw, Poland; DivRisti Telkom, Bandung, Indonesia; Cinta Corporation, San Jose, CA; Advanced Radio Telecom, Bellevue, WA; WaveSmith Networks, Acton, MA; Callisma, White Plains, NY; Venimex, Atlanta, GA; Metex Systems Inc., Toronto, Ontario, Canada; IRIS Labs, Inc., Plano, TX; Telution, Inc., Chicago, IL; Cable & Wireless USA, Reston, VA; Mahi Networks, Petaluma, CA; Entricom, Seattle, WA; VPI Virtual Photononics, Holmdel, NJ; Valaran Corporation, Princeton, NJ; Last Mile Services, Inc., Valaran Corporation, Princeton, NJ; Last Mile Services, Inc., Sunnyvale, CA; Axiowave Networks, Marlborough, MA; Aplion Networks, Inc., Edison, NJ; System Management (SMARTS), White Plains, NY: Geneva Technology Ltd., Cambridge, United Kingdom; Point Reyes Networks, Richardson, TX; Opticom, Andover, MA; Netonomy, Inc., Boston, MA; Oneline AG, Steinfeldstr, Germany; Shulist Group Inc., Bolton, Ontario Canada; Crescendo Ventures, Palo Alto, CA; Australian Communications Industry Ltd., North Sydney, New South Wales, Australia; Siebel Systems, Emeryville, CA; DSL.NET, Inc., New Haven, CT; Jacobs Rimell, London, United Kingdom; Cambridge Technology Partners, Miami, FL; Baan Company, Voorthuisen, The Netherlands; 360Networks, Seattle, WA; Step 9 Corporation, Fairfax, VA; AdventNet, Inc., Pleasanton, CA; Intalio, Inc., San Mateo, CA; Sodalia SpA., Trento, Italy; WFI Network Management Services Corporation, San Diego, CA; Computer Science Corporation, Rockville, MD; Siemens ICN Radio Networks, Milan, Italy; Telesoft SpA, Rome, Italy; EL Paso Networks, Houston, TX; Spazio Zerouno SpA, Milan, Italy; Cplane, Inc., Los Altos, CA; Sphera Optical Networks,

Inc., New York, NY; World Wide Packets, Veradale, WA; AP Engines, Maryland, MA; Interlink Networks, Ann Arbor, MI; Pulsys BV, The Hague, The Netherlands; Brokat Technologies, San Jose, CA; ASG Technologies, Fredericton, New Brunswick, Canada; OJSC Kazaktelecom, Almaty, Kazakhstan; Wipro Technologies, Bangalore, India; Seneca Networks, Rockville, MD; CSG International Ltd., Slough, Berks, United Kingdom; SMG Co., Ltd., Yokohama City, Japan; InterOptical, Inc., Saratoga, CA; Turin Networks, Inc., Petaluma, CA; Stonehouse Technologies Inc., Plano, TX; Network Management Research Center, Beijing, Peoples Republic of China; Quick Eagle Networks, Sunnyvale, CA; Equant, Atlanta, GA; Integris, Langen, Germany; Telefonica Moviles Espana, Madrid, Spain; Ascom Transmissions Ltd., Bern, Switzerland; Etnoteam SpA, Torino, Italy; Arkipelago Svenska, Stockholm, Sweden; Brix Networks, Chemsford, MA; Cell Telecom, Stockholm, Sweden; Corrigent Systems, Tel Aviv, Israel; Datang Software Technologies Co. Ltd., Beijing, Peoples Republic of China; Info Objects, Inc., San Jose, CA; Ingenium Systems, Ltd., Ennis, County Clare, Ireland; Intelligent Communication Software, Muenchen, Germany; Mantra Communications Inc., Germantown, MD; Nethawk Solutions, Oulu, Finland; Redrock Communications, Bemtleigh, Victoria, Australia; Sykora GmbH, Buehl, Germany; Barrett AB, Froson, Sweden; IntelliObjects Inc., Columbia, MD; and Loox Software, Burlingham, CA have been added as parties to this venture.

In addition, Linmor Technologies, Ottawa, Ontario, Canada has reinstated its membership.

Also, the following existing members have changed their names: TTC is now called Acterna, Germantown, MD; Mantiss is now called Dygnety Inc., Chicago, IL; Smallworld Systems Inc. is now called GE Smallworld, Englewood, CO; US West is now called Qwest Communications, Inc., Denver, CO; Avnisoft is now called Varros Telecom, LLC, Sunnyvale, CA; Alcatel Networks Corporation is now called Alcatel Canada Inc., Kanata, Ontario, Canada; Andersen Consulting is now called Accenture, Washington, DC; Cambio is now called Telynx, Reston, VA; Optical Networks is now called ONI Systems, San Jose, CA; Algety is not called Corvis, Paris, France; CNI Logical is now called Logical, Zurich, Switzerland; eXcelon is now called Object Design, Burlington, MA; Heikimian is now called Spirent Communications, Gaithersburg, MD; Nextlink is now called XO Communications, Reston, VA; and Telecom Italia is now called Telecom Italia Lab SpA, Torino, Italy.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1998 (53 FR 49615).

The last notification was filed in the Department on September 11, 2000. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 23, 2001 (66 FR 16295).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–25881 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA # 207F]

Controlled Substances: Final Revised Aggregate Production Quotas for 2001

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of final aggregate production quotas for 2001.

SUMMARY: This notice establishes final 2001 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA). The DEA has taken into consideration comments received in response to a notice of the proposed revised aggregate production quotas for 2001 published August 6, 2001 (66 FR 41049). No comments were received in response to an interim notice establishing revised 2001 aggregate production quotas published August 14, 2001 (66 FR 42680). The interim notice is adopted as published.

EFFECTIVE DATE: October 15, 2001.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the CSA (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for each basic class of controlled substance listed in Schedules I and II. This responsibility has been delegated to the Administrator of the DEA by § 0.100 of Title 28 of the Code of Federal Regulations.

The 2001 aggregate production quotas represent those quantities of controlled substances in Schedules I and II that may be produced in the United States in 2001 to provide adequate supplies of each substance for: The estimated medical, scientific, research and industrial needs of the United States; lawful export requirements; and the establishment and maintenance of reserve stocks (21 U.S.C. 826(a) and 21 CFR 1303.11). These quotas do not include imports of controlled substances.

On August 6, 2001, a notice of the proposed revised 2001 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (66 FR 41049). All interested persons were invited to comment on or object to these proposed aggregate production quotas on or before September 5, 2001.

Six companies and one individual commented on a total of thirteen Schedules I and II controlled substances within the published comment period. The companies commented that the proposed aggregate production quotas for 4-methoxyamphetamine, amphetamine, hydrocodone (for sale), marihuana, methamphetamine (for sale), methylphenidate, morphine (for sale), noroxymorphone (for conversion), oxycodone (for sale), pentobarbital, phenylacetone and thebaine were insufficient to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and for the establishment and maintenance of reserve stocks. The individual's comment questioned the increase in the aggregate production quota for secobarbital and raised other issues, including how to obtain additional information concerning this quota.

DEA has taken into consideration the above comments along with the relevant 2000 year-end inventories, initial 2001 manufacturing quotas, 2001 export requirements, actual and projected 2001 sales and use, and research and product development requirements. Based on this information, the DEA has adjusted the final 2001 aggregate production quotas for marihuana, methylphenidate, morphine (for sale), pentobarbital and phenylacetone to meet the legitimate needs of the United States.

Regarding 4-methoxyamphetamine, amphetamine, hydrocodone (for sale),

methamphetamine (for sale), noroxymorphone (for conversion), oxycodone (for sale) and thebaine, the DEA has determined that the proposed revised 2001 aggregate production quotas are sufficient to meet the current 2001 estimated medical, scientific, research and industrial needs of the United States. The proposed increase in the aggregate production quota for secobarbital was also determined to be necessary to meet the legitimate needs of the United States.

In addition, on August 14, 2001, an interim notice establishing revised 2001 aggregate production quotas for methadone and methadone intermediate was published in the **Federal Register** (66 FR 42680). All interested parties were invited to comment on or before September 14, 2001. No comments or objections were received regarding this interim notice. The aggregate production quotas established in the interim notice are adopted without change.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the DEA by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that the 2001 final aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic Class	Established final 2001 quotas
Schedule I	
2,5-Dimethoxyamphetamine	15,501,000
2,5-Dimethoxy-4-ethylamphetamine (DOET)	2
3-Methylfentanyl	14
3-Methylthiofentanyl	2
3,4-Methylenedioxyamphetamine (MDA)	30
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	30
3,4-Methylenedioxymethamphetamine (MDMA)	15
3,4,5-Trimethoxyamphetamine	2
4-Bromo-2,5-Dimethoxyamphetamine (DOB)	2
4-Bromo-2,5-Dimethoxyphenethylamine (2-CB)	2
4-Methoxyamphetamine	201,000
4-Methylaminorex	2
4-Methyl-2,5-Dimethoxyamphetamine (DOM)	2
5-Methoxy-3,4-Methylenedioxyamphetamine	2
Acetyl-alpha-methylfentanyl	2
Acetyldihydrocodeine	2
Acetylmethadol	2
Allylprodine	2
Alphacetylmethadol	7
Alpha-ethyltryptamine	2
Alphameprodine	2
Alphamethadol	2
Alpha-methylfentanyl	2
Alpha-methylthiofentanyl	2
Aminorex	7
Benzylmorphine	2
Betacetylmethadol	2
Beta-hydroxy-3-methylfentanyl	2
Beta-hydroxyfentanyl	2
Betameprodine	2
Betamethadol	2
Betaprodine	2
Bufotenine	2
Cathinone	9
Codeine-N-oxide	2
Diethyltryptamine	2
Difenoxin	9,000
Dihydromorphine	771,000
Dimethyltryptamine	3
Gamma-hydroxybutyric acid	7
Heroin	2
Hydroxypethidine	2
Lysergic acid diethylamide (LSD)	63
Marihuana	500,000
Mescaline	7
Methaqualone	19
Methcathinone	11
Morphine-N-oxide	2
N,N-Dimethylamphetamine	7
N-Ethyl-1-Phenylcyclohexylamine (PCE)	5
N-Ethylamphetamine	7
N-Hydroxy-3,4-Methylenedioxyamphetamine	2
Noracymethadol	2
Norlevorphanol	2
Normethadone	7

Basic Class	Established final 2001 quotas
Normorphine	7
Para-fluorofentanyl	2
Pholcodine	2
Propiram	415,000
Psilocybin	2
Psilocyn	2
Tetrahydrocannabinols	131,000
Thiofentanyl	2
Trimeperidine	2
Schedule II	
1-Phenylcyclohexylamine	12
1-Piperidinocyclohexanecarbonitrile (PCC)	10
Alfentanil	3,500
Alphaprodine	2
Amobarbital	12
Amphetamine	13,964,000
Cocaine	251,000
Codeine (for sale)	43,248,000
Codeine (for conversion)	59,051,000
Dextropropoxyphene	153,380,000
Dihydrocodeine	334,000
Diphenoxylate	401,000
Ecgonine	51,000
Ethylmorphine	12
Fentanyl	440,000
Glutethimide	2
Hydrocodone (for sale)	23,825,000
Hydrocodone (for conversion)	18,000,000
Hydromorphone	1,409,000
Isomethadone	12
Levo-alphacetylmethadol (LAAM)	41,000
Levomethorphan	2
Levorphanol	23,000
Meperidine	10,168,000
Metazocine	1
Methadone (for sale)	12,705,000
Methadone (for conversion)	60,000
Methadone Intermediate	18,004,000
Methamphetamine	*3,211,000
Methylphenidate	17,618,000
Morphine (for sale)	15,615,000
Morphine (for conversion)	110,774,000
Nabilone	2
Noroxymorphone (for sale)	25,000
Noroxymorphone (for conversion)	4,500,000
Opium	630,000
Oxycodone (for sale)	46,680,000
Oxycodone (for conversion)	449,000
Oxymorphone	264,000
Pentobarbital	27,728,000
Phencyclidine	40
Phenmetrazine	2
Phenylacetone	801,000
Secobarbital	1,946,000
Sufentanil	1,700
Thebaine	67,446,000

*850,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 2,286,000 grams for methamphetamine for conversion to a Schedule III product; and 75,000 grams for methamphetamine (for sale).

The Administrator further orders that aggregate production quotas for all other Schedules I and II controlled substances included in §§ 1308.11 and 1308.12 of Title 21 of the Code of Federal Regulations remain at zero.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866.

This action does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this action does not have federalism implications warranting the application of Executive Order 13132.

The Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the

Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The establishment of aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. The quotas are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and the establishment and maintenance of reserve stocks. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Administrator has determined that this action does not require a regulatory flexibility analysis.

This action meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

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

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

The DEA makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Frank L. Sapienza, Chief, Drug & Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

Dated: October 4, 2001.

Asa Hutchinson,

Administrator.

[FR Doc. 01–25761 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under review; Application for transmission of citizenship through a grandparent.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until December 14, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application for Transmission of Citizenship through a Grandparent.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–600/N–643. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The collection of this information is required by Section 322 of the Immigration and Nationality Technical Corrections Act of 1994 which allows for a United States citizen parent to use the citizen grandparents residence for transmission of citizenship onto his or her natural or adopted child.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 9,641 responses at 30 minutes (.50) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 4,820 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 601 D Street, NW., Patrick Henry Building, Suite 1600, Washington, DC 20530.

Dated: October 9, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–25855 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities; Comment Request

ACTION: Notice of information collection under review; Application for certificate of citizenship in behalf of an adopted child.

The Department of Justice, Immigration and Naturalization Service has submitted the following collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to

obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until December 14, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application for Certificate of Citizenship in Behalf of an Adopted Child.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–643. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This information collection allows United States citizen parents to apply for a certificate of citizenship on behalf of their adopted alien children.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 11,159 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 11,159 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 601 D. Street, NW., Patrick Henry Building, Suite 1600, Washington, DC 20530.

Dated: October 9, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–25856 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Petitioning requirements for H–1C Nonimmigrant Classification.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on June 11, 2001 at 66 FR 31107, in an interim rule, INS No. 2050–00, RIN 1115–AF76. The preamble of the interim rule allowed for emergency OMB approval, as well as a 60-day public comment period. No public comments were received on this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 14, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, 725—17th Street, NW., Room 10235, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Petitioning Requirements for H–1C Nonimmigrant Classification.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number (File No. OMB–26); Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. Public Law 106–95, Section 101(a)(15)(H)(i)(c) of the Immigration and Nationality Act allows petitioning hospitals to import registered nurses to work at those hospitals as nonimmigrant. The information collection is necessary for the INS to make a determination that the eligibility requirements and conditions are met regarding the nurse/beneficiary.

(5) *An estimate of the total number of respondents and the amount of times estimated for an average respondent to respond:* 2,000 responses at 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 4,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the

proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Patrick Henry Building, 601 D Street, NW., Ste. 1600, Washington, DC 20530.

Dated: October 9, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–25857 Filed 10–12–01; 8:45 am]

BILLING CODE 4410–10–M

NATIONAL COUNCIL ON DISABILITY

Cultural Diversity Advisory Committee Conference; Advisory Committee Meeting

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming conference call for NCD's Cultural Diversity Advisory Committee. Notice of this conference call is required under section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

CULTURAL DIVERSITY ADVISORY COMMITTEE: The purpose of NCD's Cultural Diversity Advisory Committee is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of underserved and unserved segments of this nation's population that will help NCD develop federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

DATES: November 7, 2001, 2:30 p.m.–3:30 p.m. EST.

FOR CULTURAL DIVERSITY ADVISORY COMMITTEE INFORMATION, CONTACT: Gerrie Drake Hawkins, Ph.D., Program Specialist, National Council on Disability, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), ghawkins@ncd.gov (e-mail).

AGENCY MISSION: The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on disability issues.

We currently have a membership reflecting our nation's diversity and representing a variety of disabling conditions from across the United States.

OPEN MEETING: This advisory committee meeting/conference call of the National Council on Disability will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Individuals can also participate in the conference call at the NCD office. Those interested in joining this conference call should contact the appropriate staff member listed above.

Records will be kept of all Cultural Diversity Advisory Committee meetings/call and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on October 9, 2001.

Ethel D. Briggs,

Executive Director.

[FR Doc. 01–25785 Filed 10–12–01; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 144th Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on November 2, 2001 from 9 a.m. to 1:30 p.m. in Room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting will be open to the public on a space available basis. Following opening remarks and announcements, there will be Congressional and budget updates and guest presentations on the theme ''The Arts & Creativity.'' The tentative agenda will include a keynote address by Michael Kaiser, President, Kennedy Center followed by a guest presentation on the Endowment's Artists Colloquia by visual artist Ernesto Pujol. A discussion on The Arts and September 11 Events will follow. There will be additional guest presentations on Artist Support Projects, including Literature Fellowships, TCG (Theater Communications Group) Career Development Grants, and the NEA/Seaver Conductor Awards. Other topics will include: Application Review for Creativity, Organizational Capacity, Literature Fellowships and Leadership Initiatives; review of Guidelines for Arts Learning, Grants to Organizations, and Literature Fellowships; and general discussion, including the Council members' farewell remarks.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b.

Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c) (6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682–5532, TTY–TDD 202/682–5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

Dated: October 9, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines, Panel & Council Operations.

[FR Doc. 01–25836 Filed 10–12–01; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation Of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* October 23, 2001.
   Time: 8:30 a.m. to 5 p.m.
   Room: 415.
   Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2001 deadline.
1. *Date:* October 26, 2001.
   Time: 8:30 a.m. to 5 p.m.
   Room: 415.
   Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2001 deadline.

Laura S. Nelson,

Advisory Committee, Management Officer.

[FR Doc. 01–25777 Filed 10–12–01; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL INDIAN GAMING COMMISSION

Paperwork Reduction Act

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The National Indian Gaming Commission (NIGC), in accordance with the Paperwork Reduction Act of 1995, intends to submit to the Office of Management and Budget (OMB) a request to review and extend approval for the information collection activity associated with the submission of an annual audit report pursuant to 25 CFR 542.3(d) by Indian tribes conducting gaming under the Indian Gaming Regulatory Act. As to this information collection activity, the NIGC solicits public comment on: The need for the information; the practical utility of the information and whether the collection of information is necessary for the proper performance of NIGC functions; the accuracy of the burden estimate; and ways that the NIGC might minimize this burden, including the use of automated collection techniques or other forms of information technology.

DATES AND ADDRESSES: Comments regarding the NIGC's evaluation of the information collection activity and its request to OMB to extend approval for the information collection must be received by December 14, 2001. When providing comment, a respondent should specify the particular collection activity to which the comment pertains. Send comments to: National Indian Gaming Commission (Attn: Michele Mitchell), 1441 L Street NW., Suite 9100, Washington, DC 20005. The NIGC regulation to which the information collection pertains is available on the NIGC website, www.nigc.gov. The regulation is also available by written request to the NIGC (Attn: Michele Mitchell), 1441 L Street NW., Suite 9100, Washington, DC 20005, or by telephone request at (202) 632–7003. This is not a toll-free number. All other requests for information should be submitted to Michele Mitchell at the above address for the NIGC.

SUPPLEMENTARY INFORMATION:

Title: Minimum Internal Control Standards.

OMB Number: 3141–0009.

Abstract: The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*, authorizes the NIGC to promulgate regulations sufficient to shield Indian gaming from corrupting influences, to ensure that the tribes are the primary beneficiaries of gaming and to assure that Indian gaming is fair and honest. The NIGC's Minimum Internal Control standards provide a baseline from which to gauge whether a tribe has implemented controls sufficient to protect the assets of its gaming operation(s). The information required by 25 CFR 542.3(d) is essential to the Commission's ability to fulfill its oversight responsibilities. This evaluation may be completed within the annual financial audit of the gaming operation and does not require a separate audit of the gaming operation's internal control system.

Respondents: Indian tribal gaming operations.

Estimated Number of Respondents: 320.

Estimated Annual Responses: 320.

Estimated Annual Burden Hours per Respondent: 92 hrs.

Estimated Total Annual Burden on Respondents: 29,440 hours.

Jacqueline Agtuca,

Chief of Staff.

[FR Doc. 01–25830 Filed 10–12–01; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL SCIENCE FOUNDATION

Business and Operations Advisory Committee; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Business and Operations Advisory Committee (9556).

Date/Time: October 29, 2001 8:30 am–5:15 pm (EDT) and October 30, 2001 8:30 am–2 pm (EDT).

Place: National Science Foundation, 4201 Wilson Boulevard, Room 110, Arlington, VA.

Type of Meeting: Open.

Contact Person: Mary Ann Birchett, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 (703) 292–8200.

Purpose of Meeting: To provide advice concerning issues related to the oversight, development, and enhancement of NSF's business operations.

Agenda

October 29, 2001

- Update of Recent Activities
- Follow-up of Discussion Items from Spring Meeting

- Presentation of the President's Management Agenda
- Grants Risk Management and Risk Management
- CFO and CIO Audit Results
- Large Facilities Management
- Granting Agency of the Future Research Update

October 30, 2001

- Budget and Performance Measures
- Workplace of the Future
- Public Law 106–107
- Security
- Plans for Spring 2002 Meeting
- Other Business

Dated: October 9, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–25766 Filed 10–12–01; 8:45 am]

BILLING CODe 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education

ACTION: Change in notice of meeting.

SUMMARY: The National Science Foundation published a Notice of Meeting in the **Federal Register** of October 3, 2001, FR Doc. 01–24686, on page 50458. Because of changes in schedules due to the events of September 11, 2001 a revised agenda has been created.

DATES:

October 17, 2001—9 a.m.–5:30 p.m.
October 18, 2001—8 a.m.–2:30 p.m.

CONTACT PERSON: DR. Margaret Cavanaugh, Office of the Director, National Science Foundation, Suite 1205, 4201 Wilson Blvd., Arlington, Virginia 22230. Phone 703/292–8002.

Agenda

October 17—Discussion of directions in interdisciplinary environmental research

October 18—Meeting with the NSF Director; Presentations on environmental activities in Europe; Meeting with Assistant Director for Education and Human Resources

Dated: October 9, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–25767 Filed 10–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Geosciences (1755).

Dates/Time: November 1, 2001—8:30 a.m.–5:30 p.m., November 2, 2001—8:30 a.m.–3 p.m.

Place: Holiday Inn Arlington at Ballston in the Fairfax & Glebe Rooms, I–66 and Glebe Road, 4610 North Fairfax Drive, Arlington, VA 22203.

Type of Meeting: Open.

Contact Person: Dr. Thomas Spence, Directorate for Geosciences, National Science Foundation, Suite 705, 4201 Wilson Boulevard, Arlington, Virginia 22230, Phone 703–292–8500.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for research, education, and human resources development in the geosciences.

Agenda

Day 1

Opening and agenda
Directorate activities and plans
GPRA
Divisional Subcommittee Meetings

Day 2

Education, Human Resources, and Diversity
Directorate activities and plans

Dated: October 9, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–25769 Filed 10–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Science; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Mathematical and Physical Science (#66).

Dates/Times: October 31, 2001—12 Noon–6 PM; November 1, 2001—8 AM–6 PM; and November 2, 2001—8 AM–4:30 PM.

Place: NSF, Room 1235, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Open.

Contact Person: Dr. Morris L. Aizenman, Senior Science Associate, Directorate for Mathematical and Physical Sciences, Room 1005, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292–8807.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and education activities within the Directorate for Mathematical and Physical Sciences.

Agenda: Briefing on status of MPS Divisions to new members; Briefing on current status of Directorate; Assessment by MPSAC of Directorate Performance for FY 2001; Review by MPSAC of Division of Astronomical Sciences; Review by MPSAC of Division of Materials Research; and Report by MPSAC Education Liaison Group.

Summary Minutes: May be obtained from the contact person listed above.

Dated: October 9, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–25768 Filed 10–12–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–373 and 50–374]

LaSalle County Station, Units 1 and 2; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Exelon Generation Company (EGC), LLC, formerly Commonwealth Edison Company (ComEd), to withdraw its November 10, 2000, application for proposed amendment to Facility Operating License Nos. NPF–11 and NPF–18 for the LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois.

The proposed amendment would have revised several sections of the Technical Specifications (TS) and added a new TS section to incorporate Oscillation Power Range Monitor (OPRM) Instrumentation.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 27, 2000 (65 FR 81911). However, by letter dated September 6, 2001, the licensee withdrew the proposed change. The withdrawal request was based on the extended time period General Electric Company is projecting to resolve the OPRM issue (i.e., 12 to 18 months), potential changes needed to the licensee submittals to address the non-conservative OPRM assumptions, and discussions with the Commission staff on August 7, 2001.

For further details with respect to this action, see the application for amendment dated November 10, 2000, and the licensee's letter dated September 6, 2001, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC'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.* 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.*

Dated at Rockville, Maryland, this 4th day of October 2001.

For the Nuclear Regulatory Commission.

William A. Macon, Jr.,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–25888 Filed 10–12–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–309]

Maine Yankee Atomic Power Company, et al; Maine Yankee Atomic Power Station; Notice of Receipt and Availability for Comment of Revised License Termination Plan

The Nuclear Regulatory Commission (NRC or the Commission) is in receipt of and is making available for public inspection and comment Revision 2 to the License Termination Plan (LTP) for the Maine Yankee Atomic Power Station (MYAPS) located in Lincoln County, Maine.

Maine Yankee Atomic Power Company (MYAPC) submitted its proposed LTP for MYAPS by application dated January 13, 2000. The NRC published notice of the receipt and availability for comment of the LTP in the **Federal Register** on March 23, 2000 (65 FR 15657). On June 1, 2001, MYAPC filed Revision 1 to the LTP. The NRC published notice of the receipt and availability for comment of LTP Revision 1 in the **Federal Register** on June 22, 2001 (66 FR 33580).

On August 13, 2001, MYAPC filed Revision 2 to the LTP. The MYAPS LTP Revision 2 is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, where it may be examined, and/or copied for a fee. Publicly available records will be accessible electronically from the ADAMS Public Library Component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). In addition, the revised LTP may be accessed on the MYAPC web site, *www.maineyankee.com.*

Comments regarding the MYAPS LTP may be submitted in writing and addressed to Mr. Michael Webb, Mail Stop O–7 D1, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–1347 or e-mail *mkw@nrc.gov.*

Dated at Rockville, Maryland, this 10th day of October 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. 01–25889 Filed 10–12–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on October 25–26, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss General Electric (GE) Nuclear Energy proprietary information per 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Thursday, October 25, 2001—1 p.m. until the conclusion of business

Friday, October 26, 2001—8:30 a.m. until the conclusion of business

The Subcommittee will review the application by the Exelon Generating Company for core power uprates for the Dresden Nuclear Power Station, Units 2 & 3, and the Quad Cities Nuclear Power Station, Units 1 & 2. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the Exelon Generating Company, GE Nuclear Energy, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 4:30 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: October 5, 2001.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 01–25887 Filed 10–12–01; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the

convenience of the public. Interest rates are also published on the PBGC's Web site (http://www.pbgc.gov).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in October 2001. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in November 2001. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the fourth quarter (October through December) of 2001.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in October 2001 is 4.66 percent (*i.e.,* 85 percent of the 5.48 percent yield figure for September 2001).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between November 2000 and October 2001.

	The required interest rate is:
For premium payment years beginning in:	
November 2000	4.93
December 2000	4.91
January 2001	4.67
February 2001	4.71
March 2001	4.63
April 2001	4.54
May 2001	4.80
June 2001	4.91
July 2001	4.82
August 2001	4.77
September 2001	4.66
October 2001	4.66

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the fourth quarter (October through December) of 2001, as announced by the IRS, is 7 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From	Through	Interest rate (percent)
7/1/95	3/31/96	9
4/1/96	6/30/96	8
7/1/96	3/31/98	9
4/1/98	12/31/98	8
1/1/99	3/31/99	7
4/1/99	3/31/00	8
4/1/00	3/31/01	9
4/1/01	6/30/01	8
7/1/01	12/31/01	7

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates''). The rate for the fourth quarter (October through December) of 2001 (*i.e.,* the rate reported for September 17, 2001) is 6.50 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From	Through	Interest rate (percent)
10/1/95	3/31/96	8.75
4/1/96	6/30/97	8.25
7/1/97	12/31/98	8.50
1/1/99	9/30/99	7.75
10/1/99	12/31/99	8.25
1/1/00	3/31/00	8.50
4/1/00	6/30/00	8.75
7/1/00	3/31/01	9.50
4/1/01	6/30/01	8.50
7/1/01	9/30/01	7.00
10/1/01	12/31/01	6.50

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in November 2001 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 10th day of October 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–25904 Filed 10–12–01; 8:45 am]

BILLING CODE 7708–01–P

POSTAL RATE COMMISSION

Mailing Facility Visit

AGENCY: Postal Rate Commission.

ACTION: Notice of commission visit.

SUMMARY: Members of the Commission's staff will visit the Moore Business Communication Services' Thurmont, Maryland facility on November 6, 2001, beginning at 8:30 a.m. The purpose of the visit is to attend a training session that reviews the preparation of workshared First-Class Mail.

DATES: The visit is scheduled for Tuesday, November 6, 2001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street NW., Washington, DC 20268–0001, 202–789–6820.

Dated: October 9, 2001.

Steven W. Williams,

Acting Secretary.

[FR Doc. 01–25908 Filed 10–12–01; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–25206; File No. 812–12570]

Nationwide Life Insurance Company, et al.

October 5, 2001.

AGENCY: The Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an order pursuant to section 26(c) of the Investment Company Act of 1940 (''1940 Act'').

Applicants: Nationwide Life Insurance Company (''Nationwide''), the Nationwide Variable Account (the ''Separate Account''); and Nationwide Investment Services Corporation (''NISC'').

Summary of the Application: Applicants seek an order pursuant to Section 26(c) of the 1940 Act, to permit the substitution of shares of the Prestige Balanced Fund—Class A with shares of the Nationwide Separate Account Trust—JP Morgan NSAT Balanced Fund, and shares of the Prestige International Fund—Class A with shares of the Templeton Foreign Fund—Class A, currently held in the Separate Account.

Filing Date: The Application was filed on July 11, 2001, and amended on October 5, 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 Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 30, 2001, and should be accompanied by proof of service on Applicants in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington DC 20549–0609. Applicants, Nationwide Life Insurance Company, Attn: Heather Harker, One Nationwide Plaza, 1–09–V3, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: Martha Atkins, Attorney, at (202) 942–0668, or Keith Carpenter, Branch Chief, at (202) 942–0679, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application is available for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. Nationwide is a stock life insurance company organized under the laws of the State of Ohio. Nationwide is licensed to do business in the fifty states, the District of Columbia, and Puerto Rico. Nationwide offers traditional group and individual life insurance products as well as group and individual fixed and variable annuity contracts. Nationwide is a wholly owned subsidiary of Nationwide Financial Services, Inc. (''NFS''). NFS, a Delaware corporation, is a publicly traded holding company with two classes of common stock outstanding, each with different voting rights. This enables Nationwide Corporation (the holder of all the outstanding Class B Common Stock) to control NFS. Nationwide Corporation stock is held by Nationwide Mutual Insurance Company (95.24%) and Nationwide Mutual Fire Insurance Company (4.76%), the ultimate controllers of Nationwide.

2. The Separate Account was established by Nationwide for the purpose of funding variable annuity contracts. The Separate Account was established under Ohio law on March 3, 1976 as a segregated asset account of Nationwide and is registered under the 1940 Act as a unit investment trust (File No. 811–2716). The Separate Account supports Deferred Variable Annuity Contracts (the ''Contracts'') registered under the Securities Act of 1933 (File Nos. 2–58043, 333–80481). Applicants incorporate by reference the registration statements corresponding to the aforementioned Contracts to the extent necessary to support and supplement the descriptions and representations in this Amended Application.

3. The Contracts may be sold to individuals as: (i) Individual Retirement Annuities (''IRAs'') which are governed by Section 408(b) of the Internal Revenue Code (''Code''); (ii) Simple IRAs which are governed by Section 408(p) of the Code; (iii) SEP IRAs which are governed by Section 408(k) of the Code; (iv) Roth IRAs which are governed by Section 408A of the Code; or (v) qualified Contracts (to qualified plans on behalf of plan participants) which may qualify for special tax treatment under Section 401 of the Code. The Contracts are not sold as non-qualified annuities.

4. Each Contract has a variable investment component that allows the investor to allocate purchase payments among a specific menu of underlying mutual fund options. One of the Contracts (File No. 2–58043) provides for a fixed account allocation which is supported by the assets of Nationwide's general account. The other Contract (File No. 333–80481) permits allocations to Nationwide's Guaranteed Term Options (''GTOs''). The GTOs provide a guaranteed rate of interest over four different maturity durations: three (3), five (5), seven (7), or ten (10) years. For the duration selected, Nationwide declares a guaranteed interest rate and credits that rate to amounts allocated to the GTO. If the investor withdraws allocations from the GTO prior to the end of the interest rate guarantee period, the withdrawal is subject to a market value adjustment.

5. The Separate Account maintains separate sub-accounts for each underlying mutual fund available under the Contracts. The mutual funds are the underlying investments on which the performance for each Contract is based. Contract owners may currently choose to have purchase payments allocated to one or more sub-accounts which invest in the underlying mutual funds.

6. The prospectus portion of the registration statements for the Contracts contains provisions stipulating Nationwide's right to substitute shares of one underlying mutual fund for shares of another underlying mutual fund already purchased or to be

purchased in the future with purchase payments made under the Contracts in the event that: (i) The underlying mutual fund options currently available under the Contracts are no longer available for investment by the Separate Account; or (ii) in the judgment of Nationwide's management, further investment in such underlying mutual fund shares is inappropriate in view of the purposes of the Contract(s).

7. The Separate Account offers Prestige International Fund—Class A and Prestige Balanced Fund—Class A, series of Nationwide Mutual Funds (''NMF'') (formerly Nationwide Investing Foundation III). According to its registration statement, Nationwide Mutual Funds was established and organized as an Ohio corporation by a Declaration of Trust, as subsequently amended, on October 30, 1997, as a diversified, open-end management investment company. Investment management and advisory services are provided to NMF pursuant to an investment management agreement entered into with Villanova Mutual Fund Capital Trust (''VMF''). Besides Prestige International Fund and Prestige Balanced Fund, NMF has 39 other portfolios.

8. Applicants have been informed by VMF that it wishes to liquidate the Prestige International Fund—Class A and Prestige Balanced Fund—Class A and terminate all operations of such funds. The reasons proffered by VMF for this decision are as follows:

9. When the Prestige International Fund and the Prestige Balanced Fund (collectively referred to throughout this paragraph as the ''Fund'') were created, it was anticipated that the Funds would be offered as an investment option for certain variable annuity contracts as well as for sale to the public as stand-alone investments. The Funds, however, have not attracted sufficient assets to grow to an efficient size and are no longer expected to do so. Additionally, on a longer-term basis, the Funds have been out-performed by other mutual funds with similar objectives. The Applicants have also been informed by NMF that NMF is scheduling a shareholder meeting and preparing a proxy solicitation to all shareholders in order to allow the shareholders to vote on NMF's decision to liquidate the Funds. Since the decision to ask shareholders to approve liquidation of the Funds, the Funds are neither being actively marketed to the public nor are they being offered thorough other Nationwide Separate Accounts. Consequently their assets are not growing and thus it is not expected that the Funds will attain economies of scale. Accordingly, all shareholders, including beneficial shareholders/Contract owners having interests in the Separate Account, will be better served with the alternative to the Funds.

10. In light of the foregoing, as well as the following representations and analyses, the Applicants propose to substitute shares of the Prestige Balanced Fund—Class A with shares of the Nationwide Separate Account Trust—J.P. Morgan NSAT Balanced Fund and shares of the Prestige International Fund—Class A with shares of Templeton Foreign Fund—Class A.

11. Information concerning the Substituted Funds and Replacement Funds, as well as additional rationale for each replacement proposed in this Amended Application is provided below.

12. Prestige Balanced Fund—Class A to be replaced with the Nationwide Separate Account Trust—JP Morgan NSAT Balanced Fund

Substituted fund	Replacement fund
Prestige Balanced Fund—Class A: Investment Objective: The Fund seeks a high total return from a diversified portfolio of equity and fixed income securities. Under normal market conditions, the Fund will invest approximately 60% of its assets in equity securities and 40% in fixed income securities (including U.S. Government, corporate, mortgage-backed and asset-backed securities). The equity securities will primarily be securities of large and medium sized companies included in the Standard & Poor's 500 Index. The fixed income securities held by the Fund will generally be investment grade securities, or unrated securities of comparable quality, although a portion of the Fund's fixed income will be invested in securities rated below investment grade (these securities are commonly known as junk bonds). Villanova Mutual Fund Capital Trust serves as the Fund's investment adviser and J.P. Morgan Investment Management Inc. is the Fund's sub-adviser.	*Nationwide Separate Account Trust—J.P. Morgan NSAT Balanced Fund (formerly, Nationwide Balanced Fund)* Investment Objective: The Fund seeks a high total return from a diversified portfolio of equity and fixed income securities. Under normal market conditions, the Fund will invest approximately 60% of its assets in equity securities and 40% in fixed income securities (including U.S. Government, corporate, mortgage-backed and asset-backed securities). The equity securities will primarily be securities of large and medium sized companies included in the Standard & Poor's 500 Index. The fixed income securities held by the Fund will generally be investment grade securities, or unrated securities of comparable quality, although a portion of the Fund's fixed income will be invested in securities rated below investment grade (these securities are commonly known as junk bonds). Villanova Mutual Fund Capital Trust serves as the Fund's investment adviser and J.P. Morgan Investment Management Inc. is the Fund's sub-adviser.

	Substituted Fund Prestige Balanced Fund—Class A	*Replacement Fund Nationwide Separate account Trust—JP Morgan NSAT Balanced Fund*
Adviser	Villanova Mutual Fund Capital Trust	Villanova Mutual Fund Capital Trust
Subadviser	J.P. Morgan Investment Management, Inc.	J.P. Morgan Investment Management, Inc.
With reimbursements/waivers (as of 12/31/00):		
Management Fees	0.75%	0.75%
Other Expenses	0.10%	0.15%
12b–1 Fees	0.25%	0.00%
Total Expenses	1.10%	0.90%

Without re-imbursements/waivers (as of 12/31/00):		
Management Fees	0.75%	0.75%
Other Expenses	1.82%	0.32%
12b–1 Fees	0.25%	0.00%
Total Expenses	2.82%	1.07%

Specific assets and performance information as of June 20, 2001, is as follows (performance represents average annual total returns):

	Substituted Fund Prestige Balanced Fund—Class A	*Replacement Fund Nationwide Separate Account Trust—JP Morgan NSAT Balanced Fund*
Inception Date	11/02/98	10/31/97
Fund Assets as of 06/30/01 (in millions)	$2,700,000.00	$135,600,000.00
1 Year	−4.53%	−4.56%
3 Year	N/A	0.00%
5 Year	N/A	N/A
Inception to 06/30/01	4.74%	2/23%

13. The Prestige Balanced Fund is managed by Villanova Mutual Fund Capital Trust (''VMF''). VMF is indirectly affiliated with the Applicants. The Fund is subadvised by J.P. Morgan Investment Management, Inc. (''J.P. Morgan''). J.P. Morgan is not affiliated with the Applicants.

14. Applicants therefore propose to substitute the Prestige Balanced Fund—Class A shares (''Substituted Fund'') into the Nationwide Separate Account Trust—JP Morgan NSAT Balanced Fund (''Replacement Fund''). Both the Substituted Fund and the Replacement Fund are in Trusts that are managed by affiliates of the Applicants.

15. The Substituted Fund and the Replacement Fund have essentially identical investment objectives. The Substituted Fund and Replacement Fund have the same fund adviser and sub-adviser. Further, the underlying mutual fund expenses of the Replacement Fund with, and without, reimbursements are significantly lower in comparison to the Substituted Fund. Applicants represent that neither Nationwide nor any of its affiliates will receive an increase in servicing fees or other form of revenue associated with the offering of the Nationwide Separate Account Trust—J.P. Morgan NSAT Balanced Fund as the Replacement Fund as described herein.

16. The Applicants assert that the proposed substitution is appropriate and in the best interest of the Contract owners. The Replacement Fund maintains essentially an identical investment objective as the Substituted Fund with the same investment adviser and sub-adviser, while benefiting from the economies of scale of the much larger Replacement Fund with well over $135 million in assets as compared to the $2.7 million in assets of the Substituted Fund. The Replacement Fund has lower expenses, as well as good prospects for growth.

17. At the time of the substitution, the aggregate fees and expenses of the Replacement Fund are expected to be lower than those of the Substituted Fund. Applicants agree that Nationwide will not increase the Contract charges or the total separate account charges (net of any waiver or reimbursement) of the sub-accounts that invest in the Replacement Fund for those Contract owners who were Contract owners at the time of the substitution for a period of two years from the date the Commission Order requested herein is received. Nationwide further agrees that if the total operating expenses for the Replacement Fund (taking into account any expense reimbursement or waiver) for any fiscal quarter for the two-year period following the date of the Order exceed on an annualized basis 1.10% of the average daily net assets of the separate account, Nationwide will make a corresponding reduction (through reimbursement or waiver) in the separate account expenses—at the end of that quarter—of the sub-accounts that invest in such Replacement Fund for Contract owners who were Contract owners at the time of the substitution.

18. Prestige International Fund—Class A to be replaced with Templeton Foreign Fund—Class A.

Substituted fund	Replacement fund
Prestige International Fund—Class A: Investment Objective: Capital appreciation. The Funds seeks to accomplish its investment objective by investing primarily in equity securities of non-United States companies that, in the opinion of its subadviser, are inexpensively priced relative to the return on total capital or equity. The Fund invests primarily in equity securities of non-United States companies. Under normal market conditions, the Fund will invest at least 80% of the value of its total assets in the equity securities of companies within at least three different countries (not including the United States). Villanova Mutual Fund Capital Trust serves as the Fund's investment adviser and Lazard Asset Management is the Fund's subadviser.	*Templeton Foreign Fund—Class A:* Investment Objective: Seeks long-term capital growth through a flexible policy of investing in stocks and debt obligations of companies and governments outside the United States, including emerging markets. Depending upon current market conditions, the Fund generally invests up to 25% of its total assets in debt securities of companies and governments located anywhere in the world. Templeton Investment Counsel, Inc. serves as the Fund's investment adviser.

	Substituted Fund Prestige Internationla Fund—Class A	*Replacement Fund Templeton Foreign Fund—Class A*

Adviser	Villanova Mutual Fund Capital Trust	Templeton Investment Counsel, Inc.
Subadviser	Lazard Asset Management	N/A
With reimbursements/waivers (as of 12/31/00):		
Management Fees	0.85%	0.61%
Other Expenses	0.20%	0.29%
12b–1 Fees	0.25%	0.25%
Total Expenses	1.30%	1.15%
Without reimbursements/waivers (as of 12/31/00):		
Management Fees	0.85%	N/A
Other Expenses	1.54%	N/A
12b–1 Fees	0.25%	N/A
Total Expenses	2.64%	M/A

Specific assets and performance information as of June 30, 2001 is as follows (performance represents average annual total returns):

	Substituted Fund Prestige International Fund—Class A	*Replacement Fund* Templeton Foreign Fund—Class A
Inception Date	11/02/98	10/05/82
Fund Assets as of 6/30/01	$14,600,000.00	$9,562,581,603.00
1 Year	−20.13%	−3.03%
3 Year	N/A	5.90%
5 Year	N/A	7.06%
Inception to 6/30/01	−0.93%	14.32%

19. The Prestige International Fund is managed by Villanova Mutual Fund Capital Trust (''VMF''). VMF is indirectly affiliated with the Applicants. The Prestige International Fund is subadvised by Lazard Asset Management (''LAM''). LAM is not affiliated with the Applicants.

20. Applicants therefore propose to substitute the Prestige International Fund—Class A shares (''Substituted Fund'') into the Templeton Foreign Fund—Class A (''Replacement Fund''). The Substituted Fund is managed by an affiliate of the Applicants. Neither the Replacement Fund nor its investment adviser is affiliated with the Applicants.

21. The Substituted Fund and the Replacement Fund have substantially similar investment objectives of capital appreciation through investing in foreign securities. In addition, the Replacement Fund has had better long-term historical performance as well as a larger asset base than the Substituted Fund. Further, the underlying mutual fund expenses of the Replacement Fund are significantly lower in comparison to the Substituted Fund. Applicants represent that neither Nationwide nor any of its affiliates will receive an increase in servicing fees or any other form of revenue associated with the offering of Templeton Foreign Fund—Class A as the Replacement Fund described herein.

22. The Applicants assert that the proposed substitution is appropriate and in the best interest of the Contract owners. The Replacement Fund will maintain a substantially similar investment objective as the Substituted Fund while benefiting from the economics of scale of the much larger Replacement Fund with more than $9 billion in assets as compared to the $14.6 million in assets of the Substituted Fund. The Replacement Fund has lower underlying mutual fund expenses, as well as better prospects for growth.

23. Contract owners will not be subject to a higher 12b–1 fee as a result of the substitution, unless a higher 12b–1 fee is subsequently adopted by the Contract owners after receipt of the Commission Order requested herein.

24. The Applicants represent that Nationwide does not, and will not for a period of three years from the date of the Commission Order requested herein, receive any direct or indirect benefit from the Replacement Fund or its adviser (or the adviser's affiliates) that exceeds the amount it had received from the Substituted Fund, its adviser and/or the adviser's affiliates, including without limitation, 12b–1, shareholder service, administration or other service fees, revenue sharing or other arrangement, either with specific reference to the Replacement Fund or as part of an overall business arrangement.

25. Applicants represent that the investment objectives of the Substituted Funds and corresponding Replacement Funds are either identical (in the case of Prestige Balanced Fund and J.P. Morgan NSAT Balanced Fund) or closely comparable. In any event, when viewed in the context of the wide spectrum (most conservative to most aggressive) of investment objectives reflected in contemporary mutual fund offerings, the Substituted Funds and corresponding Replacement Funds are at a minimum closely comparable.

26. For these reasons, Applicants assert that the substitution of the Replacement Funds for the Substituted Funds will not create circumstances in which Contract owners will be forced to surrender their Contracts and purchase alternative investments (incurring deferred sales charges on the Contracts or new sales charges on new investments) in order to maintain an investment strategy contemplated when making their original purchase.

27. Applicants state that the proposed substitution will take place on a date designated by Nationwide (the ''Exchange Date''). In addition, the Applicants state that the proposed substitution will occur at the relative net asset values of the Replacement Funds and the Substitute Funds on the Exchange Date and that at charges will be assessed in connection with the substitution transaction. Nationwide will bear all of the costs (including legal, accounting, brokerage, and other expenses) associated with the substitution. Accordingly, Contract

owners' Contract values will not be affected in any way by the substitution. The proposed substitution will not impose any tax liability on Contract owners and will not cause the fees and charges currently being paid by existing Contract owners to be greater after the proposed substitution than before the proposed substitution. Applicants also represent that the proposed substitution will not be treated as a transfer for the purposes of daily transfer limitations. Nationwide has informed Contract owners that it will not exercise any rights it may have under the Contracts to impose additional restrictions on transfers or eliminate the transfer privilege under any of the Contracts from the date Contract owners are informed of the Exchange Date until at least thirty (30) days following the substitution.

28. The prospectuses, as well as the Contracts for which this Amended Application is being filed, state that Nationwide may substitute, eliminate, and/or combine shares of one mutual fund for shares of another mutual fund already purchased or to be purchased in the future if either of the following occurs:

(a) Shares of a current mutual fund are no longer available for investment; or

(b) Further investment in a mutual fund shares is inappropriate.

29. The prospectus also states that no substitution, elimination, and/or combination of shares may take place without the prior approval of the Commission and individual state insurance department.

30. The Applicants have taken several steps toward accomplishing the proposed substitution. The Replacement Funds either already exist as underlying mutual fund options in the Separate Accounts that offer the Substituted Funds, or have been added via Post-Effective Amendment to the Registration Statements. Additionally, Nationwide has supplemented the Separate Account prospectuses concurrently with the filing of the original Application to inform all existing and prospective variable annuity contract owners of the fact that Nationwide has filed an Application with the Commission to effect a substitution of shares of the Replacement Funds for shares of the Substituted Funds. The prospectus supplements indicate that nationwide will not exercise any rights reserved by it to impose restrictions or fees on transfers beginning on the date Contract owners are notified of the Exchange Date and continuing until at least thirty (30) days after the Exchange Date. Although the variable annuity contracts reserve to Nationwide the right to restrict transfer privileges, from the date Contract owners are informed of the Exchange Date until at least thirty (30) days after the Exchange Date, Contract owners will be free to transfer unit values (which include both accumulation unit values and annuity unit values) or to allocate subsequent purchase payments or premium payments to other underlying mutual fund options available under the Contracts, including the Replacement Funds, in accordance with the provisions of the Contracts, without imposition of any transfer penalties. Therefore, such transfers will be free and without limitation.

31. Existing and prospective Contract owners have been provided with current prospectuses for the Replacement Funds.

32. If the order for which this Amended Application is being made is granted. Nationwide will establish an Exchange Date. Nationwide anticipates that the Exchange Date will be at least thirty (3) but not more than sixty (60) days after the Order is granted. Contract owners will be notified of the impending Exchange Date. Contract owners with interest remaining in the Substituted Funds will be advised that the Substituted Funds will be replaced with the Replacement Funds on the Exchange Date. Contract owners will also be advised that they are free to make allocation changes among any of the investment options available under the Contracts, in accordance with the terms of the Contracts, in advance of the Exchange Date and that Nationwide will not exercise any rights it may have under the Contracts to impose transfer restrictions or eliminate the transfer privilege until at least 30 days after the Exchange Date. All necessary forms and other information necessary for Contract owners to effectuate exchanges among investment options will continue to be provided.

33. On the Exchange Date, all shares held by the Separate Account in the Substituted Funds will be redeemed in cash, resulting in a complete liquidation of the sub-accounts. Contemporaneously with this redemption, cash proceeds received from the Substituted Funds will be used to purchase shares in the corresponding Replacement Funds. All shares will be purchased and redeemed at prices based on the current net asset value per share next computed after receipt of the redemption request and in a manner consistent with Section 22(c) of the 1940 Act and Rule 22c–1 thereunder with no change in the amount of any Contract owner's Contract value or in the dollar value of his or her investment in the Separate Account. Contract owners will not suffer any adverse tax consequences as a result of the substitution. Fees charged under the Contracts will not increase because of the substitution.

34. Nationwide asserts that it is likely that unit values (which both accumulation unit values and annuity unit values) of the Substituted Funds and the Replacement Funds will be different on the Exchange date. In order to keep each contract owner's Contract value the same after the Exchange Date as immediately prior to the Exchange date, the number of units held by beneficial shareholders in the substituted Funds are likely to be different than the number of units held by beneficial shareholders in the corresponding Replacement Funds when the exchange takes place.

35. Within five (5) days of the Exchange Date, all Contract owners affected by the transaction will receive a written confirmation of the transaction in accordance with Rule 10b–10 under the Securities Exchange Act of 1934. The confirmation will state that Contract owners may transfer all cash value under an annuity contract in the affected sub-accounts to any other available sub-accounts. The notice will also reiterate that Nationwide will not exercise any right reserved by it under the contracts to impose any restrictions or fees on transfers until at least thirty (30) days after the Exchange Date.

Applicants' Legal Analysis

1. Applicants request that the Commission issue an Order under Section 26(c) of the 1940 Act to the extent necessary to permit the substitution of shares of the Replacement Funds for shares of the Substituted Funds.

2. Section 26(c) of the 1940 Act prohibits a depositor or trustee of a registered unit investment trust holding the securities of the single issuer from substituting another security for such security unless the Commission approves the substitution, finding that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

3. Applicants represent that, to the extent that any aspect of the substitution transaction described herein is determined to require approval under section 11 of the 1940 Act, Rule 1a–2 under the 1940 Act will be relied upon with respect to the exemptive provisions outlined thereunder.

4. Applicants represent that the proposed substitution, in accordance with the standards set forth under

section 26(c) of the 1940 Act, is in the best interest of Contract owners. With respect to management and fund objectives, the Replacement Funds, as has been demonstrated, are closely comparable to the corresponding Substituted Fund. Accordingly, the proposed substitution should not create incentives for Contract owner to surrender Contracts and seek out other investment opportunities (incurring additional sales charges) in order to maintain a desired investment strategy. On the contrary, the close comparability of the funds proposed as a substitute for the Substituted Funds ensures that investment strategies currently employed by Contract owners may be maintained after the substitution.

5. Each of the Replacement Funds currently has greater assets than the Substituted Fund being substituted into it. This will create the opportunity for better performance between the Substituted Funds and Replacement Funds, which have similar management and investment objectives. The economies inherent in the Replacement Funds' greater asset size will be passed to Contract owners.

6. The Applicants maintain that the substitutions will not result in the type of costly forced redemption that section 26(c) was intended to guard against and, for the following reasons, are consistent with the protection of investors and the purposes fairly intended by the 1940 Act:

a. Each Replacement Fund has investment objectives that are similar to those of the corresponding Substituted Fund, and permits Contract owners continuity of their investment objectives and expectations;

b. Contract owners will not bear expenses incurred in connection with the substitutions, including legal, accounting and other fees and expenses, and brokerage expenses on portfolio transactions;

c. The substitutions will take place at relative net asset values of the respective sub-accounts, without the imposition of any transfer or similar charges and with no change in the amount of any Contract owner's unit values, death benefit or dollar value in the sub-accounts;

d. The substitutions will not cause the fees and charges under the Contracts currently being paid by Contract owners to be greater after the substitutions than before the substitutions, nor will Contract owner's rights, or the obligations of Nationwide, under the Contract be altered in any way;

e. The substitutions will not be treated as a transfer for the purpose of assessing transfer charges or for determining the number of remaining permissible transfers in a Contract year;

f. Within five (5) days after the substitutions, Nationwide will send to the affected Contract owners written confirmation that the substitutions have occurred;

g. The substitutions will not impose any tax liability on Contract owners and will not cause the Contract fees and charges currently being paid by existing Contract owners to increase.

7. Applicants assert that, for the reasons summarized above, the terms of the proposed substitution meet the standards set forth in section 26(c) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–25780 Filed 10–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Federal Register *Citation of Previous Announcement:* [66 FR 51076, October 5, 2001]

Status: Closed meeting.

Place: 450 Fifth Street, NW., Washington, DC.

Date and Time of Previously Announced Meeting: Tuesday, October 9, 2001 at 10 a.m.

Change in the Meeting: Additional items.

The following items were added to the closed meeting scheduled for Tuesday, October 9, 2001:

institution and settlement of injunctive actions;

settlement of administrative proceedings of an enforcement nature; and a formal order.

Commissioner Hunt, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: October 10, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–25934 Filed 10–10–01; 4:42 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of October 15, 2001:

Closed meetings will be held on Tuesday, October 16, and Thursday, October 18, 2001, at 10 a.m.

Commissioner Unger, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9)(A), (9)(B), and (10) and 17 CFR 200.402(a)(5), (7), 9(i), 9(ii) and (10), permit consideration of the scheduled matters at the closed meetings.

The subject matter of the closed meeting scheduled for Tuesday, October 16, 2001, will be: opinions.

The subject matters of the closed meeting scheduled for Thursday, October 18, 2001, will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and formal orders.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: October 10, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–25935 Filed 10–10–01; 4:42 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44913; File No. SR–NASD–2001–73]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Listing and Trading of Performance Leveraged Upside Securities (''PLUS'')

October 9, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice if hereby given that on October 9, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade medium-term notes issued by Morgan Stanley Dean Witter & Co. (''Morgan Stanley''), referred to as the PLUS, the return on which is based upon the performance of the Nasdaq-100 Index.

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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 III below. Nasdaq has prepared summaries, set forth in sections 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

Under NASD Marketplace rule 4420(f), Nasdaq may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[3] Nasdaq proposes to list for trading the PLUS, as described below, under NASD Marketplace Rule 4420(f).

Description of the PLUS [4]

The PLUS are medium-term notes that will be issued by Morgan Stanley. The principal amount and issue price of each PLUS will be equal to one-eightieth of the closing value of the Nasdaq-100 Index [5] on the day that the PLUS are offered for initial sale to the public. The PLUS will pay interest quarterly beginning on December 30, 2001. The interest rate approximates the current dividend yield on the Nasdaq-100 Index and will not be adjusted up or down over the life of the PLUS. The PLUS will expire on December 30, 2004.

At maturity, unless Morgan Stanley has called the PLUS, investors will receive in exchange for the principal amount of each PLUS an amount in cash equal to one-eightieth of the final average index value, plus a supplemental amount in cash equal to one-eightieth of the amount, if any, by which the final average index value exceeds the closing value of the Nasdaq-100 Index on the day the PLUS is offered for initial sale to the public. The final average index value will be the average closing value of the Nasdaq-100 Index over a period of five trading days commencing on December 15, 2004. In no event will the supplemental amount be less than zero.

The return that investors realize on the PLUS is limited by Morgan Stanley's call right. Morgan Stanley has the right to call all of the PLUS at any time beginning in October 2003, including at matrutiy, for an amount in cash equal to the call price, which will be the equivalent to a percentage of the issue price of the PLUS. If Morgan Stanley calls the PLUS, it will send a notice announcing that it has decided to call the PLUS and specify in the notice a call date when investors will receive the cash call price in exchange for delivering the PLUS to the trustee. The call date will not be less than 15 nor more than 30 days after the date of the notice. If Morgan Stanley calls the PLUS, investors will not be entitled to receive accrued but upaid interest on the PLUS on the call date.

Unlike ordinary debt securities, the PLUS do not guarantee any return of principal at maturity. If the average closing value of the Nasdaq-100 Index at maturity is less than the closing value of the Nasdaq-100 Index on the day that the PLUS are offered for initial sale to the public and Morgan Stanley has not called the PLUS, Morgan Stanley will pay an amount in cash that is less than the issue price of the PLUS.

Criteria for Initial and Continued Listing

The PLUS will be subject to Nasdaq's initial listing criteria for other securities under NASD Marketplace Rule 4420(f). Specifically:

(i) The issuer will have assets in excess of $100 million and stockholders' equity of at least $10 million. In the case where the issuer is unable to satisfy the $1 million annual pre-tax income requirement of NASD Marketplace Rule 4420(a)(1), Nasdaq generally will require the issuer to have the following: (i) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (ii) assets in excess of $100 million and stockholders' equity of at least $20 million;

(ii) There will be at least 400 holders of the PLUS;

[3] *See* Securities Exchange Act Release No. 32988 (September 29, 1993), 58 FR 52124 (October 6, 1993).

[4] For a detailed description of the PLUS, including the risks associated with investing in the PLUS, *see* the registration statement filed by Morgan Stanley with the Commission (File No. 333–47576).

[5] The Nasdaq-100 Index is a modified capitalization-weighted index of 100 of the largest non-financial companies listed on The Nasdaq National Market tier of Nasdaq. The Nasdaq-100 Index constitutes a broadly diversified segment of the largest and most actively traded securities listed on Nasdaq and includes companies across a variety of major industry groups. IN order to limit domination of the Nasdaq-100 Index by a few large stocks, the Nasdaq-100 Index is calculated under a ''modified capitalization-weighted'' methodology. This capitalization weight distribution is evaluated on a quarterly basis and is rebalanced, if either one or both of the following two weight distribution requirements are not met: (1) the current weight of the single largest market capitalization Nasdaq-100 Index component security must be less than or equal to 24.0%, and (2) the ''collective weight'' of those Nasdaq-100 Index component securities whose individual current weights are in excess of 4.5%, when added together, must be less than or equal to 48.0%. Nasdaq-100 Index securities are ranked by market value and are evaluated annually to determine which securities will be included in the Nasdaq-100 Index. Moreover, if at any time during the year a Nasdaq-100 Index security is not longer trading on Nasdaq, or is otherwise determined by Nasdaq to become ineligible for continued inclusion in the Nasdaq-100 Index, the security will be replaced with the largest market capitalization security not currently in the Nasdaq-100 Index that meets the Nasdaq-100 Index eligibility criteria. For a detailed description on the Nasdaq-100 Index, *see* the registration statement filed by Morgan Stanley with the Commission (File No. 333–47576).

(iii) There will be a minimum public distribution of 1 million trading units; and

(iv) The aggregate market value/principal amount of the PLUS will be at least $4 million.

In addition, Morgan Stanley satisfies the listed marketplace requirement set forth in NASD Marketplace 4420(f)(2). Prior to the commencement of trading of the PLUS, Nasdaq will distribute a circular to the membership providing guidance regarding member firm compliance responsibilities and requirements when handling transactions in the PLUS.

The PLUS will be subject to Nasdaq's continued listing criteria for other securities pursuant to NASD Marketplace Rule 4450(c). Under this criteria, the aggregate market value or principal amount of publicly-held units must be at least $1 million.

Pursuant to NASD Marketplace Rule 4310(c)(23)(A), the PLUS will have a CUSIP number identifying the securities included in the file of eligible issues maintained by a securities depository registered as a clearing agency under Section 17A of the Act (''securities depository'' or ''securities depositories''), in accordance with the rules and procedures of such securities depository; except that this provision of the rule shall not apply to a security if the terms of the security do not and cannot be reasonably modified to meet the criteria for depository eligibility at all securities depositories.

Under NASD Marketplace Rule 4310(c)(23)(B), a security depository's inclusion of a CUSIP number identifying a security in its file of eligible issues does not render the security ''depository eligible'' under NASD Marketplace Rule 11310 until: (i) in the case of any new issue distributed by an underwriting syndicate on or after the date a securities depository system for monitoring repurchases of distributed shares by the underwriting syndicate is available, the date of the commencement of trading in such security on Nasdaq; or (ii) in the case of any new issue distributed by an underwriting syndicate prior to the date a securities depository system for monitoring repurchases of distributed shares by the underwriting syndicate is available where the managing underwriter elects not to deposit the securities on the date of the commencement of trading in such security on Nasdaq, such later date designated by the managing underwriter in a notification submitted to the securities depository; but in no event more than three months after the commencement of trading in such security on Nasdaq.

In addition, the PLUS will be registered under Section 12 of the Act.

Rules Applicable to the Trading of the PLUS

Since the PLUS will be deemed equity securities for the purpose of NASD Marketplace Rule 4420(f), the NASD and Nasdaq's existing equity trading rules will apply to the trading of the PLUS. First, pursuant NASD Marketplace Rule 2310 and IM–2310–2, NASD members must have reasonable grounds for believing that a recommendation to a customer regarding the purchase, sale or exchange of any security is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other security holdings and as to his financial situation and needs.[6] Second, the PLUS will be subject to the equity margin rules. Third, the regular equity trading hours of 9:30 am to 4:00 pm will apply to transactions in the PLUS. Lastly, NASD Regulation's surveillance procedures for the PLUS will be the same as the current surveillance procedures governing equity securities, and will include additional monitoring on key pricing dates.

Disclosure and Dissemination of Information

Morgan Stanley will deliver a prospectus in connection with the initial purchase of the PLUS. The procedure for the delivery of a prospectus will be the same as Morgan Stanley's current procedure involving primary offerings.

In addition, Nasdaq will issue a circular to NASD members explaining the unique characteristics and risks of the PLUS. The circular will also note NASD member and member organization responsibilities under Marketplace Rule 2310 and IM–2310–2.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with Section 15A of the Act,[7] in general, and furthers the objectives of Section 15A(b)(8)[8] of the Act, in particular, in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2001–73 and should be submitted by November 5, 2001.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association, and, in particular, the requirements of Section 15A of the Act.[9] Specifically, the Commission finds that the proposal is consistent with Section 15A(b)(6) of the Act, which requires that the rules be designed to

[6] NASD Marketplace Rule 2310(b) requires members to make reasonable efforts to obtain information concerning a customer's financial status, a customer's tax status, the customer's investment objectives, and such other information used or considered to be reasonable by such member or registered representative in making recommendations to the customer.

[7] 15 U.S.C. 78*o*–3.

[8] 15 U.S.C. 78*o*–3(b)(6).

[9] 15 U.S.C. 78*o*–3.

promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in processing information with respect to and facilitating transactions in securities, as well as to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.[10] The Commission believes that the proposal to list and trade the PLUS will provide investors flexibility in satisfying their investment needs by providing them with the opportunity to obtain leveraged returns based on the Nasdaq-100 Index.

The Commission notes that the PLUS are leveraged debt instruments and that their price will be derived and based upon the performance and value of the Nasdaq-100 Index. Accordingly, the level of risk involved in the purchase or sale of the PLUS is similar to the risk involved in the purchase or sale of traditional common stock. In addition, because the final rate of return of the PLUS is derivatively priced and is based on the performance of an index of securities, there are several issues regarding the trading of this type of product.

The Commission notes that Nasdaq's rules and procedures that address the special concerns attendant to the trading of hybrid securities will be applicable to the PLUS. In particular, by imposing the hybrid listing standards, suitability, disclosure, and compliance requirements noted above, the Commission believes Nasdaq has addressed adequately the potential problems that could arise from the hybrid nature of the PLUS. Moreover, Nasdaq will distribute a circular to its membership calling attention to the specific risks associated with the PLUS.

In approving the product, the Commission recognizes that the components of the Nasdaq-100 Index may change each year over the life of the product. Nevertheless, the Commission believes that this is acceptable because Nasdaq has clearly stated its guidelines and formula for replacing components from a specific group of the largest and most actively traded securities listed on the Nasdaq, including companies across a variety of major industry groups. Each year, as noted above, the index of securities comprising the Nasdaq-100 Index will represent the 100 largest non-financial companies listed on The Nasdaq National Market tier of Nasdaq. Nasdaq will do the calculation for replacements based on a set formula to determine which of the securities will be in the Nasdaq-10 Index for the following year. The Commission believes that within these confines the potential changes in the components of the Nasdaq-100 Index are reasonable and will meet the expectation of investors.

In addition, the Commission notes that, unlike traditional debt securities, the PLUS are non-principal protected. The PLUS will not have a minimum principal amount that will be repaid and may be less than the original issue price of the PLUS. The interest payments on the PLUS prior to or at maturity approximates the current dividend yield on the Nasdaq-100 Index and will not be adjusted up or down over the life of the PLUS. The Commission also notes that the PLUS will be registered under Section 12 of the Act and will be treated as equity securities, subject to NASD and Nasdaq's existing equity trading rules, including rules or suitability, margin, disclosure, trading hours, and surveillance.

Nasdaq represents that the PLUS meet NASD requirements for depository eligibility under NASD Market Place Rules 4310 and 11310 for purposes of clearance and settlement. The Commission notes that Morgan Stanley will deliver a prospectus to investors with the initial purchase of the PLUS. In addition, Nasdaq will issue a circular to NASD members explaining the unique characteristics and risks of the PLUS. The circular will also note NASD member and member organization responsibilities under Marketplace rule 2310 and IM–2310–2. Specifically, NASD members must have reasonable grounds for believing that a recommendation to a customer regarding the purchase, sale or exchange of any security is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other security holdings and as to his financial situation and needs.

The Commission recognizes that as of October 2003, Morgan Stanley has the option to call all of the PLUS. Furthermore, the Commission notes that the PLUS are dependent upon the individual credit of the issuer, Morgan Stanley. To some extent this credit risk is minimized by Nasdaq's listing standards in NASD Marketplace Rule 4420(f), which provide the only issuers satisfying substantial asset and equity requirements may issue securities such the PLUS. In addition, Nasdaq's hybrid listing standards further require that the PLUS have at least $4 million in market value.[11] In any event, financial information regarding Morgan Stanley, in addition to the information on the issuers of the underlying securities comprising the Nasdaq-100 Index, will be publicly available.[12]

The Commission also has a systemic concern, however, that a broker-dealer, such as Morgan Stanley, or a subsidiary providing a hedge for the issuer will incur position exposure. As discussed in the prior approval orders for other hybrid instruments (*e.g.,* the MIITTS), the Commission believes this concern is minimal given the size of the PLUS issuance in relation to the net worth of Morgan Stanley.

The Commission also believes that the listing and trading of the PLUS should not unduly impact the market for the underlying securities comprising the Nasdaq-100 Index. First, the underlying securities comprising the Nasdaq-100 Index are well-capitalized, highly liquid stocks listed on the Nasdaq-100 Index, no single stock or group of stocks will likely dominate the Nasdaq-100 Index. Nasdaq will rebalance and adjust the weight of the Nasdaq-100 Index on a quarterly basis, or sooner in the event of corporate actions such as mergers or stock repurchases. Additionally, Nasdaq's surveillance procedures will serve to deter as well as detect any potential manipulation.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Nasdaq has requested accelerated approval in order to begin listing and trading the PLUS immediately. In determining to grant the accelerated approval for good cause, the Commission notes that the Nasdaq-100 Index is an index of large, actively traded securities listed on the Nasdaq. Additionally, the PLUS will be listed pursuant to existing hybrid security listing standards as described above. Moreover, the Nasdaq-100 Index's weighting methodology is a commonly applied index calculation method. Based on the above, the Commission finds, consistent with Sections 15A(b)(6)[13] and 19(b)[14] of the Act, that there is good cause for accelerate approval of the product.

The Commission is approving Nasdaq's proposed listing and trading standards for the PLUS. The Commission specifically notes that, notwithstanding approval of the listing standards for the PLUS, other similarly structured products will require review

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] *See* NASD Marketplace Rule 4420(f).

[12] The companies that comprise the Nasdaq-100 Index are reporting companies under the Act.

[13] 15 U.S.C. 78*o*–3(b)(6).

[14] 15 U.S.C. 78s(b).

by the Commission prior to being trading on Nasdaq.

V. Conclusion

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–NASD–2001–73) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–25867 Filed 10–12–01; 8:45 am]

BILLING CODE 8010–01–M

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 200.30–2(a)(12).

SMALL BUSINESS ADMINISTRATION

Declaration of Military Reservist Economic Injury Disaster Loan #R202

As a result of Public Law 106–50, the Veterans Entrepreneurship and Small Business Development Act of 1999, this notice establishes the application filing period for the Military Reservist Economic Injury Disaster Loan program. Effective October 1, 2001, small businesses employing military reservists may apply for economic injury disaster loans if those employees are called up to active duty during a period of military conflict existing on or after March 24, 1999 and those employees are essential to the success of the small business daily operations. The filing period for small businesses to apply for economic injury loan assistance under the Military Reservist Economic Injury Disaster Loan Program begins on the date the essential employee is ordered to active duty and ends on the date 90 days after the essential employee is discharged or released from active duty. However, if a military reservist, who is an essential employee, was ordered to active duty on or after March 24, 1999, because of a military conflict, and was released or discharged prior to the date of the publication of this notice in the **Federal Register**, the affected small business has 90 days from such date of publication to make such application.

The purpose of the Military Reservist economic injury disaster loan program (MREIDL) is to provide funds to eligible small businesses to meet its ordinary and necessary operating expenses that it could have met, but is unable to meet, because an essential employee was called-up to active duty in their role as a military reservist. These loans are intended only to provide the amount of working capital needed by a small business to pay its necessary obligations as they mature until operations return to normal after the essential employee is released from active military duty.

Applications for loans for military reservist economic injury loans may be obtained and filed at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308, 1–800–359–2227.

The interest rate for eligible small businesses is 4 percent. The number assigned for economic injury is R20200.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: October 5, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–25847 Filed 10–12–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Declaration of Military Reservist Economic Injury Disaster Loan #R302

As a result of Public Law 106–50, the Veterans Entrepreneurship and Small Business Development Act of 1999, this notice establishes the application filing period for the Military Reservist Economic Injury Disaster Loan program. Effective October 1, 2001, small businesses employing military reservists may apply for economic injury disaster loans if those employees are called up to active duty during a period of military conflict existing on or after March 24, 1999 and those employees are essential to the success of the small business daily operations. The filing period for small businesses to apply for economic injury loan assistance under the Military Reservist Economic Injury Disaster Loan Program begins on the date the essential employee is ordered to active duty and ends on the date 90 days after the essential employee is discharged or released from active duty. However, if a military reservist, who is an essential employee, was ordered to active duty on or after March 24, 1999, because of a military conflict, and was released or discharged prior to the date of the publication of this notice in the **Federal Register**, the affected small business has 90 days from such date of publication to make such application.

The purpose of the Military Reservist economic injury disaster loan program (MREIDL) is to provide funds to eligible small businesses to meet its ordinary and necessary operating expenses that it could have met, but is unable to meet, because an essential employee was called-up to active duty in their role as a military reservist. These loans are intended only to provide the amount of working capital needed by a small business to pay its necessary obligations as they mature until operations return to normal after the essential employee is released from active military duty.

Applications for loans for military reservist economic injury loans may be obtained and filed at the address listed below: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 75155. 1–800–366–6303.

The interest rate for eligible small businesses is 4 percent. The number assigned for economic injury is R30200.

(Catalog of Federal Domestic Assistance Program No. 59002).

Dated: October 5, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–25848 Filed 10–12–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Declaration of Military Reservist Economic Injury Disaster Loan #R402

As a result of Public Law 106–50, the Veterans Entrepreneurship and Small Business Development Act of 1999, this notice establishes the application filing period for the Military Reservist Economic Injury Disaster Loan program. Effective October 1, 2001, small businesses employing military reservists may apply for economic injury disaster loans if those employees are called up to active duty during a period of military conflict existing on or after March 24, 1999 and those employees are essential to the success of the small business daily operations. The filing period for small businesses to apply for economic injury loan assistance under the Military Reservist Economic Injury Disaster Loan Program begins on the date the essential employee is ordered to active duty and ends on the date 90 days after the essential employee is discharged or released from active duty. However, if a military reservist, who is an essential employee, was ordered to active duty on or after March 24, 1999, because of a military conflict, and was released or discharged prior to the date of the publication of this notice in the **Federal Register**, the affected small business has 90 days from such date of publication to make such application.

The purpose of the Military Reservist economic injury disaster loan program (MREIDL) is to provide funds to eligible small businesses to meet its ordinary

and necessary operating expenses that it could have met, but is unable to meet, because an essential employee was called-up to active duty in their role as a military reservist. These loans are intended only to provide the amount of working capital needed by a small business to pay its necessary obligations as they mature until operations return to normal after the essential employee is released from active military duty.

Applications for loans for military reservist economic injury loans may be obtained and filed at the address listed below: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795, 1–800–488–5323.

The interest rate for eligible small businesses is 4 percent. The number assigned for economic injury is R40200.

(Catalog of Federal Domestic Assistance Program No. 59002).

Dated: October 5, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–25849 Filed 10–12–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Declaration of Military Reservist Economic Injury Disaster Loan #R102

As a result of Public Law 106–50, the Veterans Entrepreneurship and Small Business Development Act of 1999, this notice establishes the application filing period for the Military Reservist Economic Injury Disaster Loan program. Effective October 1, 2001, small businesses employing military reservists may apply for economic injury disaster loans if those employees are called up to active duty during a period of military conflict existing on or after March 24, 1999 and those employees are essential to the success of the small business daily operations. The filing period for small businesses to apply for economic injury loan assistance under the Military Reservist Economic Injury Disaster Loan Program begins on the date the essential employee is ordered to active duty and ends on the date 90 days after the essential employee is discharged or released from active duty. However, if a military reservist, who is an essential employee, was ordered to active duty on or after March 24, 1999, because of a military conflict, and was released or discharged prior to the date of the publication of this notice in the **Federal Register**, the affected small business has 90 days from such date of publication to make such application.

The purpose of the Military Reservist economic injury disaster loan program (MREIDL) is to provide funds to eligible small businesses to meet its ordinary and necessary operating expenses that it could have met, but is unable to meet, because an essential employee was called-up to active duty in their role as a military reservist. These loans are intended only to provide the amount of working capital needed by a small business to pay its necessary obligations as they mature until operations return to normal after the essential employee is released from active military duty.

Applications for loans for military reservist economic injury loans may be obtained and filed at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South 3rd Fl., Niagara Falls, NY 14303, 1–800–659–2955.

The interest rate for eligible small businesses is 4 percent. The number assigned for economic injury is R10200.

(Catalog of Federal Domestic Assistance Program No. 59002).

Dated: October 5, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–25850 Filed 10–12–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise the public of the date for the fifth meeting of the FAA Aircraft Repair and Maintenance Advisory Committee. The purpose of the meeting is for the Committee to continue working towards accomplishing the goals and objectives pursuant to its congressional mandate.

DATES: The meeting will now be held Tuesday, October 16, 2001, 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Bessie Coleman Conference Center, Washington, DC 20591, (202)–267–9952; fax (202) 267–5115; e-mail *Ellen Bowie@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Bowie, Federal Aviation Administration (AFS–300), 800 Independence Avenue, SW., Washington, DC 20591; phone (202) 267–9952; fax (202) 267–5115; e-mail *Ellen Bowie@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the FAA Aircraft Repair and Maintenance Advisory Committee to be held on October 16, at the Federal Aviation Administration, 800 Independence SW., Washington, DC 20591.

The agenda will include:

- Introduction of any new designated alternate members.
- Committee administration.
- Reading and approval of minutes.
- Review of open/additional action items.
- Working group final draft report.

Oversight/Safety—Nelson Dewees

Balance of Trade—Sarah MacLeod

International Agreements—Susan Parson.

- Statements of members of the public.
- United States Trade Representative presentation.
- Review of Committee workscope vs. mandate.
- Review desire for Committee extension.
- Plan/discuss next steps/agenda and timeline.
- Closing remarks and adjournment

Attendance is open to the public but will be limited to the availability of meeting room space. Persons desiring to present a verbal statement must provide a written summary of remarks. Please focus your remarks on the tasks, specific activities, projects or goals of the Advisory Committee, and benefits to the aviation public. Speakers will be limited to 5-minute presentations. Please contact Ms. Ellen Bowie at the number listed above if you plan to attend the meeting or to present a verbal statement.

Individuals making verbal presentations at the meeting should bring 25 copies to give to the Committee's Executive Director. These copies may be provided to the audience at the discretion of the submitter.

Issued in Washington, DC, on October 10, 2001.

James J. Ballough,

Acting Manager, Continuous Airworthiness Maintenance Division.

[FR Doc. 01–25861 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application #01–07–C–00–STL To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Lambert-St. Louis International Airport, St. Louis, MO

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 Lambert-St. Louis International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before November 14, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 901 Locust, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Col. Leonard L. Griggs, Jr., Director of Airports, Lambert-St. Louis International Airport, at the following address: City of St. Louis Airport Authority, PO Box 10212 St. Louis, Missouri 63145.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of St. Louis Airport Authority, Lambert-St. Louis International Airport, under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, PFC Program Manager, FAA, Central Region, 901 Locust, Kansas City, MO 64106, (816) 329–2641. 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 the Lambert-St. Louis International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On September 21, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of St. Louis Airport Authority 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 22, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: January, 2014.

Proposed charge expiration date: March, 2015.

Total estimated PFC revenue: $99,103,000.

Brief description of proposed project(s): New Runway, Perimeter Road and Security Fences; Northeast Quadrant Roads; New West Aircraft Rescue and Firefighting Building; Deicing Pads and Glycol Recovery; Taxiway Delta Improvements; Terminal Improvements (Federal Inspection Station); and Concourse Improvements.

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 Lambert-St. Louis International Airport.

Issued in Kansas City, Missouri on September 21, 2001.

George A. Hendon,

Manager, Airports Division, Central Region.

[FR Doc. 01–25862 Filed 10–12–01; 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–SBY To Impose and Use the Revenue From a passenger Facility Charge (PFC) at Salisbury-Ocean City: Wicomico Regional Airport, Salisbury, MD

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 Salisbury-Ocean City: Wicomico 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 November 14, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: 1 Aviation Plaza, Airports Division, AEA–610, Jamaica, New York 11434–4809.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Robert L. Bryant, A.A.E., Airport Manager at the following address: 5485 Airport Terminal Road, Unit A, Salisbury, Maryland 21804.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Wicomico County Airport Commission under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Eleanor Schifflin, PFC Program Manager, Airports Division, Planning & Programming Branch, AEA–610, 1 Aviation Plaza, Jamaica, New York 11434–4809, (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 Salisbury-Ocean City: Wicomico 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 (145 CFR part 158).

On September 17, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Wicomico County Airport Commission 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 13, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–01–C–00–SBY.

Level of the proposed PFC: $3.00.

Proposed charge effective date: December 1, 2001.

Proposed charge expiration date: August 1, 2004.

Total estimated PFC revenue: $440,000.

Brief description of proposed project(s):

- Develop PFC Program and PFC Application.
- Install Airfield Guidance Signs and Electrical Vault.

• Construct Taxiway ''B'' Extension, Overlay Taxiway ''D'' and ''C'' and Widen Fillets Runway 5–23.
• Acquire Land: Runway 5 and 23 Approaches.
• Obstruction Removal Runway 23 Phase I and II.
• Construct Runway 23 Safety Area and Airfield Drainage.
• Rehabilitate Runway 5–23 MIRLs and Runway 5 end REILS.
• Conduct Environmental Assessment—5 Year ACIP Development Projects.
• Acquire Snow Removal Equipment.
• Passenger Lift Equipment.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled part 135 and part 121 charter operations 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 Airport District Office located at: 23723 Air Freight Ln., Suite 210, Dulles, Virginia 20166.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Wicomico County Airport Commission.

Issued in Jamaica, New York on September 27, 2001.

Eleanor Schifflin,

PFC Program Manager, Planning & Programming Branch, Eastern Region.

[FR Doc. 01–25860 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2001–10478; Notice No. 01–10]

RIN 2120–AH45

Final Guidance for the Use of Binding Arbitration Under the Administrative Dispute Resolution Act of 1996

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final guidance.

SUMMARY: This document announces the publication of the Final Guidance for the use of binding arbitration for purposes of resolving bid protests and contract disputes relating to procurements and contracts under the FAA Acquisition Management System. The Final Guidance is located on the Internet at *http://www.faa.gov/agc/guidnce.htm.*

EFFECTIVE DATE: The Guidance becomes effective immediately upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Marie A. Collins, Dispute resolution Officer, FAA Office of Dispute Resolution for Acquisition, AGC–70, Room 8332, Federal Aviation Administration, 400 7th Street, SW., Washington, DC 20590, telephone number (202) 366–6400.

SUPPLEMENTARY INFORMATION: By **Federal Register** Notice issued on August 27, 2001, the Office of Dispute Resolution for Acquisition (ODRA) of the FAA, a modal administration of the United States Department of Transportation, notified the public of the issuance for public comment of proposed Guidance for the use of binding arbitration as an alternative dispute resolution (ADR) technique for purposes of resolving bid protests and contract disputes relating to procurements and contracts under the FAA Acquisition Management System. The proposed Guidance, developed pursuant to the Administrative Dispute Resolution Act (ADRA) of 1996, Pub. L. 104–320 (October 19, 1996), 5 U.S.C. 571–583, had been published in full on the Internet. As was stated in the Notice, the FAA had submitted the Guidance to the Attorney General for consultation and had received his concurrence in accordance with Section 575 of the ADRA. The Notice called for public comments to be received by the ODRA on or before September 26, 2001. No comments were received by that date. The final Guidance is currently published in full on the Internet at *http://www.faa.gov/agc/guidnce.htm.* Other than introductory language that details the foregoing history of publication for public comment, the final Guidance is identical to the proposed Guidance.

Issued in Washington, DC, on October 9, 2001.

Jane F. Garvey,

Administrator.

[FR Doc. 01–25859 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Municipality of Anchorage, AK

AGENCY: Federal Highway Administration (FHWA), Alaska Department of Transportation and Public Facilities (ADOT&PF).

ACTION: Notice of intent.

SUMMARY: The FHWA, in cooperation with ADOT&PF and the Municipality of Anchorage, will prepare an environmental impact statement (EIS) to extend the existing Tony Knowles Coastal Trail, a National Recreation Trail, in Anchorage Alaska. The proposed project corridor is from Kincaid Park, within the Municipality, to the Potter Weigh Station, Seward Highway MP 114.2, a distance of approximately 12 miles. The State managed Anchorage Coastal Wildlife Refuge and Potter Marsh are adjacent to the project.

FOR FURTHER INFORMATION CONTACT: John Lohrey, FHWA Alaska Field Operations Engineer, PO Box 21648, Juneau, AK 99802. Telephone: (907) 586–7428 or Jim Childers, P.E., Project Manager, Alaska Department of Transportation and Public Facilities, PO Box 196900, Anchorage, AK, 99519, Telephone: (907) 269–0544.

SUPPLEMENTARY INFORMATION: The proposed project purpose is to serve a broad spectrum of non-motorized trail users with a consistent, unified trail, substantially without the need to stop for cross traffic or hazards, that connects natural settings and other trails, improves coastal access, and provides a safe experience. The proposed trail segment should provide for destination-oriented travel, commuting, exercise, and nature viewing.

Alternative trail alignments have been examined through a three-year planning and scoping process. The EIS will examine the no-action alternative and a full range of reasonable build alternatives, with variations and cross-connection options that involve lower sea level terrain and upland locations.

Planning has been underway since 1997 with preliminary engineering and a public and agency scoping process. A public advisory group and technical (agency) advisory group both met multiple times in 1998–99. A series of three community-wide trail planning meetings culminated in a public hearing held March 21, 2000. A public informational meeting was also held on September 25, 2001. A ''Scoping Summary Report'' was published in July 1998, and a follow-up compilation titled ''Public and Agency Comment on the March 2000 Viable Alternatives Report'' was published in March 28, 2000. A public informational hearing will be held on November 5, 2001.

Based on project issues and on public and agency involvement to date, FHWA and ADOT&PF have determined a need to prepare an EIS. A public hearing will be held following publication of the Draft EIS. Notice of the hearing will be

published in the **Federal Register** and the Anchorage Daily News. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or AKDOT&PF address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planing and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 2, 2001.

David C. Miller,

Division Administrator, Juneau, Alaska.

[FR Doc. 01–25886 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement, Washtenaw County, MI

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 reconstruction of US–12, from Saline east city limit to Munger Road in Washtenaw County, Michigan. The purpose of this notice is to update FHWA's August 27, 1992, Notice of Intent (**Federal Register** Vol. 57, No. 167) published for this same proposed project.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Hatcher, Federal Highway Administration, 315 W. Allegan Street, Room 207, Lansing, Michigan 48933, Telephone: (517) 702–1832 or Ms. Carolyn L. Nelson, Project Manager, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, telephone: (517) 394–8642.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for reconstruction of US–12, an existing state trunkline, from Saline east city limits to Munger Road in Washtenaw County, Michigan. The proposed project is approximately seven (7) miles in length and is needed to make capacity improvements in this two-lane section to improve service in this rapidly developing area of south central Washtenaw County. The limits for the study extend along the existing state trunkline between the Saline east city limits to Munger Road to the northeast. Alternatives under consideration include: (1) Taking no action to improve the section of US–12 other than routine maintenance, (2) a five-lane cross section reconstruction of the existing two-lane roadway with two travel lanes in each direction and a center left-turn lane, (3) a divided cross section reconstruction of the existing roadway to a boulevard consisting of two travel lanes in each direction separated by a median, (4) a combination divided and five-lane cross section, and (5) a transit alternative to assess the feasibility of expanding the existing bus system and reduce projected highway travel demand in the corridor.

A Draft EIS was prepared for this project in 1994. However, due to project budget constraints at the state level, the document was not issued for public comment and the project was placed on hold. An agency scoping meeting and two public information meetings were held as part of that study. The US–12 Five-Lane Feasibility Study was completed in 2000 that evaluated the feasibility of a five-lane arterial for the project area. One public information meeting was held as part of that study to present preliminary results. Letters and a scoping document 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 interests in this proposal. A scoping meeting with Federal, State, and local agencies will be held in the month of November 2001. The public involvement program will include newsletters, a telephone information line, focus group meetings, and a website. Public meetings will include a public scoping meeting to present the illustrative alternatives and an informational meeting to present the practical alternatives. The public scoping meeting will be advertised through local media. A public hearing will also be held. Public notice will be given of the time and place of the hearing. A final public meeting will be held following selection of the recommended alternative. The Draft Environmental Impact Statement is scheduled for completion in fall 2002, and will be made available for public and agency review and comment prior to the public hearing. The U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service are requested to be cooperating agencies on this project.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Such inquiries concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: October 3, 2001.

James J. Steele,

Division Administrator, Lansing, Michigan.

[FR Doc. 01–25885 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2001–9876]

Agency Information Collection Activity Under OMB Review: OMB No. 2126–0015 (Designation of Agents; Motor Carriers, Brokers and Freight Forwarders)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FMCSA announces that the Information Collection Request (ICR) described in this notice is being sent to the Office of Management and Budget (OMB) for review and continued approval. This information collection allows registered motor carriers, property brokers, and freight forwarders a means of meeting process agent requirements. The ICR describes the information collection and its expected burden. The FMCSA published the required **Federal Register** notice offering a 60-day comment period on this information collection on June 27, 2001 (66 FR 34314). No comments were received. We are required to send ICRs to OMB under the Paperwork Reduction Act.

DATES: Comments should be submitted by November 14, 2001.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, *Attention:* DOT Desk Officer. We particularly request your comments on whether the collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information collected; and ways to minimize the burden of the collection of information on respondents, including the use of

automated collection techniques or other forms of information technology. OMB wants to receive comments within 30 days of publication of this notice in order to act on the ICR quickly.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Lee, (202) 358–7028, Office of Enforcement and Compliance (MC–ECI), Federal Motor Carrier Safety Administration, DOT, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Designation of Agents; Motor Carriers, Brokers and Freight Forwarders.

OMB Approval Number: 2126–0015.

Background: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902; freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FMCSA. Registered motor carriers, brokers, and freight forwarders must designate: (1) An agent on whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303); and (2) for every State in which they operate, agents on whom process issued by a court may be served in actions brought against the registered transportation entity (49 U.S.C. 13304). Regulations governing the designation of process agents are found at 49 CFR part 366. This designation is filed with the FMCSA on Form BOC–3, Designation of Agent for Service of Process.

Respondents: Motor carriers, freight forwarders, and brokers.

Estimated Burden: The estimated average burden per response for Form BOC–3 is 10 minutes. The estimated total annual burden is 5,000 hours for Form BOC–3 based on 30,000 filings per year.

Frequency: Form BOC–3 must be filed when the transportation entity first registers with the FMCSA. Subsequent filings are made only if the motor carrier, broker, or freight forwarder changes process agents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Issued on: October 5, 2001.

Julie Anna Cirillo,

Acting Deputy Administrator.

[FR Doc. 01–25905 Filed 10–12–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 34040]

Riverview Trenton Railroad Company—Acquisition and Operation—In Wayne County, MI

AGENCY: Surface Transportation Board.

ACTION: Notice of Availability of Environmental Assessment and Request for Comments.

SUMMARY: The Riverview Trenton Railroad Company (RTRR) has petitioned the Surface Transportation Board (Board) for authority to acquire and operate a rail line approximately 1.5 miles in length in Wayne County, Michigan, to serve a proposed intermodal facility. The Board's Section of Environmental Analysis (SEA) has prepared an environmental assessment (EA) for this project. Based on the information provided and the environmental analysis conducted to date, the EA preliminarily concludes that this proposal should not significantly affect the quality of the human environment if the recommended mitigation measures set forth in the EA are implemented. Accordingly, SEA recommends that, if the Board approves this project, RTRR be required to implement the mitigation set forth in the EA. Copies of the EA have been served on all interested parties and will be made available to additional parties upon request. SEA will consider all comments received when making its final environmental recommendations to the Board. The Board will then consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

DATES: The EA is available for public review and comment. Comments are due by November 14, 2001.

ADDRESSES: Comments (an original and 10 copies) regarding this EA should be submitted in writing to: Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423, to the attention of Kenneth Blodgett.

FOR FURTHER INFORMATION CONTACT: Kenneth Blodgett, (202) 565–1554 (TDD for the hearing impaired (1–800–877–83439). To obtain a copy of the EA, contact Da–2–Da Office Solutions, 1925 K Street, NW., Washington, DC 20006, phone (202) 293–7776 or visit the Board's website at ''www.stb.dot.gov''.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 01–25237 Filed 10–12–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Cambridge Systematics, Inc. on behalf of the New York City Economic Development Corporation (WB575—10/1/2001), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the requests may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: James A. Nash, (202) 565–1542.

Vernon A. Williams,

Secretary.

[FR Doc. 01–25858 Filed 10–12–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

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 Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Certification on Agency Letterhead Authorizing Purchase of Firearm for Official Duties of Law Enforcement Officer.

DATES: Written comments should be received on or before December 14, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Tom Crone, Chief, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Certification on Agency Letterhead Authorizing Purchase of Firearm for Official Duties of Law Enforcement Officer.

OMB Number: 1512–0546.

Abstract: This letter is used by a law enforcement officer to purchase a handgun to be used in his/her official duties from a licensed firearm dealer anywhere in the country. The letter shall state that the firearm is to be used in the official duties of the officer and that he/she has been checked and that he/she has not been convicted of a misdemeanor crime of domestic violence. The letter will be retained for 5 years in the licensee's files.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: State, local or tribal government.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 5 seconds for the licensee to file the letter.

Estimated Total Annual Burden Hours: 278.

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.

Dated: October 5, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–25842 Filed 10–12–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

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 Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Marks and Notices on Packages of Tobacco Products.

DATES: Written comments should be received on or before December 14, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Tom Crone, Chief, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Marks and Notices on Packages of Tobacco Products.

OMB Number: 1512–0532.

Recordkeeping Requirement ID Number: ATF REC 5210/13.

Abstract: This information collection requires the manufacturer, or exporter to place a mark and notice indicating the tax classification and quantity on packages, cases or containers. Statutory authority for labeling and marking requirements pertaining to tobacco products is set forth in 26 U.S.C. 5723. The need for this information to appear on packages of tobacco products is to assure effective administration of the Federal excise taxes imposed on tobacco products. There is no recordkeeping or reporting burden imposed on the proprietors.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 120.

Estimated Time Per Respondent: 0.

Estimated Total Annual Burden Hours: 1.

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.

Dated: October 5, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–25844 Filed 10–12–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 930; ATF O 1130.24]

Delegation Order—Delegation of the Director's Authorities in Subpart C and Subpart I of 27 CFR Part 46

To: All Bureau Supervisors

1. *Purpose.* This order delegates the authorities of the Director to subordinate ATF officers and prescribes the subordinate ATF officers with whom persons file documents which are not ATF forms.

2. *Cancellation.* This order cancels ATF O 1130.14, Delegation Order—Delegation of the Director's Authorities in Subpart I of 27 CFR Part 296, dated 1/11/2000, and the portion referring to part 296 in ATF O 1130.15, Delegation of the Director's Authorities in 27 CFR parts 270, 275, and 296, dated 12/22/1999.

3. *Background.* The Director has the authority to take final action on matters relating to tobacco products and cigarette papers and tubes. Certain of these authorities were delegated to lower organizational levels in ATF O 1130.14 and ATF O 1130.15. ATF is currently restructuring the part numbering system in title 27 of the Code of Federal Regulations (CFR). The miscellaneous regulations relating to tobacco products and cigarette papers and tubes, previously located in 27 CFR part 296, are now recodified as 27 CFR part 46. Due to this restructuring, ATF O 1130.14 and a portion of ATF O 1130.15 must be cancelled and a new order must be issued to reflect the new part number.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120–1 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701–9, this ATF order delegates certain authorities to take final action prescribed in subpart C and subpart I of part 46 of title 27 CFR to subordinate officers. Also, this ATF order prescribes the subordinate officers with whom applications, notices, and reports required by subpart C and subpart I of part 46 of title 27 CFR, which are not ATF forms, are filed. The attached table identifies the regulatory sections, documents and authorized ATF officers. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates and the positions involved in this delegation order has been attached.

5. *Questions.* Any questions concerning this order should be directed to the Regulations Division at 202–927–8210.

Bradley A. Buckles,

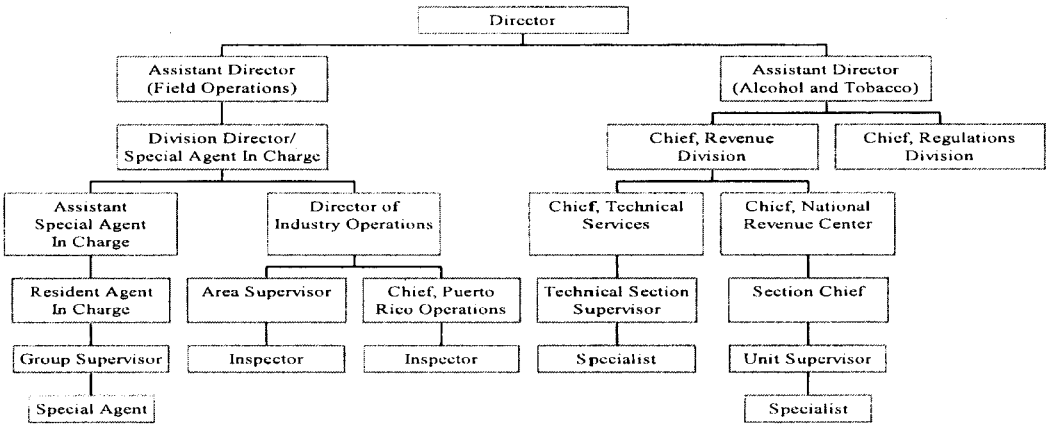
Director.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

Regulatory section	Officer(s) authorized to act or receive document
§ 46.77	Unit supervisor, National Revenue Center.
§ 46.242	Director of Industry Operations.
§ 46.244	Inspector, Specialist or Special Agent.
§ 46.253	Section Chief, National Revenue Center (NRC), to approve (by affixing the signature of the Director) claims of more than $5,000 for remission, abatement, credit, or refund of tax.
§ 46.253	Unit Supervisor, NRC, to approve (by affixing the signature of the Director) claims of $5,000 or less for remission, abatement, credit, or refund of tax.
§ 46.263	Chief, Regulations Division. If the alternate method or procedure does not affect import or export recordkeeping, Chief, NRC, may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 46.264	Chief, Regulations Division. If the alternate method or procedure does not affect import or export recordkeeping, Chief, NRC, may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 46.271	Inspector, Specialist or Special Agent.
§ 46.272	Director of Industry Operations.
§ 46.274	Section Chief, NRC.

BILLING CODE 4810–31–P

ATF Organization



This is not a complete organizational chart of ATF.

[FR Doc. 01–25845 Filed 10–12–01; 8:45 am]

BILLING CODE 4810–31–C

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

FLETC Cheltenham, MD; Notice of Intent

AGENCY: Federal Law Enforcement Training Center, Treasury.

ACTION: Notice of intent to hold public meeting and prepare an environmental assessment.

SUMMARY: Notice is hereby given that the Federal Law Enforcement Training Center (FLETC), pursuant to the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (40 CFR parts 1500–1508), and Department of the Treasury Directive 75–02 (Department of the Treasury Environmental Quality Program), proposes to prepare an Environmental Assessment related to the renovation of the former Naval Communications Detachment Cheltenham, MD to provide a law enforcement requalification training facility for use by a wide variety of federal, state, and local agencies located in the metropolitan Washington, DC area. The proposed action includes renovation and demolition of existing buildings for use as classrooms, simulators, locker facilities, storage, etc., and construction of a free-standing, completely enclosed, environmentally safe indoor firearms training range and an outdoor vehicle training range. Vegetation manipulation will occur for aesthetic purposes, wildlife habitat improvement, wildfire hazard control, and insect/disease reduction.

Meeting Information: Public participation in the scoping process will be an integral part of this project. During the scoping process the FLETC will seek information, comments, and guidance from agencies and the public that may be interested in, or affected by, this project. The scoping process will include: (a) Identification of potential issues; (b) identification of issues to be analyzed in depth; (c) elimination of insignificant issues; (d) identifying potential environmental effects; (e) exploring potential alternatives; and (f) determining potential cooperating agencies. The FLETC will conduct a meeting associated with the scoping of the assessment of potential significant environmental impacts related to the project. The meeting will be advertised in a newspaper in general circulation in the project area. The meeting will be open to the interested public, and federal, state, and local government agencies, and will be held on October 24, 2001 from 7 p.m. until 8:30 p.m. at Colony South Hotel and Conference Center, located at 7401 Surratts Road Clinton, MD 20735. The public and agencies are invited to participate in the planning and analysis of the proposed project. Representatives of the FLETC and its consultants will be available at the meeting to discuss the FLETC's environmental review process, describe the project and alternatives under consideration, discuss the scope of environmental issues to be considered in accordance with the requirements of NEPA, answer questions and written comments.

DATES: Written comments will be accepted until November 23, 2001.

ADDRESSES: Send comments to: FLETC Cheltenham Facility, 9000 Commo Road, Cheltenham, MD 20623–5000.

FOR FURTHER INFORMATION CONTACT: Susan Shaw, NEPA Coordinator/Project Manager, FLETC, at (912) 261–4557. Ms. Shaw's e-mail address is *sshaw@fletc.treas.gov.* Information is also available from Bob Smith, Chief, Cheltenham Operations at (301) 868–5830. Mr. Smith's e-mail address is *rsmith@fletc.treas.gov.*

SUPPLEMENTARY INFORMATION: The Federal Law Enforcement Training Center has a mission of providing high quality, cost-effective training of federal law enforcement personnel. The FLETC proposes with this action to provide requalification training services in the Washington, DC area by renovating the former Naval Communications Detachment Cheltenham, MD facility which has been inactive since 1998. Providing these requalification services in the Washington, DC area will eliminate the need for using agencies to travel to the FLETC's Glynco, GA

facility, reducing associated costs and time demands.

The FLETC Cheltenham facility is located approximately 15 miles southeast of Washington, DC, in Prince George's County, MD. The project site is situated east of Maryland Route 5 and west of Maryland Route 301, approximately 3 miles south of Andrews Air Force Base.

Alternatives considered by the FLETC include: (a) No action-continuation of services at Glynco, GA; (b) Site locations other than Cheltenham, MD in the metropolitan Washington, DC area; (c) Proposed action at the Cheltenham, Md location, including alternative facility arrangements on this site.

Based on the input received at the public meeting, and ongoing contact and involvement of the interested agencies and the public, the FLETC will prepare a Draft Environmental Assessment addressing the significance of the project and its impacts for public review and comment. Distribution and placement of this document in publicly-accessible places such as libraries and governmental offices will occur. A Final Environmental Assessment will be prepared considering the comments from agencies and the public received following the review period for the draft document.

Should the FLETC determine, based on the information presented in the Final Environmental Assessment for the project, that the impacts of the renovation/demolition, construction, and operation of the facility will not have a significant environmental impact, it will prepare a Finding of No Significant Impacts (FONSI) for publication in the **Federal Register** and in a newspaper in general circulation at the project location. Should significant environmental impacts be determined to exist due to the project, the FLETC will proceed with the preparation of an Environmental Impact Statement, per the requirements of NEPA, the Council on Environmental Quality, and its own environmental policies and procedures.

Authority: The Council on Environmental Quality's National Environmental Policy Act, 40 CFR parts 1500 *et seq.*

Dated: October 5, 2001.

Bruce Bowen,

Assistant Director, Office of Compliance, Federal Law Enforcement Training Center.

[FR Doc. 01–25853 Filed 10–12–01; 8:45 am]

BILLING CODE 4810–32–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form MTQ/941

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 Form MTQ/941, Montana Quarterly Tax Report/Employer's Quarterly Federal Tax Return.

DATES: Written comments should be received on or before December 14, 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 form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Montana Quarterly Tax Report/Employer's Quarterly Federal Tax Return.

OMB Number: 1545–1554.

Form Number: Form MTQ/941.

Abstract: Form MTQ/941 is used by employers to report payments made to employees subject to income and social security and Medicare taxes and the amounts of these taxes. The state of Montana and the Simplified Tax and Wage Reporting System (STAWRS) have formed a partnership to explore the potential of combining Montana's quarterly reports for state withholding, Old Fund Liability Tax, and Unemployment Insurance with the Employer's Quarterly Federal Tax Return (Form 941). One form will satisfy both state and Federal requirements and will make employer filing faster and easier.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 710.

Estimated Time Per Respondent: 43 hours, 11 minutes.

Estimated Total Annual Burden Hours: 30,661.

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: October 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–25910 Filed 10–12–01; 8:45 am]

BILLING CODE 4830–01–P

Reader Aids

Federal Register

Vol. 66, No. 199

Monday, October 15, 2001

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–3447**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.access.gpo.gov/nara**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.nara.gov/fedreg**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service for notification of recently enacted Public Laws. To subscribe, send e-mail to **listserv@listserv.gsa.gov**

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **info@fedreg.nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, OCTOBER

49823–50094 1
50095–50286 2
50287–50524 3
50525–50808 4
50809–51290 5
51291–51554 9
51555–51818 10
51819–52014 11
52015–52306 12
52307–52482 15

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7471 50097
7472 50099
7473 50287
7474 50289
7475 50525
7476 50527
7477 51295
7478 51297
7479 51807
7480 51808
7481 51810
7482 52011
7483 52015
7484 52303

Executive Orders:
11145 (Amended by EO 13225) 50291
11183 (Amended by EO 13225) 50291
11287 (Amended by EO 13225) 50291
12131 (Amended by EO 13225) 50291
12382 (Amended by EO 13225) 50291
12196 (Amended by EO 13225) 50291
12216 (Amended by EO 13225) 50291
12345 (Amended by EO 13225) 50291
12367 (Amended by EO 13225) 50291
12656 (Amended by EO 13228) 51812
12882 (Revoked by EO 13226) 50523
12900 (Amended by EO 13225) 50291
12905 (Amended by EO 13225) 50291
12907 (Revoked by EO 13226) 50523
12994 (Amended by EO 13225) 50291
13021 (Amended by EO 13225) 50291
13045 (Amended by EO 13229) 52013
13075 (Revoked by EO 13225) 50291
13080 (Revoked by EO 13225) 50291
13090 (Revoked by EO 13225) 50291
13134 (Amended by EO 13225) 50291
13138 (Amended by EO 13225) 50523
13138 (Amended by EO 13226) 50291
13168 (Revoked by EO 13225) 50291
13225 50291
13226 50523
13227 51287
13228 51812
13229 52013

Administrative Orders:
Presidential Determinations:
No. 2001–27 of September 18, 2001 50807
No. 2001–28 of September 22, 2001 50095
No. 2001–30 of September 28, 2001 51291
No. 2001–31 of September 28, 2001 51293

5 CFR
1604 50712

7 CFR
916 52307
948 52309

Proposed Rules:
330 51340
987 52363

8 CFR
204 51819
212 51821

10 CFR
30 51823
70 51823
72 51823
150 51823

Proposed Rules:
15 50860
50 .....51884, 52065
431 50355

11 CFR

Proposed Rules:
100 50359
114 50359
117 50359

12 CFR
950 50293
951 50296
952 50293

Proposed Rules:
Ch. IX 50366

14 CFR

Ch. VI....52270
23....50809, 50819
25....51299, 52017
35....50302
39....49823, 49825, 50304, 50306, 50307, 50529, 51555, 51843, 51849, 51853, 51856, 51857, 51860, 52020, 52023, 52027, 52312, 52313
61....52278
63....52278
71....50101
73....50310
91....50531
97....50821, 50823
121....51546, 52278
135....51546, 52278
142....51546, 52278
382....51556
1300....51546, 52270

Proposed Rules:

39....50125, 50578, 50580, 50582, 50584, 50586, 50588, 50870, 50872, 50873, 50875, 50877, 50880, 50872, 50884, 50886, 50888, 50891, 50894, 50897, 50899, 50901, 50903, 50906, 50910, 50912, 50915, 50917, 51358, 51607, 51611, 52066, 52068, 52070, 52072, 52073
71....52076

15 CFR

14....49827
742....50090
744....50090

Proposed Rules:

990....50919

16 CFR

6....51862

Proposed Rules:

1633....51886

17 CFR

230....50102
232....49829
239....50102
240....50103
270....50102
274....50102

Proposed Rules:

1....50786
41....50720, 50786
190....50786
230....50744
232....50744
239....50744
240....49877, 50744, 50786
242....50720
249....50744
269....50744

18 CFR

Proposed Rules:

Ch. 1....50591
37....50919
161....50919
250....50919
284....50919
358....50919

19 CFR

10....50534, 51864
122....50103
163....50534

20 CFR

655....51095

21 CFR

101....50824
1308....51530, 51539

Proposed Rules:

589....50929
1308....51535

22 CFR

41....49830

24 CFR

888....50024
985....50004

25 CFR

Proposed Rules:

580....50127

26 CFR

301....50541
602....50541

27 CFR

9....50564

28 CFR

2....51301

Proposed Rules:

100....50931

29 CFR

Ch. XL....51864
102....50310
1904....52031
4022....52315
4044....52315

Proposed Rules:

470....50010

30 CFR

210....50827
218....50827
920....50827

Proposed Rules:

904....50952
950....51891

31 CFR

285....51867
586....50506
587....50506

33 CFR

110....50315
117....51302, 51313, 51304, 51305, 51557, 52317
160....50565
165....50105, 50106, 50108, 50315, 51305, 51307, 51309, 51558, 51562, 52035, 52036, 52038, 52039, 52041, 52043

Proposed Rules:

117....51614
155....49877
156....49877
165....52365

36 CFR

Proposed Rules:

1234....51740

37 CFR

Proposed Rules:

260....51617

38 CFR

Proposed Rules:

3....49886
4....49886
17....50594
20....50318
36....51893

39 CFR

Proposed Rules:

111....51617

40 CFR

52....50319, 50829, 51312, 51566, 51568, 51570, 51572, 51574, 51576, 51578, 51868, 51869, 52044, 52050, 52055, 52317, 52322, 52327, 52333, 52338, 52343, 52359
60....49830, 50110
61....50110
62....49834, 52060
63....50110, 50116, 50504, 52361
70....49837, 49839, 50321, 50325, 50574, 51312, 51318, 51581
180....50329, 50829, 51585, 51587
261....50332
271....49841, 50833
403....50334

Proposed Rules:

51....50135
52....50252, 50375, 51359, 51619, 52367
60....49894
62....49895, 52077
63....50135, 50768
70....49895, 50136, 50375, 50378, 50379, 51359, 51360, 51620, 51895, 52368
89....51098
90....51098
91....51098
93....50954
94....51098
124....52192
136....51518
141....50961
142....50961
228....51628
260....52192
261....50379
267....52192
270....52192
271....49896
281....50963
300....50380
1048....51098
1051....51098
1065....51098
1068....51098

41 CFR

61–250....51998
101–46....51095
102–39....51095

42 CFR

51d....51873

Proposed Rules:

81....50967
82....50978

44 CFR

64....51320

45 CFR

Ch. V....49844

46 CFR

32....49877

47 CFR

0....50833
1....50834
2....50834
22....50841
24....50841
27....51594
64....50841
73....50576, 50843, 51322

Proposed Rules:

2....51905
21....51905
64....50139, 50140
73....50602, 50991, 51360, 51361, 51905
76....51905

48 CFR

202....49860
204....49860
211....49860
212....49860, 49862
215....49862
219....49860, 49863
223....49864
225....49862
226....50504
232....49864
236....49860
237....49860
242....49860
243....49865
245....49860
248....49865
252....49860, 49862, 49864, 49865, 50504, 51515
253....49862, 51515
442....49866

49 CFR

27....51556
325....49867
355....49867
356....49867
360....49867
365....49867
366....49867
367....49867
370....49867
371....49867
372....49867
373....49867
374....49867
375....49867
376....49867
377....49867
378....49867
379....49867
381....49867
383....49867
384....49867
385....49867
386....49867

387 49867
388 49867
389 49867
390 49867
391 49867
392 49867
393 49867
395 49867
396 49867
397 49867
398 49867
399 49867
572 51880
Proposed Rules:
171 50147
173 50147
174 50147
175 50147
176 50147
177 50147
178 50147
209 51362
234 51362
236 51362
571 51629
579 51907
587 51629

50 CFR

17 ....50340, 51322, 51598
18 50843
223 ....50350, 52362
600 50851
660 ....49875, 50851, 52062
679 ....50576, 50858
Proposed Rules:
10 52282
17 ....50383, 51362
20 ....51919, 52077
21 52077
222 50148
223 50148
229 ....49896, 50160, 50390
622 52370
648 51000
660 51367
679 ....49908, 51001, 52090

REMINDERS

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 OCTOBER 15, 2001

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Sea turtle conservation requirements; correction; published 10-15-01

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Hazardous waste combustors

Partially withdrawn; published 10-15-01

Air quality implementation plans; approval and promulgation; various States:

Indiana; published 9-14-01

Missouri; published 8-14-01

Pennsylvania; published 8-31-01

Wisconsin; published 8-16-01

Hazardous waste program authorizations:

Vermont; published 8-16-01

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; published 8-14-01

National priorities list update; published 9-13-01

SMALL BUSINESS ADMINISTRATION

Business loans:

Microloan program; published 9-14-01

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:

Louisiana; published 9-25-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 9-10-01

Rolls-Royce plc; published 9-28-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Hazelnuts grown in—

Oregon and Washington; comments due by 10-22-01; published 8-22-01 [FR 01-21176]

Pears (Bartlett) grown in—

Oregon and Washington; comments due by 10-22-01; published 9-21-01 [FR 01-23656]

Pears (winter) grown in—

Oregon and Washington; comments due by 10-22-01; published 9-21-01 [FR 01-23657]

AGRICULTURE DEPARTMENT

Forest Service

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Wildlife; 2002-2003 subsistence taking; comments due by 10-26-01; published 8-27-01 [FR 01-21129]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pacific cod; comments due by 10-22-01; published 10-5-01 [FR 01-25030]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 10-22-01; published 10-5-01 [FR 01-25031]

DEFENSE DEPARTMENT

Air Force Department

Privacy Act; implementation; comments due by 10-22-01; published 8-21-01 [FR 01-20746]

DEFENSE DEPARTMENT

Army Department

Privacy Act; implementation; comments due by 10-22-01; published 8-21-01 [FR 01-20745]

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Commercial item acquisitions; sealed bidding and simplified procedures; comments due by 10-22-01; published 8-22-01 [FR 01-21191]

Task-order and delivery-order contracts; comments due by 10-22-01; published 8-23-01 [FR 01-21352]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:

State operating permits programs—

Arizona; comments due by 10-22-01; published 9-20-01 [FR 01-23483]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:

State operating permits programs—

New Hampshire; comments due by 10-24-01; published 9-24-01 [FR 01-23763]

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:

State operating permits programs—

New Hampshire; comments due by 10-24-01; published 9-24-01 [FR 01-23764]

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

California; comments due by 10-22-01; published 9-20-01 [FR 01-23480]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

California; comments due by 10-22-01; published 9-20-01 [FR 01-23479]

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Oregon; comments due by 10-22-01; published 9-20-01 [FR 01-23218]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Oregon; comments due by 10-22-01; published 9-20-01 [FR 01-23219]

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 10-22-01; published 9-20-01 [FR 01-23478]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Colorado and Montana; comments due by 10-22-01; published 9-21-01 [FR 01-23596]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Colorado and Montana; comments due by 10-22-01; published 9-21-01 [FR 01-23597]

New Jersey; comments due by 10-24-01; published 9-24-01 [FR 01-23220]

New York; comments due by 10-25-01; published 9-25-01 [FR 01-23761]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

New York; comments due by 10-25-01; published 9-25-01 [FR 01-23762]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Texas; comments due by 10-24-01; published 9-24-01 [FR 01-23624]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Texas; comments due by 10-24-01; published 9-24-01 [FR 01-23625]

Water pollution control:

Marine sanitation devices—

Florida Keys National Marine Sanctuary, FL;

no discharge zone; comments due by 10-26-01; published 8-24-01 [FR 01-21445]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Access charges—

National Exchange Carrier Association Board of Directors and average schedule company payments computation; requirements; biennial regulatory review; comments due by 10-22-01; published 9-20-01 [FR 01-23495]

Radio stations; table of assignments:

Oklahoma and Texas; comments due by 10-22-01; published 9-12-01 [FR 01-22836]

Texas; comments due by 10-22-01; published 9-12-01 [FR 01-22835]

Various States; comments due by 10-22-01; published 9-12-01 [FR 01-22832]

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Commercial item acquisitions; sealed bidding and simplified procedures; comments due by 10-22-01; published 8-22-01 [FR 01-21191]

Task-order and delivery-order contracts; comments due by 10-22-01; published 8-23-01 [FR 01-21352]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:

Ruminant feed; animal proteins prohibited; public hearing; comments due by 10-23-01; published 10-5-01 [FR 01-25108]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Alaska National interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Wildlife; 2002-2003 subsistence taking; comments due by 10-26-01; published 8-27-01 [FR 01-21129]

Migratory bird hunting:

Seasons, limits, and shooting hours; establishment, etc.; comments due by 10-26-01; published 10-11-01 [FR 01-25526]

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Indiana; comments due by 10-22-01; published 9-20-01 [FR 01-23503]

Iowa; comments due by 10-24-01; published 9-24-01 [FR 01-23732]

Louisiana; comments due by 10-22-01; published 9-20-01 [FR 01-23505]

Texas; comments due by 10-22-01; published 9-20-01 [FR 01-23504]

JUSTICE DEPARTMENT

National Instant Criminal Background Check System:

Law-abiding firearms purchasers' legitimate privacy interests and DOJ's obligation to enforce laws preventing prohibited firearms purchases; balance; comments due by 10-22-01; published 9-20-01 [FR 01-23349]

JUSTICE DEPARTMENT

Trafficking victims; protection and assistance; comments due by 10-22-01; published 7-24-01 [FR 01-18388]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Commercial item acquisitions; sealed bidding and simplified procedures; comments due by 10-22-01; published 8-22-01 [FR 01-21191]

Task-order and delivery-order contracts; comments due by 10-22-01; published 8-23-01 [FR 01-21352]

STATE DEPARTMENT

Trafficking victims; protection and assistance; comments due by 10-22-01; published 7-24-01 [FR 01-18388]

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:

Cape Fear River and Northeast Cape Fear River, Wilmington, NC; regulated navigation area; comments due by 10-25-01; published 7-27-01 [FR 01-18681]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Administrative regulations:

Aircraft Certification Service; resource utilization measure; meeting; comments due by 10-22-01; published 7-24-01 [FR 01-18310]

Airworthiness directives:

Agusta S.p.A.; comments due by 10-22-01; published 8-23-01 [FR 01-21231]

Airbus; comments due by 10-25-01; published 9-25-01 [FR 01-23827]

BAE Systems (Operations) Ltd.; comments due by 10-25-01; published 9-25-01 [FR 01-23828]

Boeing; comments due by 10-25-01; published 9-10-01 [FR 01-22589]

Bombardier; comments due by 10-25-01; published 9-25-01 [FR 01-23842]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

CFM International; comments due by 10-22-01; published 8-23-01 [FR 01-21221]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Dornier; comments due by 10-25-01; published 9-25-01 [FR 01-23841]

Eurocopter France; comments due by 10-22-01; published 8-23-01 [FR 01-21232]

Honeywell; comments due by 10-22-01; published 8-23-01 [FR 01-21222]

Pilatus Aircraft Ltd.; comments due by 10-26-01; published 9-20-01 [FR 01-23412]

Airworthiness standards:

Special conditions—

Boeing Model 777-200 series airplanes; comments due by 10-24-01; published 9-24-01 [FR 01-23785]

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Motor carrier safety standards:

Commercial Driver's License Program; changes; comments due by 10-25-01; published 7-27-01 [FR 01-18312]

TREASURY DEPARTMENT

Comptroller of the Currency

National banks and District of Columbia banks; fees assessment; comments due by 10-25-01; published 9-25-01 [FR 01-23844]

VETERANS AFFAIRS DEPARTMENT

Adjudication; pensions, compensation, dependency, etc.:

State Department diplomatic and consular officers authorization to act as VA agents; comments due by 10-22-01; published 8-22-01 [FR 01-21135]

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/plawcurr.html*.

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/nara005.html*. Some laws may not yet be available.

H.R. 2510/P.L. 107–47

Defense Production Act Amendments of 2001 (Oct. 5, 2001; 115 Stat. 260)

Last List October 10, 2001

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://hydra.gsa.gov/archives/publaws-l.html* or send E-mail to **listserv@listserv.gsa.gov** with the following text message:

SUBSCRIBE PUBLAWS-L
Your Name.

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4] Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–044–00002–4)	36.00	[1] Jan. 1, 2001
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4] Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–044–00009–1)	34.00	Jan. 1, 2001
210–299	(869–044–00010–5)	56.00	Jan. 1, 2001
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–044–00015–6)	24.00	Jan. 1, 2001
1200–1599	(869–044–00016–4)	55.00	Jan. 1, 2001
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4] Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4] Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–044–00027–0)	53.00	Jan. 1, 2001
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
11	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–044–00034–2)	38.00	Jan. 1, 2001
600–End	(869–044–00035–1)	57.00	Jan. 1, 2001
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–044–00037–7)	57.00	Jan. 1, 2001
60–139	(869–044–00038–5)	55.00	Jan. 1, 2001
140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–044–00044–0)	40.00	Jan. 1, 2001
16 Parts:			
0–999	(869–044–00045–8)	45.00	Jan. 1, 2001
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–044–00048–2)	45.00	Apr. 1, 2001
200–239	(869–044–00049–1)	51.00	Apr. 1, 2001
240–End	(869–044–00050–4)	55.00	Apr. 1, 2001
18 Parts:			
1–399	(869–044–00051–2)	56.00	Apr. 1, 2001
400–End	(869–044–00052–1)	23.00	Apr. 1, 2001
19 Parts:			
1–140	(869–044–00053–9)	54.00	Apr. 1, 2001
141–199	(869–044–00054–7)	53.00	Apr. 1, 2001
200–End	(869–044–00055–5)	20.00	[5] Apr. 1, 2001
20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–044–00057–1)	57.00	Apr. 1, 2001
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–044–00060–1)	44.00	Apr. 1, 2001
170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–044–00065–2)	15.00	Apr. 1, 2001
800–1299	(869–044–00066–1)	52.00	Apr. 1, 2001
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–044–00070–9)	40.00	Apr. 1, 2001
24 Parts:			
0–199	(869–044–00071–7)	53.00	Apr. 1, 2001
200–499	(869–044–00072–5)	45.00	Apr. 1, 2001
500–699	(869–044–00073–3)	27.00	Apr. 1, 2001
700–1699	(869–044–00074–1)	55.00	Apr. 1, 2001
1700–End	(869–044–00075–0)	28.00	Apr. 1, 2001
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
§§ 1.301–1.400	(869–044–00080–6)	41.00	Apr. 1, 2001
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
§§ 1.851–1.907	(869–044–00085–7)	54.00	Apr. 1, 2001
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
500–599	(869–044–00094–6)	12.00	[5] Apr. 1, 2001
600–End	(869–044–00095–4)	15.00	Apr. 1, 2001
27 Parts:			
1–199	(869–044–00096–2)	57.00	Apr. 1, 2001

Title	Stock Number	Price	Revision Date
200–End	(869–044–00097–1)	26.00	Apr. 1, 2001
28 Parts:			
0-42	(869–044–00098–9)	55.00	July 1, 2001
43-end	(869-044-00099-7)	50.00	July 1, 2001
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
100–499	(869–044–00101–2)	14.00	[6]July 1, 2001
500–899	(869–044–00102–1)	47.00	[6]July 1, 2001
900–1899	(869–044–00103–9)	33.00	July 1, 2001
1900–1910 (§§ 1900 to 1910.999)	(869–044–00104–7)	55.00	July 1, 2001
1910 (§§ 1910.1000 to end)	(869–044–00105–5)	42.00	July 1, 2001
1911–1925	(869–044–00106–3)	20.00	[6]July 1, 2001
1926	(869–044–00107–1)	45.00	July 1, 2001
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–044–00109–8)	52.00	July 1, 2001
200–699	(869–044–00110–1)	45.00	July 1, 2001
700–End	(869–044–00111–7)	53.00	July 1, 2001
31 Parts:			
0–199	(869–044–00112–8)	32.00	July 1, 2001
200–End	(869–044–00113–6)	56.00	July 1, 2001
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–044–00114–4)	51.00	[6]July 1, 2001
191–399	(869–044–00115–2)	57.00	July 1, 2001
400–629	(869–044–00116–8)	35.00	[6]July 1, 2001
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–044–00118–7)	42.00	July 1, 2001
800–End	(869–044–00119–5)	44.00	July 1, 2001
33 Parts:			
1–124	(869–044–00120–9)	45.00	July 1, 2001
125–199	(869–044–00121–7)	55.00	July 1, 2001
200–End	(869–044–00122–5)	45.00	July 1, 2001
34 Parts:			
1–299	(869–044–00123–3)	43.00	July 1, 2001
300–399	(869–044–00124–1)	40.00	July 1, 2001
400–End	(869–044–00125–0)	56.00	July 1, 2001
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–044–00127–6)	34.00	July 1, 2001
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–044–00130–6)	45.00	July 1, 2001
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–044–00132–2)	55.00	July 1, 2001
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–044–00135–7)	38.00	July 1, 2001
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–044–00138–1)	28.00	July 1, 2001
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–044–00141–1)	35.00	July 1, 2001
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–044–00145–4)	26.00	July 1, 2001
72–80	(869–044–00146–2)	55.00	July 1, 2001
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-99	(869–044–00150–1)	54.00	July 1, 2001
136–149	(869–044–00152–7)	55.00	July 1, 2001
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–044–00155–1)	45.00	July 1, 2001
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–044–00158–6)	51.00	July 1, 2001
425–699	(869–044–00159–4)	55.00	July 1, 2001
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–044–00162–4)	22.00	July 1, 2001
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–044–00164–1)	33.00	July 1, 2001
201–End	(869–044–00165–9)	24.00	July 1, 2001
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–042–00188–5)	53.00	Oct. 1, 2000
3–6	(869–042–00189–3)	40.00	Oct. 1, 2000
7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–042–00191–5)	53.00	Oct. 1, 2000
29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
1–99	(869–042–00193–1)	53.00	Oct. 1, 2000
100–185	(869–042–00194–0)	57.00	Oct. 1, 2000
186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained..