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WHEN: Tuesday, April 17, 2001 at 9:00 a.m.

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

RESERVATIONS: 202–523–4538

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

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

FEDERAL TRADE COMMISSION

16 CFR Part 4

Appearances Before the Commission; Restrictions as to Former Members and Employees

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule.

SUMMARY: The Commission is amending its rule governing the appearances of former members and employees, Rule 4.1(b), to make it consistent with President Clinton's December 28, 2000 revocation of Executive Order 12834 (''Ethics Commitments by Executive Branch Appointees'').

EFFECTIVE DATE: These amendments are effective March 7, 2001.

FOR FURTHER INFORMATION CONTACT: Ira S. Kaye, 202–326–2426, or Shira Pavis Minton, 202–326–2479, Attorneys, Office of the General Counsel, FTC, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Commission is deleting the note following section (b)(1)(iv) of Commission Rule 4.1, 16 CFR 4.1, which currently states that former Commissioners and certain other ''senior'' employees may be subject to Executive Order 12834. That order formerly required that certain Executive Branch officials appointed on or after January 20, 1993, sign a pledge making particular post-employment ethics commitments. This amendment is necessary in order to reflect that, by Executive Order 13184 of December 28, 2000, President Clinton revoked Executive Order 12834.

This rule amendment relates solely to agency practice and, thus, is not subject to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(a)(2), or to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2).

List of Subjects in 16 CFR part 4

Administrative practice and procedure.

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, chapter I, subchapter A, of the Code of Federal Regulations as follows:

PART 4—MISCELLANEOUS RULES

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

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

§ 4.1 [Amended]

2. Section 4.1 is amended by removing the note that follows paragraph (b)(1)(iv).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–5507 Filed 3–6–01; 8:45 am]

BILLING CODE 6750–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Dive Sticks; Final Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing a rule to ban certain dive sticks under the authority of the Federal Hazardous Substances Act.[1] Dive sticks are used for underwater activities, such as retrieval games and swimming instruction. They are typically made of rigid plastic and stand upright at the bottom of a swimming pool. Due to these characteristics, if a child jumps onto a dive stick in shallow water he or she may suffer severe injuries.

DATES: The rule will become effective on April 6, 2001.

FOR FURTHER INFORMATION CONTACT: Renae Rauchschwalbe, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0608, ext. 1362.

SUPPLEMENTARY INFORMATION:

A. Background

As of November 2000, the Commission is aware of nine confirmed impalement incidents involving dive sticks that were submerged and standing vertically. These incidents resulted in injuries to the perineal region of young children. The products were cylindrical batons, approximately 7⅞ to 8⅝ inches long and ⅞ to one inch in diameter. They were all constructed of rigid plastic.

In early 1999, when the Commission staff first learned of incidents involving dive sticks, the staff worked with product manufacturers to recall hazardous dive sticks. On June 24, 1999, the Commission announced that it had reached agreements with 15 manufacturers and importers to voluntarily recall their dive sticks. The recalls have removed most dive sticks from the market.[1,9] [2] However, because the hazard posed by dive sticks appeared to be inherent to the product and not related to any specific model or manufacturer, the Commission began a proceeding to ban all dive sticks with hazardous characteristics.

On July 16, 1999, the Commission issued an advance notice of proposed rulemaking (''ANPR'') announcing the Commission's intent to issue a rule addressing the risk of injury presented by dive sticks. 64 FR 38387 (1999). One alternative discussed in the ANPR was a rule declaring certain dive sticks to be banned hazardous substances.

On July 19, 2000, the Commission published a notice of proposed rulemaking (''NPR'') proposing to ban hazardous dive sticks. 65 FR 44703 (2000). The proposed rule stated that it would ban dive sticks that (1) are rigid; (2) submerge to the bottom of a pool of water; and (3) stand upright in water. The Commission proposed a performance test to determine the rigidity of a dive stick. Dive sticks that come to rest underwater at an angle greater than 45 degrees from vertical would be exempt under the proposed rule as would dive sticks that maintain a compressive force of less than 5-lbf under a prescribed performance test. The Commission has determined to

[1] Commissioner Mary Gall filed a separate statement which is available from the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland.

[2] Numbers in brackets refer to documents listed at the end of this notice.

issue the proposed rule as a final standard without change.

The Commission received one comment on the proposed rule. That comment came from a student at Florida International University. He asked whether it would be safer to discontinue the sale of all dive sticks, both soft and rigid. Based on available medical literature, the Commission concludes that only rigid dive sticks pose the threat of impalement injuries to children. The Commission is not aware of any impalement incidents, reported to CPSC or in the medical literature, involving any flexible objects. Thus, the Commission believes that the rule, including the exemption for non-rigid dive sticks, will adequately protect the public.[11]

B. Statutory Authority

This proceeding is conducted pursuant to the Federal Hazardous Substances Act (''FHSA''), 15 U.S.C. 1261 *et seq.* Section 2(f)(1)(D) of the FHSA defines ''hazardous substance'' to include any toy or other article intended for use by children that the Commission determines, by regulation, presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1261(f)(1)(D). An article may present a mechanical hazard if its design or manufacture presents an unreasonable risk of personal injury or illness during normal use or when subjected to reasonably foreseeable damage or abuse. Among other things, a mechanical hazard could include a risk of injury or illness ''(3) from points or other protrusions, surfaces, edges, openings, or closures, * * * or (9) because of any other aspect of the article's design or manufacture.'' 15 U.S.C. 1261(s).

Under section 2(q)(1)(A) of the FHSA, a toy, or other article intended for use by children, which is or contains a hazardous substance accessible by a child is a ''banned hazardous substance.'' 15 U.S.C. 1261(q)(1)(A).

Section 3(f) through 3(i) of the FHSA, 15 U.S.C. 1262(f)–(i), governs a proceeding to promulgate a regulation determining that a toy or other children's article presents an electrical, mechanical, or thermal hazard. As required by section 3(f), this proceeding began with an ANPR. 64 FR 38387 (1999). After considering the one comment submitted in response to the ANPR, the Commission issued a proposed rule and a preliminary regulatory analysis in accordance with section 3(h) of the FHSA. 65 FR 44703 (2000). The Commission then considered the comment received in response to the proposed rule and determined to issue a final rule and a final regulatory analysis. 15 U.S.C. 1262(i)(1).

Before the Commission can issue a final rule it must find (1) if an applicable voluntary standard has been adopted and implemented, that compliance with the voluntary standard is not likely to adequately reduce the risk of injury, or compliance with the voluntary standard is not likely to be substantial; (2) that benefits expected from the regulation bear a reasonable relationship to its costs; and (3) that the regulation imposes the least burdensome alternative that would adequately reduce the risk of injury. *Id.* 1261(i)(2).

C. The Product

Dive sticks are generally used in swimming pools for underwater retrieval activities, such as retrieval games and swimming instruction. They are made of rigid plastic. They are typically cylindrical in shape, ten inches or less in length with a diameter one inch or less, but some have novelty shapes such as shark silhouettes. They are or can be weighted so that when dropped into water they sink and stand upright on the bottom.

Before the June 1999 recall, retail prices usually ranged from $4 to $7 per set or about $1 per individual stick. Retail prices were almost always less than $10, even when sold with other products such as disks, rings, and snorkels. An estimated 4 to 5 million dive sticks were sold in both 1997 and 1998. Altogether, about 20 million dive sticks have been sold since 1990. Sales of dive sticks increased substantially during the 1990's. About 1 million households may have owned dive sticks during any given year.[8,12]

Before the June 1999 recalls, the CPSC staff identified at least 15 firms that manufactured or imported dive sticks into the United States. Most of the importers obtained their products from China, Hong Kong, or Taiwan. Because the product is inexpensive and simple to manufacture, it is relatively easy for firms to enter or leave the dive stick market. Therefore, firms that have not supplied dive sticks in the past, and were not part of the June 1999 recalls, could begin or renew producing or supplying dive sticks.[8,12]

D. The Risk of Injury

1. *Description of Injury.* Impalement injuries have occurred when a child accidently sat, fell or jumped buttocks-first into shallow water and landed on a dive stick. As discussed in the NPR, serious rectal or vaginal injuries can result. The severity of injuries depends on the degree of penetration by the object. The injuries could range from laceration of the rectum and sphincter, to puncture wounds and tears of the colon. Less serious injuries such as facial and eye injuries are also possible when a child attempts to retrieve a dive stick under the water.[2,10]

2. *Impalement Injury Data.* As of November 2000, the Commission is aware of nine confirmed impalement injuries involving submerged vertically-standing dive sticks. All the victims were children ranging in age from three to nine years old.[10]

Four females (ages 7 to 9) sustained injuries when the dive stick penetrated the vagina. Two males (ages 3 and 7) and two females (ages 5 and 6) suffered injuries when the dive stick penetrated the rectum. In the remaining incident, a female received external lacerations around the rectum after landing on a dive stick. Medical attention was sought after each incident, and six of the injuries required surgery to address multiple internal and external injuries.These nine incidents involved vertical-standing dive sticks. The products were cylindrical batons, approximately 7⅞ to 8⅝ inches long and ⅞ to one inch in diameter.[2,10]

Eight of the impalement injuries occurred in shallow depths of water. Of these, five occurred in small wading pools with water levels between 12 and 24 inches. Of the remaining three incidents, one occurred on the top step of a spa, one occurred in a pool measuring three feet in height with approximately 27 inches of water, and the final incident occurred in a bathtub with approximately 6 inches of water. The ninth incident reportedly took place in a pool; however, neither the type of pool nor the water depth is known.[2,10] [3]

The July 1999 ANPR provided summaries of impalement incidents reported at that time. The NPR published in July 2000 provided summaries of the three impalement injuries reported between publication of the ANPR and the NPR. One additional incident was not included in either the ANPR or the NPR. That incident involved a three-year-old boy who jumped or slid into a shallow pool and landed on an upright dive stick which penetrated his rectum. He suffered a 1½ inch puncture wound and tear in his bowels. Doctors performed a temporary colostomy and will have to reattach his intestines to his bowels once the puncture wound heals. The dive stick came in a package with a retrofit so that

[3] A tenth unconfirmed incident was reported to CPSC, but many details of the incident remain unclear.

the dive stick would not stand upright in the water. This retrofit was not attached to the product at the time of the incident.[10]

3. *Non-Impalement Injury Data.* In addition to genital and rectal injuries, the Commission received reports of four injuries to other body parts that occurred when the victim submerged onto the vertical-standing dive stick. As discussed in the NPR, the injuries occurred when the children attempted to retrieve the dive sticks from the bottom of the pool. The Commission has also received reports of 11 incidents of victims struck by a thrown dive stick. Five of these incidents were reported since the June 2000 briefing package. Seven females and four males were involved in the incidents. The victims ranged in age from 4 years old to 40 years old. One of the recent incidents involved a foam dive stick as opposed to the recalled dive sticks made of hard plastic. The foam dive stick was made of a foam cylinder with a weighted plastic end. The plastic end of the dive stick is the part that contacted the victim, resulting in a laceration to the scalp.[2,10]

E. The Ban

The Commission's rule will ban dive sticks with certain hazardous characteristics. Although voluntary recalls have removed most, if not all, of these products from the market for the present time, the Commission is concerned that, without a rule banning them, they could reappear on the market.

The rule will ban dive sticks that (1) are rigid, (2) submerge to the bottom of a pool of water, and (3) stand upright in water. After considering the reported impalement injuries, the Commission believes that these are the essential characteristics that create the impalement hazard. Dive sticks and similar articles that do not have these characteristics, as well as dive rings and dive disks, are still allowed.

All dive stick impalement incidents and other rectal or vaginal impalement cases reported in the medical literature involved objects that were rigid. The staff is not aware of any impalement injuries to the perineum that involved a flexible object. In order to prevent serious injuries, the dive stick should be of sufficient flexibility that it would bend to a degree that prevents penetration when impact occurs with the perineal area. The staff developed a test to distinguish dive sticks that are sufficiently flexible so as to effectively limit the potential for serious impalement injury.

The Commission believes that it is appropriate to base a rigidity test on a fraction of the weight of a child who is first beginning to walk. Although the youngest child involved in a reported impalement incident was three years old, if a child can walk independently it is possible that he or she might be playing in a shallow body of water and fall onto a dive stick in the same manner that occurred in the impalement incidents. Children begin to walk on their own at about 11½ months. Therefore, the test uses the weight of a 10 to 12 month-old child. The weight of a 5th percentile 10 to 12 month-old child is 16.5 pounds (7.5 kg). The Commission believes that a failure criterion of 5-lbf (approximately ⅓ of the weight of a 10 to 12 month-old child) will provide a margin of safety to effectively limit the potential for a serious impalement injury.

The performance test applies a gradual compression load to the top of the dive stick for a period of 40 seconds. If the force reaches 5 lbf the dive stick is too rigid and fails the test. The Commission is aware that some manufacturers are developing dive sticks that are constructed of flexible material that would pass this test. The Commission believes that such flexible articles would not pose an impalement hazard.[5,7]

Commission staff tested samples of both rigid and flexible dive sticks. The flexible dive sticks began deflecting almost immediately. The maximum force remained under 5 lbf, which was achieved in under 10 seconds. When the compression load was applied for a total of 40 seconds, the dive stick bent significantly and the force readings dropped further from the recorded maximum force. In contrast to the flexible dive sticks, maximum force readings for rigid dive sticks exceeded 25-lbf in less than 3 seconds, with no noticeable bending.[7]

All confirmed impalement injuries occurred with dive sticks that had submerged to the bottom of a pool of water. It is unlikely that a child falling onto a dive stick floating on the water would suffer impalement. A floating dive stick is likely to move away before the child's body strikes the bottom of the pool.[3,6]

The vertical orientation of a submerged dive stick is a key factor in these impalement incidents. The Commission's Human Factors staff examined the reported incidents and concluded that when force is applied in line with the long axis of the dive sticks (as it is when a child lands on it in a vertical position), the sticks do not move. According to Human Factors, ''Because the stick is braced against the floor, the impact causes a relatively rapid deceleration of the body part which is struck, with the force of the impact concentrated on the small area at the end of the stick.'' The Human Factors staff believes that the potential for impalement injury declines as the angle of impact moves away from the vertical. However, the orientation of a child landing on a stick is variable, and impact at precisely the wrong angle may reorient the stick perpendicular to the bottom surface. Thus, slight deviations of the stick's position from vertical may not be adequate to avoid impalement. If the angle of the stick is sufficiently away from vertical, both impact in line with the axis and impact at an angle to the axis would tend to move the stick and limit the possibility of impalement. The Commission believes that a position at least 45 degrees from vertical would provide a sufficient safety margin to effectively limit the potential for impalement injuries.[3,6]

F. Alternatives

The Commission has considered other alternatives to reduce the risk of impalement injury related to dive sticks. However, as discussed below, the Commission does not believe that any of these would adequately reduce the risk of injury.

1. *Voluntary Recalls.* Before beginning this proceeding the Commission negotiated voluntary recalls with many companies that manufactured or imported dive sticks, and many other firms voluntarily removed their dive sticks from the market. One alternative to the banning rule is for the Commission to continue pursuing recalls on a case-by-case basis. However, it appears that the impalement hazard is present in all dive sticks that have the hazardous characteristics the staff has identified. The hazard is not limited to one particular model or brand. Therefore, a rule banning all dive sticks with the identified characteristics is more efficient. While the recalls have removed hazardous dive sticks from the market for now, proceeding with future recalls in the absence of a banning rule would allow hazardous dive sticks to return to the market until the Commission had a chance to act on the new dive sticks.[8,12]

2. *Voluntary Standard.* Currently, there is no applicable voluntary standard, nor was one submitted in response to the ANPR or the NPR. Moreover, because dive sticks are relatively inexpensive and easy to manufacture, compliance with a voluntary standard may be low.[8,12]

3. *Labeling.* One alternative to a banning rule would be to require cautionary labeling for dive sticks. Most dive sticks carry some warnings regarding small parts (in reference to the end caps); instructions to use only under the supervision of a competent swimmer, and/or warning against diving in shallow water. In order for a label warning of the impalement hazard to be fully effective, consumers must notice, read, and understand it, then comply with it 100% of the time. People are less likely to comply with a warning if the connection between the product and the injury potential is not clear, if they cannot imagine what the injury is, or if they do not fully understand how to avoid the hazard. As the impalement hazard presented by dive sticks is not apparent, the label would have to convey clearly that severe rectal or genital injuries can result if children jump into the water and land on the sticks. Further, a ''safe'' water depth would have to be identified to give consumers adequate information on which to base their purchasing decision.

A label that meets these criteria could have a significant impact at the point of purchase, but would need to be reinforced with an on-product warning. It would be difficult, however, to develop a label that is highly noticeable and easy to read because of the small and typically curved surface area of the dive stick. Moreover, a label may not last the life of the product because it is used in water. In contrast, the effectiveness of banning hazardous dive sticks is not in question, because the impalement hazard would be minimized or eliminated.[3, 8, 12]

4. *Change in Scope.* A final alternative considered was to modify the scope of the rule so that it would apply only to pre-weighted dive sticks. However, it is easy to add weight to certain unweighted dive sticks by filling them with water, sand or similar materials so that they too can stand vertically at the bottom of a pool. Because such unweighted dive sticks can pose the same risk as pre-weighted ones, the Commission is including them in the rule.

G. Final Regulatory Analysis

1. Introduction

The Commission has determined to ban dive sticks with certain hazardous characteristics. Section 3(i) of the FHSA requires the Commission to prepare a final regulatory analysis containing (1) a description of the potential benefits and costs of the rule, including any benefits or costs that cannot be quantified in monetary terms and the identification of those likely to be affected; (2) a description of alternatives considered by the Commission, a discussion of their costs and benefits, and a brief explanation of why they were not chosen; and (3) a discussion of any significant issues raised by comments on the preliminary regulatory analysis published with the proposed rule. 15 U.S.C. 1261(i). The following discussion addresses these requirements.

2. Potential Benefits of a Rule Banning Certain Dive Sticks

When used in shallow water, rigid dive sticks that stand upright in water can cause serious impalement injuries to the perineum. The CPSC is aware of eight confirmed impalement injuries that occurred prior to the 1999 recall. A ninth injury occurred in April 2000. However, because the recall of dive sticks had an unknown impact on the number of dive sticks in use, this analysis of the societal costs of dive stick injuries is limited to the eight occurring from 1990 through 1999.[4] All victims received medical attention after the injury and at least five required surgery. In one case a temporary colostomy was performed. The CPSC is aware of 17 non-impalement injuries associated with dive sticks. Four of these incidents involved submerged dive sticks and resulted in lacerations that required stitches or surgical glue to close. Although the rule is not directly aimed at reducing these injuries, some of these injuries may have been prevented by the rule.

The reduction in the societal costs of injuries represents the societal benefits of a ban on certain dive sticks. Based on estimates from the CPSC's Injury Cost Model, the costs of impalement injuries, such as those from dive sticks, may range from about $9,000 for injuries that do not require hospitalization to about $100,000 for injuries that require hospitalization. These estimates are based on the costs of injuries involving punctures or lacerations to the victims' lower trunk or pubic region for children 5 to 9 years-of-age (the age range of the known victims). These cost estimates include the cost of medical treatment, pain and suffering, lost work time (including that lost by parents and caregivers), and legal and liability costs.

If we assume that the only cases that required hospitalization were the 5 incidents that required surgery, the total societal costs of the known incidents are about $527,000 (5 cases × $100,000 and 3 cases × $9,000) or an average of $52,700 a year since 1990. This is a low estimate of the total societal cost because it is based only on the cases known to CPSC. There may have been other injuries of which CPSC is not aware.

A useful measure for analytical purposes is the annual average injury cost per dive stick. This estimate is derived by dividing the average annual societal costs of injuries by the average number of dive sticks in use each year. As discussed earlier, the average number of dive sticks in use each year from 1990 to 1999 ranged from about 3 million units (assuming a 1 year product life) to about 5.5 million units (assuming a 4 year product life). Therefore, the annual societal costs of dive stick injuries may range from about one cent per dive stick in use ($52,700 ÷ 5.5 million) to 2 cents per dive stick in use ($52,700 ÷ 3 million).

Since dive sticks may last from one to four years, the societal costs of injuries per dive stick over the entire life of the dive stick range from about 2 cents ($0.02 × 1 year) to about 4 cents ($.01 × 4 years). Since the benefit of a ban on certain dive sticks is the reduction in the societal cost of the injuries, the benefits of a ban that eliminates these injuries is about 2 to 4 cents per banned dive stick removed from or prevented from entering the market.

The average total annual cost of dive stick injuries of $52,700 is based on known injury cases from 1990 to 1999. However, as noted earlier, dive stick sales increased from less than 1 million per year to about 5 million. If rigid dive sticks that stand upright in water had not been recalled and their annual sales had leveled off at about 5 million units annually (the sales volume in the late 1990s), the product population model indicates that the number of dive sticks in use would have reached 8 to 20 million units within the next few years. Since we estimated that the societal cost of injuries per dive stick in use was about 1 to 2 cents, this indicates that the annual cost of dive stick impalement injuries would have reached approximately $160,000 ($0.02 × 8 million) to $200,000 ($0.01 × 20 million) per year had these dive sticks not been recalled.

The benefits of eliminating dive stick injuries most directly affect households with children, since all victims have been 9 years old or younger. However, since medical costs are generally pooled through insurance, and some of the benefits include a reduction in lost worktime of caregivers, the monetary benefits of the proposed rule would be diffused through society as a whole.

[4] An estimate of the number of dive sticks in use in needed to estimate the pre-regulatory risk of injury that will be addressed by the regulation.

3. Potential Costs of the Rule

Rigid dive sticks that stand upright were removed from the U.S. market in 1999 when the Commission recalled dive sticks. Since then, when the CPSC has become aware of a rigid dive stick that stands upright being available in this country, the staff has taken action under the authority of section 15 of the FHSA to remove the dive stick from the market. The rule being issued now promulgates a ban on these dive sticks and establishes a performance standard for dive sticks. The performance standard establishes criteria for distinguishing dive sticks that are unlikely to pose impalement risks (and so are not banned) from dive sticks that may impose impalement risks (and therefore, are banned).

Manufacturers that produced the banned dive sticks (or that continue to produce these dive sticks for sale in other countries) will incur some costs to modify their products to conform to the requirements of the rule. The CPSC staff believes that the modifications can be made with minimal impact on tooling and other production processes. For example, some manufacturers may be able to continue to use the same molds that they used for rigid dive sticks, but with a softer or more flexible plastic. Other manufacturers may be able to use the same material as before but adjust the center of gravity of the dive sticks so that they do not stand upright in water. Consequently, it seems reasonably likely that when the incremental cost of the changes are spread over large production runs, the cost will be no more than the benefits—2 to 4 cents per dive stick manufactured.[5]

The ban on rigid dive sticks that stand upright may reduce consumer utility if consumers prefer the banned dive sticks to the substitute products (*i.e.*, dive sticks that do not stand upright, flexible dive sticks, dive rings, dive disks, and so on). However, because these substitute products serve essentially the same purposes and would cost about the same,[6] the negative impact on consumer utility, if any, is unlikely to be significant.

4. Alternatives Considered

The Commission considered several alternatives to issuing this rule to ban certain dive sticks. These included (1) taking no action and relying on a voluntary standard or section 15 actions, (2) a labeling only requirement, and (3) changing the scope of the products subject to the ban.

(a) *Taking No Action and Relying on a Voluntary Standard or Section 15 Activities.* The Office of Compliance has successfully negotiated recalls with many of the firms that manufactured or imported the dive sticks. Other firms for which recalls were not negotiated have voluntarily ceased distributing these dive sticks. However, since it is relatively easy for firms to enter this market, new firms could begin selling non-complying dive sticks in the absence of a standard. CPSC is aware of at least one firm that was not involved in the June 1999 recall but was distributing dive sticks after June 1999.

The Commission could continue to use its Section 15 authority to recall hazardous dive sticks when they are found instead of banning them outright. However, this approach would require the CPSC staff to make a determination that a product was hazardous each time a new dive stick was introduced to the market. Additionally, without a standard, potentially hazardous products would be available to consumers while CPSC staff were making this determination.

There is no voluntary standard for dive sticks that addresses the impalement hazard, nor was a proposed standard submitted in response to the NPR. Even if one were developed, it would be difficult to enforce since dive sticks are relatively easy to manufacture and new firms could easily begin distributing the product. Therefore, compliance with a voluntary standard may be low.

(b) *Labeling Only Requirement.* The staff explored the possibility of a warning label instead of a ban. However, according to the Commission's Human Factors staff, a warning label is the least effective approach to reducing the number of injuries. A label that is highly visible and clearly communicates the hazard could have a significant impact at the point of purchase. However, a label on the package would not remain with the product after the sale, and because the product is intended for use in the water, it is likely that any label attached to the product itself would not last the life of the product. Moreover, the surface area on a dive stick is not conducive to designing an effective warning label.

(c) *Changing the Scope.* The scope of the rule could be modified so that it applies only to pre-weighted dive sticks. However, the staff found that consumers could weight some unweighted dive sticks so that they stood vertically in water. These products would then present exactly the same impalement hazard as the pre-weighted dive sticks.

5. Significant Issues Raised by Comments on Preliminary Regulatory Analysis

The Commission did not receive any comments concerning the preliminary regulatory analysis.

H. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (''RFA''), when an agency issues a proposed rule it generally must prepare an initial regulatory flexibility analysis describing the impact the proposed rule is expected to have on small entities. 5 U.S.C. 603. The RFA does not require a regulatory flexibility analysis if the head of the agency certifies that the rule will not have a significant effect on a substantial number of small entities. 5 U.S.C. 605(b). For the reasons discussed below, the Commission made this certification in the NPR.

Although most of the firms that manufactured or imported dive sticks are small businesses, staff analysis suggests that the rule is unlikely to have a significant effect on any businesses, large or small. Most manufacturers removed their dive sticks from the market in response to the 1999 recalls. Some manufacturers have already taken steps to redesign their products. If the redesigned products conform to the rule, the manufacturers would not incur any additional costs. In addition, as discussed above, the costs of the rule are likely to be small. Finally, dive sticks probably account for only a small percentage of any individual firm's sales. Several dive stick manufacturers market various types of pool or other toys. Others have additional product lines such as pool supplies and equipment. Additionally, most of the firms that manufactured or imported dive sticks also distribute similar toys (such as dive rings and disks and certain dive eggs that do not rest vertically on the bottom) that would not be covered by the ban. If firms stopped producing and selling dive sticks, sales of these substitute products may increase, offsetting any loss due to a ban on dive sticks.[8,12]

[5] Manufacturers that enter the dive stick market after the rule goes into effect may not incur any additional costs associated with ''redesigning'' dive sticks because they would design their products from the start to comply with the rule's requirements.

[6] Dive rings appeared to retail for approximately the same price per package as dive sticks, but there are generally fewer dive rings per package than dive sticks. For example, packages of dive sticks often contained 6 dive sticks; packages of dive rings seldom contain more than 4 rings. The retail prices of dive disks appear to be roughly equal to the retail prices of dive sticks. Modified dive sticks (that are either not rigid or that do not stand upright) retail for close to the prices of the banned dive sticks.

I. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission assessed the possible environmental effects associated with the rule banning certain dive sticks.

The Commission's regulations state that rules providing design or performance requirements for products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(1). Nothing in this rule alters that expectation. Therefore, because the rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.[8,12]

J. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state the preemptive effect, if any, of new regulations.

The FHSA provides that, generally, if the Commission issues a banning rule under section 2(q) of the FHSA to protect against a risk of illness or injury associated with a hazardous substance, ''no State or political subdivision of a State may establish or continue in effect a requirement applicable to such substance and designed to protect against the same risk of illness or injury unless such requirement is identical to the requirement established under such regulations.'' 15 U.S.C. 1261n(b)(1)(B). Upon application to the Commission, a State or local standard may be excepted from this preemptive effect if the State or local standard (1) provides a higher degree of protection from the risk of injury or illness than the FHSA standard and (2) does not unduly burden interstate commerce. In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical requirement that provides a higher degree of protection than the FHSA requirement for the hazardous substance for the Federal, State or local government's own use. 15 U.S.C. 1261n(b)(2).

Thus, with the exceptions noted above, the rule banning certain dive sticks would preempt non-identical state or local requirements applicable to dive sticks designed to protect against the same risk of injury.

The Commission has also evaluated this rule in light of the principles stated in Executive Order 13132 concerning federalism, even though that Order does not apply to independent regulatory agencies such as CPSC. The Commission does not expect that the rule will have any substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

K. Effective Date

The rule will become effective 30 days from publication in the **Federal Register** and will apply to dive sticks entering the chain of distribution on or after that date. As stated in the NPR, the Commission believes a 30-day effective date is appropriate because (1) due to the 1999 recalls, few, if any, hazardous dive sticks should be currently on the market; (2) redesigning products to comply with the rule should be fairly simple; and (3) substitute products are readily available.[1,8,9]

L. Commission Findings

For the Commission to issue a rule under section 2(q)(1) of the FHSA classifying a substance or article as a banned hazardous substance, the Commission must make certain findings and include these findings in the regulation. 15 U.S.C. 1262(i)(2). Accordingly, the Commission makes the following findings.

Voluntary standard. The FHSA requires the Commission to make certain findings concerning compliance with and adequacy of a voluntary standard if a relevant voluntary standard has been adopted and implemented. *Id.* The Commission is not aware of any voluntary standards addressing the risk of injury posed by dive sticks. Therefore, no findings concerning voluntary standards are necessary.

Relationship of benefits to costs. The FHSA requires the Commission to find that the benefits expected from a regulation bear a reasonable relationship to its costs. *Id.* The Commission estimates the potential benefits of removing hazardous dive sticks from the market to be 2 to 4 cents per dive stick. With the availability of substitutes and the expected low cost of modifying dive sticks to conform to the rule, the Commission anticipates that necessary changes will be minimal. The Commission estimates that the costs of the rule will be no more than 2 to 4 cents per dive stick. Thus, the Commission finds that there is a reasonable relationship between the expected benefits of the rule and its costs.

Least burdensome requirement. The FHSA requires the Commission to find that a regulation imposes the least burdensome alternative that would adequately reduce the risk of injury. 15 U.S.C. 1262(i)(2). The Commission considered pursuing voluntary recalls, following a voluntary standard, requiring labeling or changing the scope of the rule. A banning rule would be more effective than case-by-case recalls because the impalement hazard affects all dive sticks, not a specific brand or model. Awaiting recalls would allow these hazardous items on the market until the Commission obtained recalls. As explained above, no applicable voluntary standard exists, and compliance may be low if one did. Although labeling could help reduce the risk of injuries from dive sticks, it would be less effective than a banning rule. It may be difficult for a label to convey the necessary information at the time of use. Modifying the scope so that the rule would only apply to pre-weighted dive sticks would continue to permit hazardous items because the unweighted dive sticks can easily be weighted to stand vertically at the bottom of the water. Thus, the Commission finds that a ban of dive sticks with the hazardous characteristics it has identified is the least burdensome alternative that would adequately reduce the risk of injury.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, and Toys.

Conclusion

For the reasons stated above, the Commission concludes that the dive sticks described in this rule are hazardous substances under section 2(f)(1)(D) of the FHSA. They are intended for children and present a mechanical hazard because their design or manufacture presents an unreasonable risk of injury. 15 U.S.C. 1261(s). Therefore, the Commission amends title 16 of the Code of Federal Regulations as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1278.

2. Section 1500.18 is amended to add a new paragraph (a)(18) to read as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) * * *

(18)(i) Dive sticks, and other similar articles, that are used in swimming pools or other water environments for such activities as underwater retrieval games or swimming instruction, and which, when placed in the water, submerge and rest at the bottom of the pool. This includes products that are pre-weighted to sink to the bottom and products that are designed to allow the user to adjust the weight. Dive sticks and similar articles that come to rest underwater at an angle greater than 45 degrees from vertical when measured under the test at § 1500.86(a)(7) and dive sticks and similar articles that maintain a compressive force of less than 5-lbf under the test at § 1500.86(a)(8) are exempt from this banning rule. Articles that have a continuous circular shape, such as dive rings and dive disks are also exempt.

(ii)(A) *Findings.* In order for the Commission to issue a rule under section 2(q)(1) of the FHSA classifying a substance or article as a banned hazardous substance, the Commission must make certain findings and include these findings in the regulation. 15 U.S.C. 1262(i)(2). These findings are discussed in paragraphs (a)(18)(ii)(B) through (D) of this section.

(B) *Voluntary standard.* No findings concerning compliance with and adequacy of a voluntary standard are necessary because no relevant voluntary standard addressing the risk of injury posed by dive sticks has been adopted and implemented.

(C) *Relationship of benefits to costs.* The Commission estimates the potential benefits of removing hazardous dive sticks from the market to be 2 to 4 cents per dive stick. With the availability of substitutes and the expected low cost of modifying dive sticks to conform to the rule, the Commission anticipates that necessary changes will be minimal. The Commission estimates that the costs of the rule will be no more than 2 to 4 cents per dive stick. Thus, the Commission finds that there is a reasonable relationship between the expected benefits of the rule and its costs.

(D) *Least burdensome requirement.* The Commission considered pursuing voluntary recalls, following a voluntary standard, requiring labeling or changing the scope of the rule. A banning rule would be more effective than case-by-case recalls because the impalement hazard affects all dive sticks, not a specific brand or model. Awaiting recalls would allow these hazardous items on the market until the Commission obtained recalls. No applicable voluntary standard exists, and compliance may be low if one did. Although labeling could help reduce the risk of injuries from dive sticks, it would be less effective than a banning rule. It may be difficult for a label to convey the necessary information at the time of use. Modifying the scope so that the rule would only apply to pre-weighted dive sticks would continue to permit hazardous items because the unweighted dive sticks can easily be weighted to stand vertically at the bottom of the water. Thus, the Commission finds that a ban of dive sticks with the hazardous characteristics it has identified is the least burdensome alternative that would adequately reduce the risk of injury.

* * * * *

3. Section 1500.86 is amended to add new paragraphs (a)(7) and (8) to read as follows:

§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.

(a) * * *

(7) Dive sticks and similar articles described in § 1500.18(a)(18) that come to rest at the bottom of a container of water in a position in which the long axis of the article is greater than 45 degrees from vertical when measured in accordance with the following test method:

(i) Test equipment.

(A) A container that is filled with tap water to a depth at least 3 inches [76 mm] greater than the longest dimension of the dive stick. The container shall:

(*1*) Be sufficiently wide to allow the dive stick to lie along the bottom with its long axis in a horizontal position,

(*2*) Have clear side walls to permit observation of the dive stick under water, and

(*3*) Be placed on a level surface and have a flat bottom.

(B) A protractor or other suitable angle measurement device that has an indicator for 45 degrees from vertical.

(ii) Testing procedure

(A) If the dive stick is sold such that the consumer is required to attach an additional component(s) to the dive stick, then the product shall be tested both with and without the attachment(s).

(B) From just above the water surface, drop the dive stick into the container.

(C) Let the dive stick sink and come to rest at the bottom of the container. If the dive stick is designed so that the weight can be adjusted by adding water or other substance, adjust the weight so that the dive stick sinks and comes to rest with its long axis positioned as close to vertical as possible.

(D) Align the angle measurement device alongside the dive stick underwater and wait for the dive stick to come to rest if there is any water disturbance. Determine whether the long axis of the dive stick is greater than or less than 45 degrees from vertical.

(8) Dive sticks and similar articles described in § 1500.18(a)(18) in which the maximum force measured in the following test method is less than 5–lbf [22N]. The test shall be conducted in the ambient environment of the laboratory and not under water.

(i) Test equipment.

(A) A compression rig that has a force gauge or equivalent device that is calibrated for force measurements within a minimum range of 0 to 5 lbf [0–22 N] and with an accuracy of ±0.1 lbf [±0.44 N] or better. The test rig shall have a system to guide this force application in the vertical direction and shall have a means to adjust the rate of load application.

(B) Compression disk—the loading device that is attached to the force gauge shall be a rigid metal disk with a minimum diameter of 1.125 inches [29 mm].

(C) Vise or other clamping device.

(ii) Testing procedure

(A) Position the bottom of the dive stick in the clamping device so that the longest axis of the dive stick is vertical. The bottom end of the dive stick is the end that sinks to the bottom of a pool of water. Secure the bottom of the dive stick in the clamp such that the clamping mechanism covers no more than the bottom ½ inch [13 mm] of the dive stick.

(B) Apply a downward force at a rate of 0.05 in/sec (±0.01 in/sec) [1.3 mm.sec ±0.3 mm/sec] at the top of the dive stick with the compression disk positioned so that the plane of the disk contact surface is perpendicular to the long axis of the dive stick.

(C) Apply the load for a period of 40 seconds or until the maximum recorded force exceeds 5-lbf [22 N].

(D) Record the maximum force that was measured during the test.

Dated: March 1, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Relevant Documents

1. Briefing memorandum from Ronald Medford, AED, Office of Hazard Identification and Reduction and Scott Heh, Project Manager, Directorate for Engineering Sciences, to the Commission, ''Dive Sticks,'' June 8, 2000.

2. Memorandum from Debra Sweet, Directorate for Epidemiology, to Scott Heh, Project Manager, ''Injury Data Related to Dive Sticks,'' March 21, 2000.

3. Memorandum from Catherine A. Sedney, Division of Human Factors, to Scott

Heh, Project Manager, ''Human Factors Assessment of Dive Sticks,'' April 10, 2000.

4. Comment Received in Response to the ANPR, Steve Hutchison, Department of Fair Trading, NSW Consumer Protection Agency, Australia, dated August 30, 1999.

5. Memorandum from Scott Heh, Project Manager, to File, ''Banning Definition and Test Methods for Dive Sticks,'' May 3, 2000.

6. Memorandum from Catherine A. Sedney, Division of Human Factors, to Scott Heh, Project Manager, ''Prevention of Impalement Injuries: Specification of the Position of Dive Sticks in Water,'' January 27, 2000.

7. Memorandum from Suad Nakamura, Ph.D., Physiologist, Division of Health Sciences, and Scott Heh, Mechanical Engineer, Directorate for Engineering Sciences, to File, ''Development of an Exemption for Non-rigid Dive Sticks,'' May 3, 2000.

8. Memorandum from Robert Franklin, Economist, Directorate for Economic Analysis, to Scott Heh, Project Manager, ''Preliminary Regulatory Analysis: Dive Sticks,'' May 18, 2000.

9. Briefing memorandum from Ronald Medford, AED, Office of Hazard Identification and Reduction and Scott Heh, Project Manager, Directorate for Engineering Sciences, to the Commission, ''Dive Sticks,'' February 15, 2001.

10. Memorandum from Debra Sweet, Directorate for Epidemiology, to Scott Heh, Project Manager, ''Injury Data Related to Dive Sticks,'' January 30, 2001.

11. Memorandum from Scott Heh, Project Manager, to File, ''Comment Responding to the NPR on Dive Sticks,'' January 24, 2001.

12. Memorandum from Robert Franklin, Economist, Directorate for Economic Analysis, to Scott Heh, Project Manager, ''Final Regulatory Analysis: Dive Sticks,'' February 14, 2001.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 00F–0812]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Dimethyl Dicarbonate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for a more descriptive term, in place of ''inhibitor of yeast,'' for the safe use of dimethyl dicarbonate (DMDC). The more descriptive term is ''microbial control agent.'' This document also involves adding related limitations to our regulations on dimethyl dicarbonate. This action is in response to a petition filed by Bayer Co.

DATES: This rule is effective March 7, 2001. Submit written objections and requests for a hearing by April 6, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Martha D. Peiperl, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3077.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of March 7, 2000 (65 FR 12014), FDA announced that a food additive petition (FAP 0A4718) had been filed by Bayer Co., c/o McKenna & Cuneo LLP, 1900 K St. NW., Washington, DC 20006–1108. The petition proposed to amend the food additive regulations in § 172.133 *Dimethyl dicarbonate* (21 CFR 172.133) both to provide for the safe use of DMDC in noncarbonated juice beverages containing up to and including 100 percent juice and to provide for a more descriptive term in place of ''inhibitor of yeast,'' for the safe use of DMDC.

In a notice published in the **Federal Register** of September 27, 2000 (65 FR 58091), FDA announced that it was amending the filing notice of March 7, 2000, to clarify that the proposed amendment to provide for a more descriptive term in place of ''inhibitor of yeast,'' for the safe use of DMDC will also involve adding related limitations to § 172.133. In the September 27, 2000, notice, FDA also announced that the petitioner's additional request, to amend the food additive regulations to provide for the safe use of DMDC in noncarbonated juice beverages containing up to and including 100 percent juice, was converted to a food-contact substance notice (FCN 0035) (21 U.S.C. 348(h)(5)). Subsequently, this request was withdrawn from the petition as of the effective date of FCN 0035 (June 9, 2000).

DMDC is currently listed in § 172.133 for use as a yeast inhibitor in wine, dealcoholized wine, and low alcohol wine (53 FR 41325, October 21, 1988; and 58 FR 6088, January 26, 1993); in ready-to-drink teas (59 FR 5317, February 4, 1994); in carbonated or noncarbonated, nonjuice-containing flavored or unflavored beverages containing added electrolytes (61 FR 26786, May 29, 1996); and in carbonated, dilute beverages containing juice, fruit flavor, or both, with juice content not to exceed 50 percent (61 FR 26786, May 29, 1996). In addition, there is an effective notification for the use of DMDC as a microbial control agent in noncarbonated juice beverages containing up to and including 100 percent juice (FCN 0035, June 9, 2000).

II. Evaluation of Safety

DMDC is used in the beverage industry for supplemental microbial control in beverages during the final stages of filling. It is added to beverages, whose viable microorganism load was previously reduced by other technologies, immediately prior to bottling, canning, or other forms of final packaging. To ensure its safe use, the agency set the maximum amount of DMDC that may be added to food at 250 parts per million (ppm). DMDC is currently approved under § 172.133(b)(1) and (b)(2) as an inhibitor of yeast in various beverages under normal circumstances of bottling or canning where the viable yeast count has been reduced to 500 per milliliter (mL) or less by current good manufacturing practices. DMDC is also approved under § 172.133(b)(3) and (b)(4) as an inhibitor of yeast in additional beverages. During its review of the subject petition, FDA found that restrictions given in paragraphs (b)(1) and (b)(2) were inadvertently omitted from paragraphs (b)(3) and (b)(4).

Bayer Co. petitioned the agency to change the term ''inhibitor of yeast'' to ''microbial control agent'' to better describe the actual functional effect of DMDC (at levels up to 250 ppm) in beverages during the final stages of filling. In support of the more descriptive term ''microbial control agent,'' the petitioner provided studies of the effect of DMDC (at levels up to 250 ppm) on various yeast strains and on *Escherichia coli* 0157:H7 in several noncarbonated juice beverages.

In its review of the proposed use of the term ''microbial control agent,'' the agency evaluated the information submitted with FAP 0A4718, as well as previously submitted information. FDA has determined that DMDC is effective in microbial control for beverages under normal circumstances of bottling, canning, and other forms of final packaging where the viable microorganism load has been reduced to 500 microorganisms/mL or less by current technologies.

III. Conclusion

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed renaming of the use of the additive is appropriate provided that related limitations are added to § 172.133, (2) the uses of the additive specified in this section remain safe, (3) the additive will achieve its intended technical effect, and therefore, (4) the regulations in § 172.133 should be amended as set forth in this document.

The agency is also taking this opportunity to correct an inadvertent error in and to make editorial changes to § 172.133 in response to the ongoing initiative regarding plain language in government writing.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

The agency determined subsequent to the amended filing notice of this petition that the categorical exclusion in 21 CFR 25.30(i) is no longer appropriate. The agency is relying instead on the categorical exclusion in 21 CFR 25.32(k) for this action. Because this action is of a type that does not individually or cumulatively have a significant effect on the human environment, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VI. Objections

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 6, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.133 is amended by redesignating paragraph (c)(2) as paragraph (c)(3), by adding a new paragraph (c)(2), and by revising newly redesignated paragraph (c)(3) and paragraph (b), to read as follows:

§ 172.133 Dimethyl dicarbonate.

* * * * *

(b) The additive is used or intended for use as a microbial control agent in the following beverages under normal circumstances of bottling, canning, or other forms of final packaging, where the viable microbial load has been reduced to 500 microorganisms per milliliter or less by current good manufacturing practices such as heat treatment, filtration, or other technologies prior to the use of dimethyl dicarbonate:

(1) In wine, dealcoholized wine, and low alcohol wine in an amount not to exceed 200 parts per million.

(2) In ready-to-drink teas in an amount not to exceed 250 parts per million.

(3) In carbonated or noncarbonated, nonjuice-containing (less than or equal to 1 percent juice), flavored or unflavored beverages containing added electrolytes (5–20 milliequivalents/liter sodium ion (Na+) and 3–7 milliequivalents/liter potassium ion (K+)) in an amount not to exceed 250 parts per million.

(4) In carbonated, dilute beverages containing juice, fruit flavor, or both, with juice content not to exceed 50 percent, in an amount not to exceed 250 parts per million.

(c) * * *

(2) The intended use of the additive.

(3) Adequate directions for use to ensure compliance with this section.

Dated: February 20, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–5511 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175, 176, and 178

[Docket No. 99F–2081]

Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt as a surface active agent in adhesive formulations, and in components of paper and paperboard intended to contact food. This action is in response to a petition filed by Troy Corp.

DATES: This rule is effective March 7, 2001. Submit written objections and requests for a hearing by April 6, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 2, 1999 (64 FR 36021), FDA announced that a food additive petition (FAP 9B4678) had been filed by Troy Corp., c/o S. L. Graham & Associates, 1801 Peachtree Lane, Bowie, MD 20721. The petition proposed to amend the food additive regulations in § 175.125 *Pressure-sensitive adhesives* (21 CFR 175.125) to provide for the safe use of butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt as a surface active agent in pressure sensitive adhesives.

Subsequent to the publication of the filing notice, the petition was amended to include a proposal to further amend the food additive regulations in §§ 175.105 *Adhesives* (21 CFR 175.105), 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170), 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180), and 178.3400 *Emulsifiers and/or surface active agents* (21 CFR 178.3400) to provide for the safe use of butanedioic acid, sulfo-1, 4-diisodecyl ester, ammonium salt as a surface active agent in adhesives, and in paper and paperboard intended to contact food. Therefore, in a notice published in the **Federal Register** of January 3, 2001 (66 FR 375), FDA announced that it was amending the filing notice of July 2, 1999, to indicate that the petitioner requests that the food additive regulations be amended to provide for the safe use of butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt as a surface active agent in adhesives, pressure sensitive adhesives, and paper and paperboard intended to contact food.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in §§ 175.105, 175.125, 176.170, 176.180, and 178.3400 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in §171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notices of filing for FAP 9B4678. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 6, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 175

Adhesives, Food additives, Food packaging.

21 CFR Parts 176 and 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 175, 176, and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 175.105 is amended in the table in paragraph (c)(5) by alphabetically adding an entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent in adhesives.
* * * * * * *	

3. Section 175.125 is amended by adding paragraph (a)(9) and by revising paragraph (b)(1) to read as follows:

§ 175.125 Pressure-sensitive adhesives.

* * * * *

(a) * * *

(9) Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid sulfo-1, 4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]) as a surface active agent at a level not to exceed 3.0 percent by weight of the finished pressure-sensitive adhesive.

(b) * * *

(1) Substances listed in paragraphs (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), (a)(8), and (a)(9) of this section, and those substances prescribed by paragraph (a)(4) of this section that are not identified in paragraph (b)(2) of this section.

* * * * *

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

4. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 346, 348, 379e.

5. Section 176.170 is amended in the table in paragraph (b)(2) by alphabetically adding an entry under the headings ''List of Substances'' and ''Limitations'' to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent in package coating inks at levels not to exceed 3 percent by weight of the coating ink.
* * * * * * *	

6. Section 176.180 is amended in the table in paragraph (b)(2) by alphabetically adding an entry under the headings ''List of substances'' and ''Limitations'' to read as follows:

§ 176.180 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent in package coating inks at levels not to exceed 3 percent by weight of the coating ink.
* * * * * * *	

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

7. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

8. Section 178.3400 is amended in the table in paragraph (c) by alphabetically adding an entry under the headings ''List of substances'' and ''Limitations'' to read as follows:

§ 178.3400 Emulsifiers and/or surface active agents.

* * * * *

(c) * * *

List of substances	Limitations
* * * * * * *	
Butanedioic acid, sulfo-1,4-di-(C_9-C_{11} alkyl) ester, ammonium salt (also known as butanedioic acid, sulfo-1,4-diisodecyl ester, ammonium salt [CAS Reg. No. 144093–88–9]).	For use as a surface active agent as provided in §§ 175.105, 175.125, 176.170, and 176.180 of this chapter.
* * * * * * *	

* * * * *

Dated: February 21, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–5512 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–6949–8]

Protection of Stratospheric Ozone: Notice 14 for Significant New Alternatives Policy Program; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of Acceptability, correction; Request for Information, correction.

SUMMARY: The Environmental Protection Agency published in the **Federal Register** of December 18, 2000, a Notice of Acceptability and Request for Information related to the Significant New Alternatives Policy (SNAP) program. A number of typographical errors were made inadvertently. In addition, a commenter provided updated information about the flammability of one chemical presented in the notice. This document identifies and corrects these errors.

DATES: These corrections are effective on March 7, 2001. Please submit any information in response to the December 18, 2000 requests for information by May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard by telephone at (202) 564–9163, by fax at (202) 565–2141, by e-mail at *sheppard.margaret@epa.gov,* or by mail at U.S. Environmental Protection Agency, Mail Code 6205J, Washington, D.C. 20460. Overnight or courier deliveries should be sent to the office location at 501 3rd Street, N.W., Washington, D.C., 20001. Further information can be found by calling the Stratospheric Protection Hotline at (800) 296–1996, or by viewing EPA's Ozone Depletion World Wide Web site at *www.epa.gov/ozone/title6/snap/.*

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency published in the **Federal Register** of December 18, 2000 (65 FR 78977), a Notice of Acceptability and Request for Information related to the Significant

New Alternatives Policy (SNAP). In FR Doc. 00–31946, published on December 18, 2000, a number of typographical errors were made inadvertently. In addition, a commenter provided updated information about the flammability of one chemical presented in the notice, showing that a statement in the notice was in error. This document identifies and corrects these errors.

In FR Doc. 00–31946, published on December 18, 2000 (65 FR 78977), in the ''Supplementary Information'' section make the following corrections:

1. On p. 78978, seventeenth and eighteenth lines from the top of the first column, correct the third bullet in EPA's decision for HFE–7100 to read ''CFC–13, R–13B1, and R–503 in very low temperature refrigeration.''

2. On p. 78978, fifth and sixth lines from the bottom of the first column, correct the third bullet in EPA's decision for HFE–7200 to read ''CFC–13, R–13B1, and R–503 in very low temperature refrigeration.''

3. On p. 78980, seventh line from the bottom of the third column under the heading ''Flammability Information,'' remove the sentence, ''HFC–365mfc has no flash point.'' Add the following sentences at the end of that paragraph: ''HFC–365mfc has a flash point below −27 °C. This compound is flammable, but less flammable than hydrocarbon solvents.''

4. On p. 78981, 32nd line from the top of the second column under the heading ''Flammability Information,'' remove the sentence, ''HFC–365mfc has no flash point.'' Add the following sentences at the end of that paragraph: ''HFC–365mfc has a flash point below −27 °C. This compound is flammable, but less flammable than hydrocarbon solvents.''

5. On p. 78984, in the ninth and tenth lines from the bottom of the third column, correct the reference to the ozone depletion potential of n-propyl bromide in the tropics to be ''0.087 to 0.105.''

6. On p. 78987, in the ninth and thirteenth lines from the top of the ''Substitute'' column in the table, for the end use of very low temperature refrigeration, remove the reference to ''CFC–113'' and add ''CFC–13'' in its place.

7. On p. 78988, in the eighth and fourteenth lines from the top of the ''Substitute'' column in the table, for the end uses of centrifugal and reciprocating chillers, remove the references to ''HCFC–12'' and add ''HCFC–22'' in their place.

Dated: February 1, 2001.

Drusilla Hufford,

Director, Global Programs Division.

[FR Doc. 01–5565 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG15

Endangered and Threatened Wildlife and Plants: Final Designation of Critical Habitat for the Arroyo Toad; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; Correction.

SUMMARY: The final rule to establish critical habitat for the arroyo toad was published in the **Federal Register** on February 7, 2001; the effective date for this final rule is March 9, 2001. This document contains corrections to the Final Designation of Critical Habitat for the Arroyo Toad. These corrections are necessary to provide the correct name for the Fallbrook Naval Weapons Station and to clarify the maps provided with the critical habitat designation. As noted in the final rule, the GIS maps are provided to assist the public in identifying areas that may fall within the designation. The legal descriptions of the critical habitat designation required by regulation (50 CFR 424.12(c)) are the UTM coordinates that provide specific limits using reference points as found on standard topographic maps of the areas. These coordinates and legal descriptions are correct as published in the **Federal Register**.

DATES: This correction is effective March 9, 2001.

FOR FURTHER INFORMATION CONTACT: For information about Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties, northern Los Angeles County and the desert portion of San Bernardino County, contact Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2394 Portola Road, Suite B, Ventura, California, (telephone 805/644–1766; facsimile 805/644–3958). For information about southern Los Angeles and urban and montane San Bernardino Counties, and Riverside, Orange, and San Diego Counties, contact Ken Berg, Field Supervisor, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008 (telephone 760/431–9440; facsimile 760/431–9624).

SUPPLEMENTARY INFORMATION: On February 7, 2001, the U.S. Fish and Wildlife Service (Service) designated critical habitat for the arroyo toad (*Bufo californicus*) pursuant to the Endangered Species Act of 1973, as amended (Act) (66 FR 9414). A total of approximately 73,780 hectares (182,360 acres) in Monterey, Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, California, is designated as critical habitat.

As published, the final rulemaking contained errors in the title of the Fallbrook Naval Weapons Station and in the maps depicting critical habitat for units 1–22. In the final rule we inadvertently referred to the Fallbrook Naval Weapons Station as a Reserve. In addition, we mistakenly included draft maps, rather than the final, of the designated critical habitat. We are providing corrected GIS maps. These GIS maps are not the legal descriptions of the habitat. We provided legal descriptions, as required by regulation (50 CFR 424.12(c)), with specific limits using reference points (UTM coordinates) as found on standard topographic maps of the areas; the legal descriptions in the final rule are correct. The GIS maps are provided to help the public understand the general location of the designated critical habitat.

Accordingly, make the following corrections to FR Doc. 01–2253 published at 66 FR 9413 on February 7, 2001:

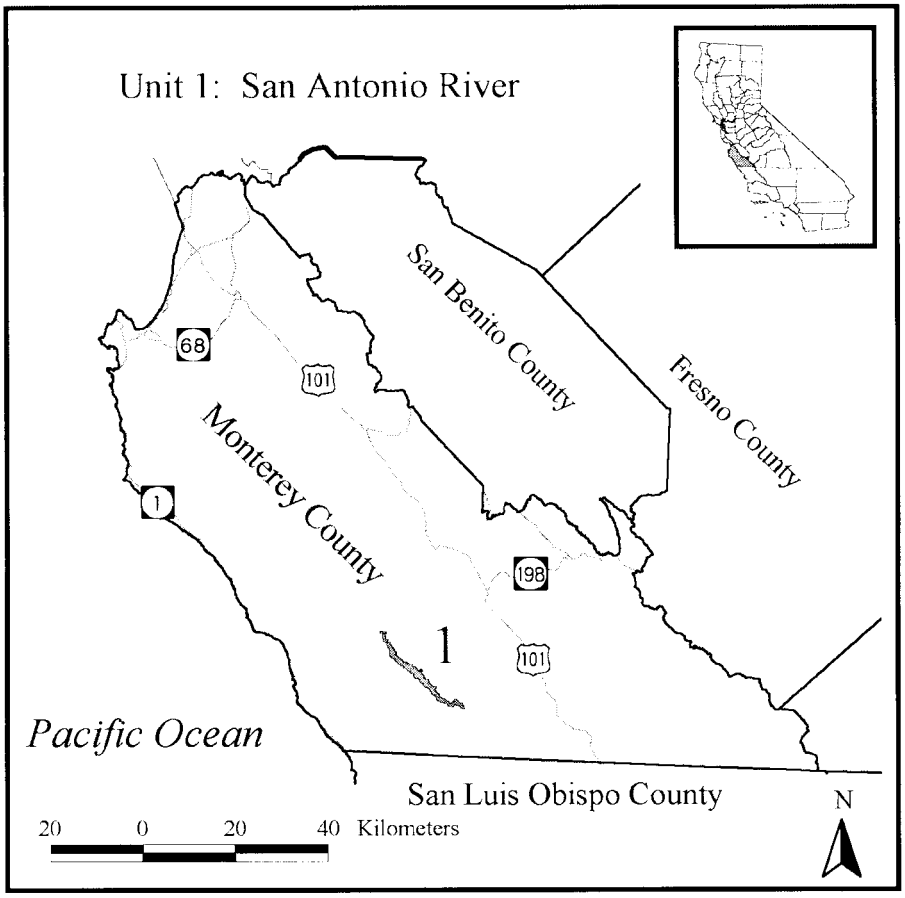
PART 17—[CORRECTED]

1. On pages 9427 and 9436, in the middle columns, correct ''Fallbrook Naval Weapons Reserve'' to read as follows:

Fallbrook Naval Weapons Station

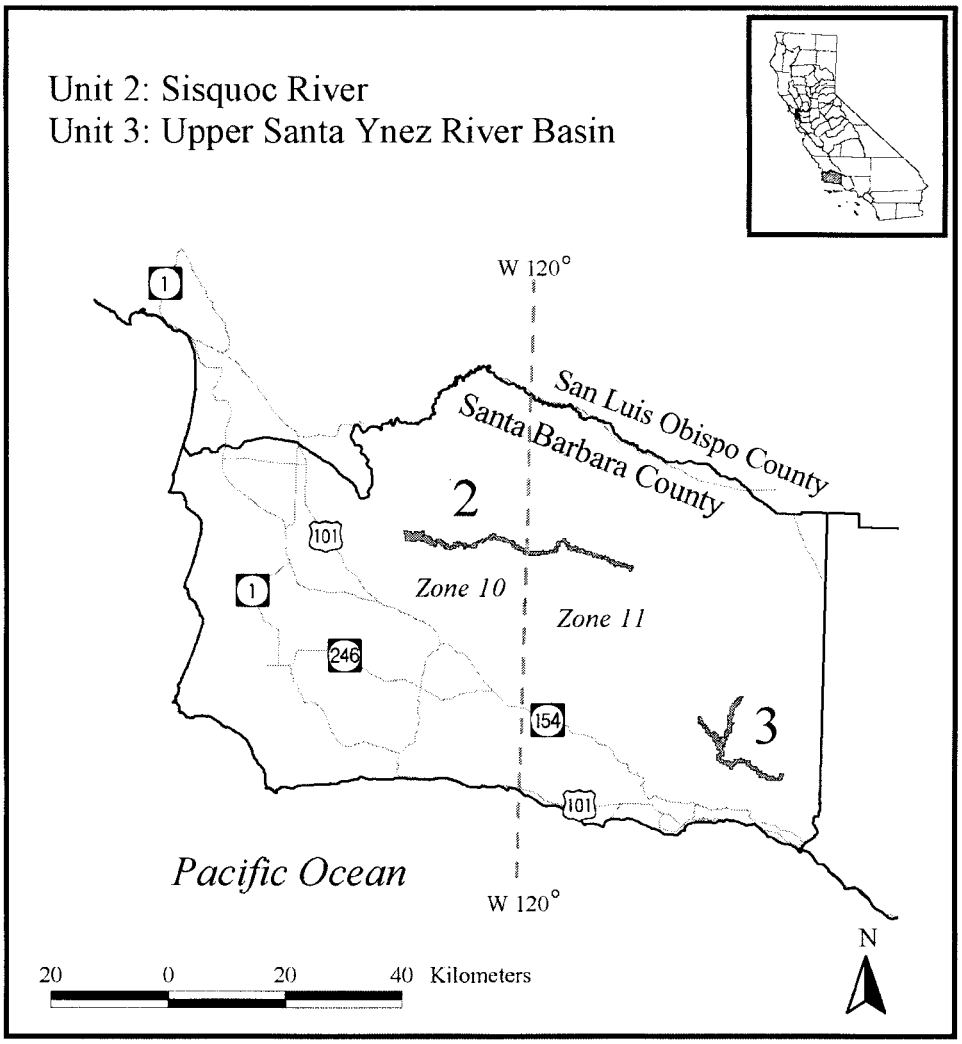
BILLING CODE 4310–55–P

2. On page 9453, correct the map for Unit 1 to read as follows:



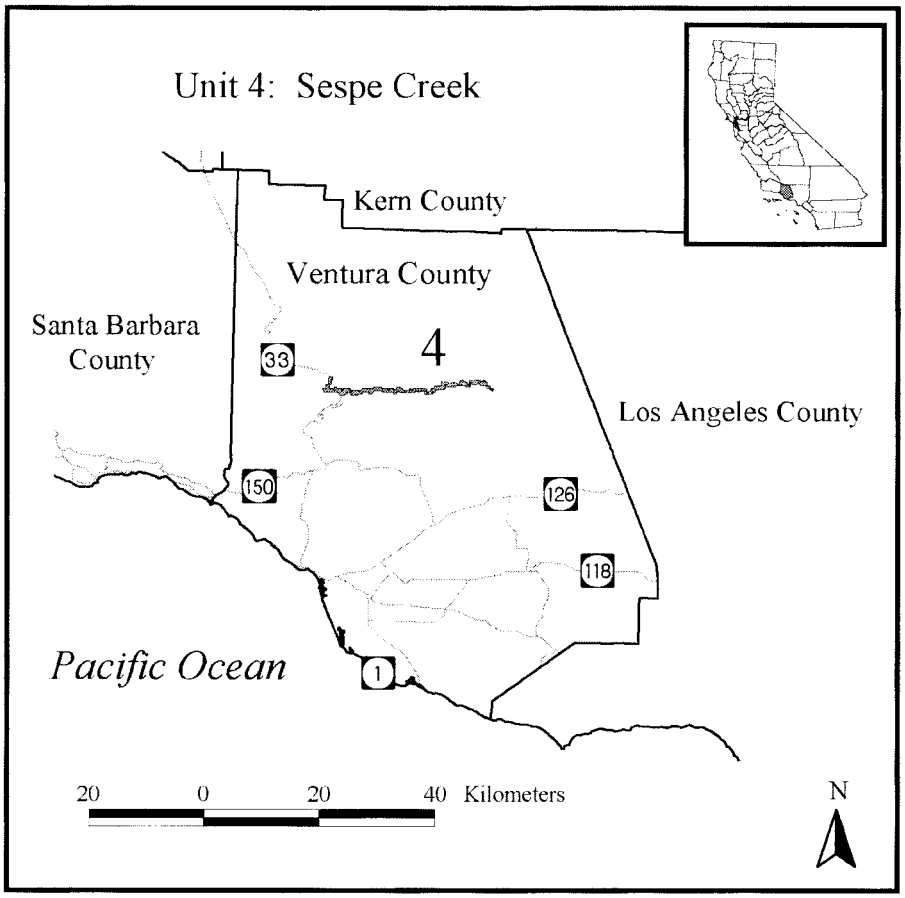
BILLING CODE 4310–55–C

3. On page 9454, correct the map for Unit 2 and 3 to read as follows:



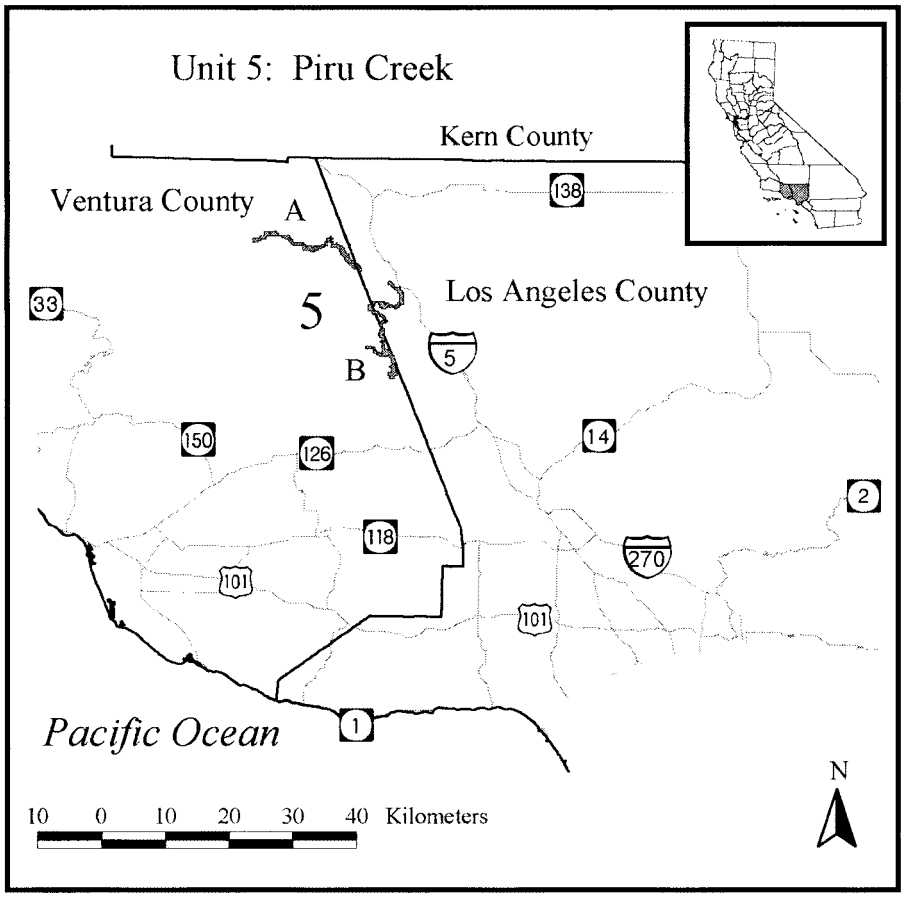
BILLING CODE 4310–55–C

4. On page 9456, correct the map for Unit 4 to read as follows:



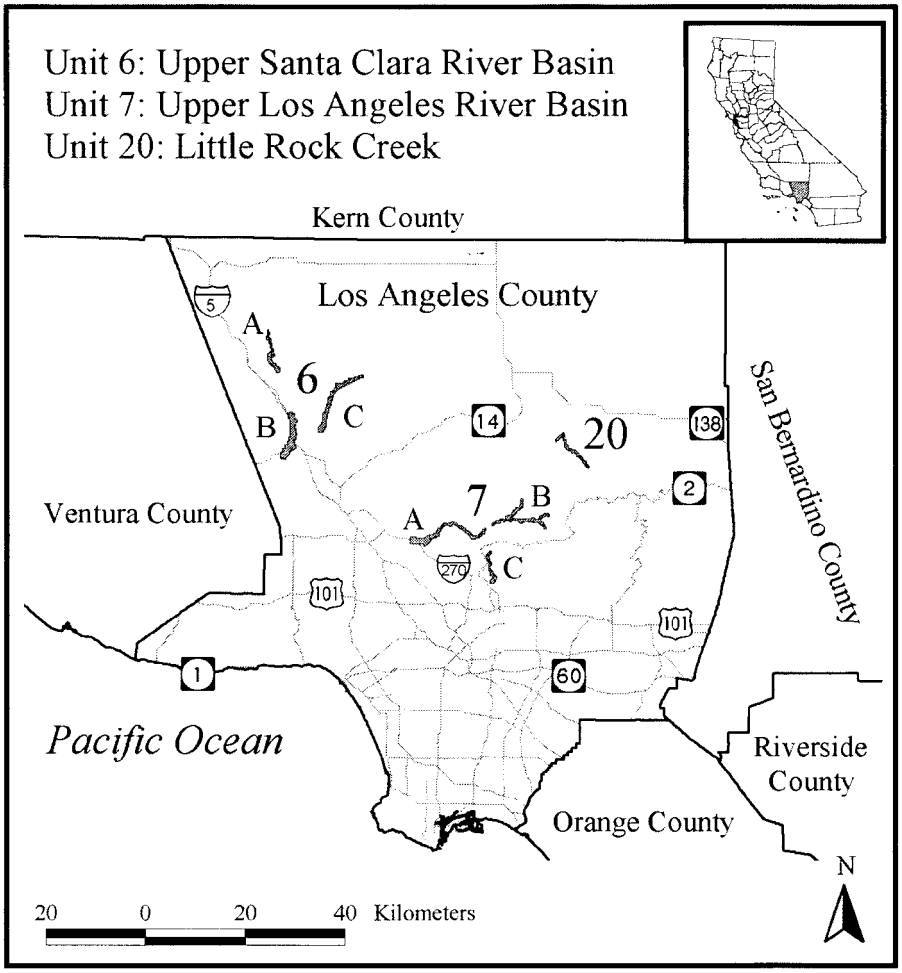
BILLING CODE 4310–55–C

5. On page 9457, correct the map for Unit 5 to read as follows:



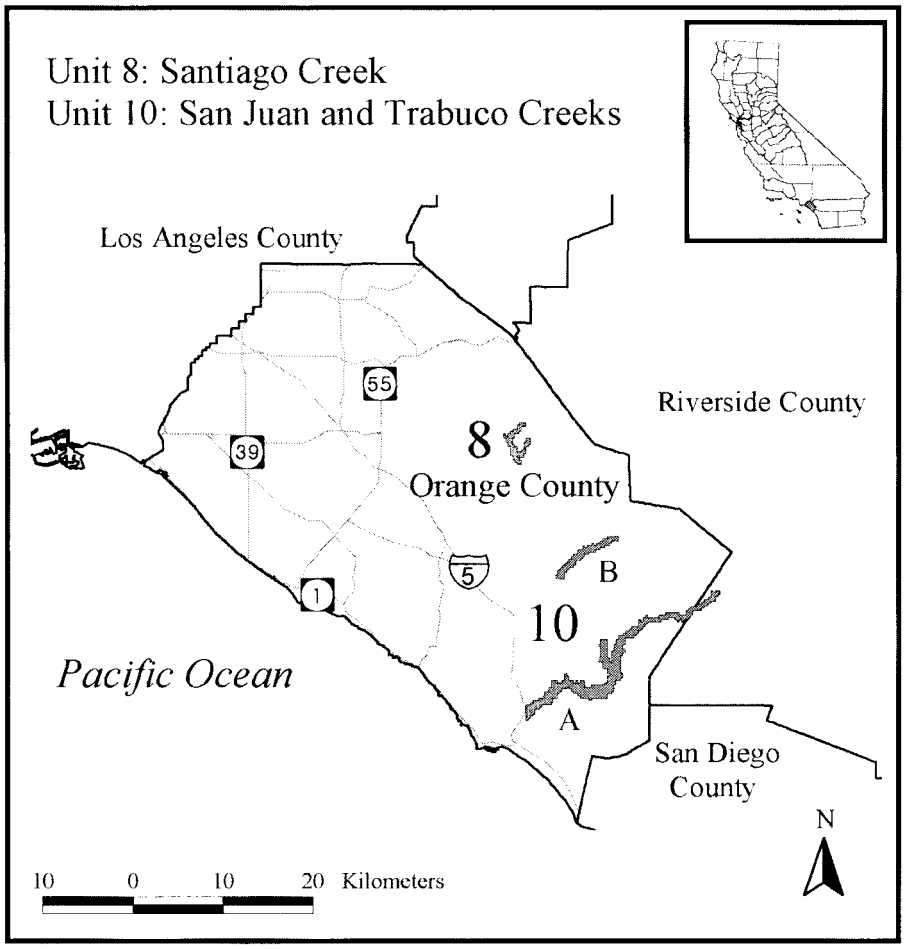
BILLING CODE 4310–55–C

6. On page 9458, correct the map for Unit 6,7, and 20 to read as follows:



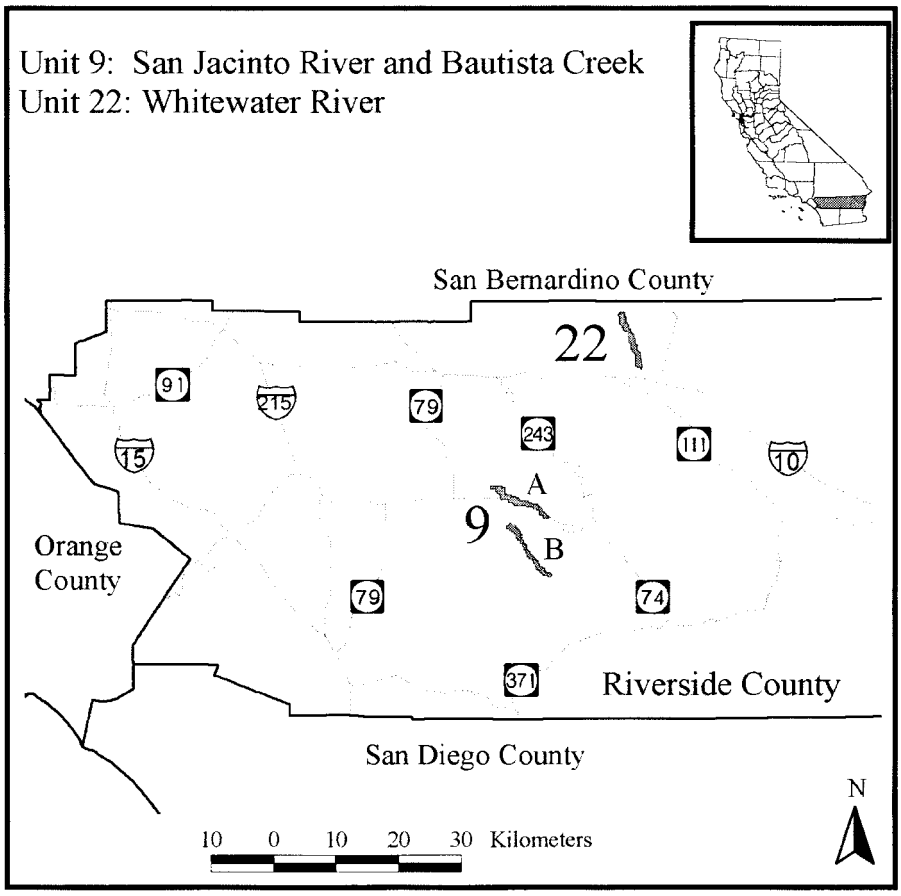
BILLING CODE 4310–55–C

7. On page 9460, correct the map for Unit 8 and 10 to read as follows:



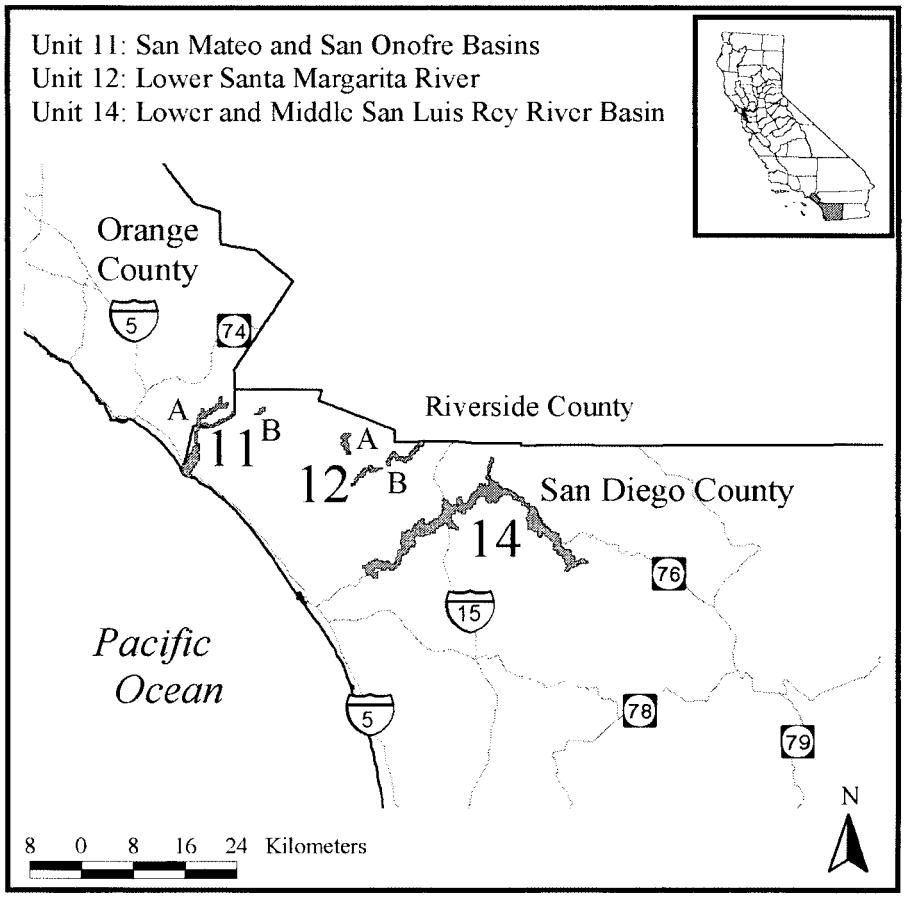
BILLING CODE 4310–55–C

8. On page 9461, correct the map for Unit 9 and 22 to read as follows:



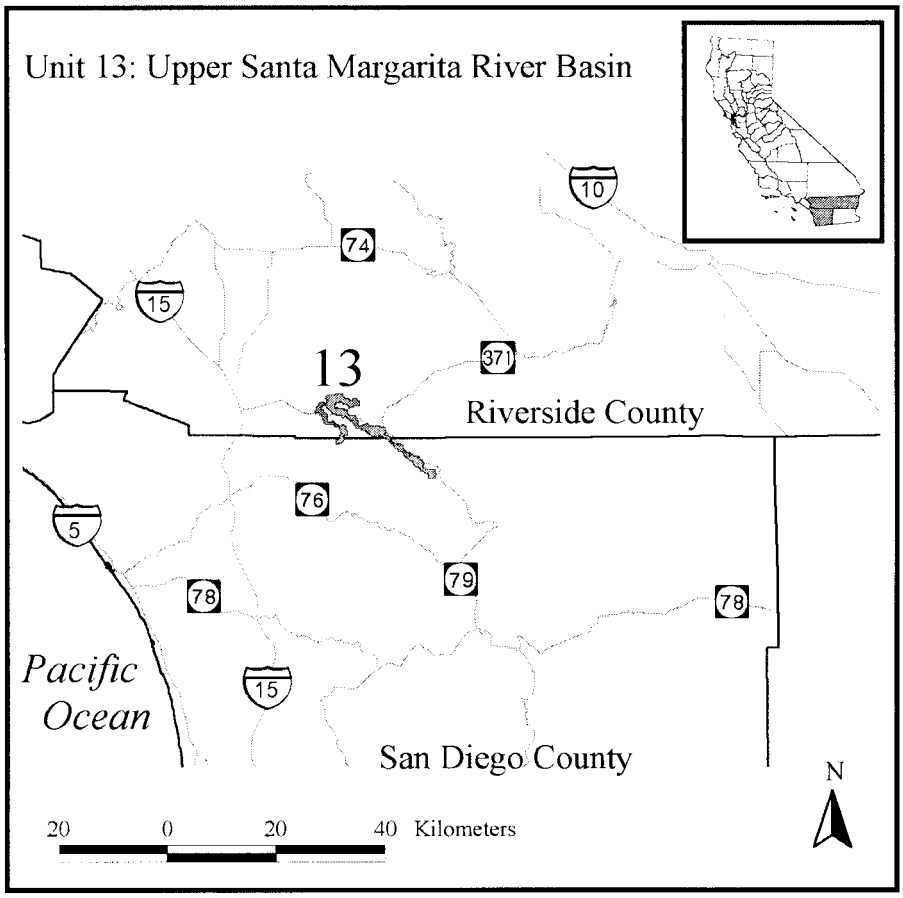
BILLING CODE 4310–55–C

9. On page 9463, correct the map for Unit 11, 12, and 14 to read as follows:



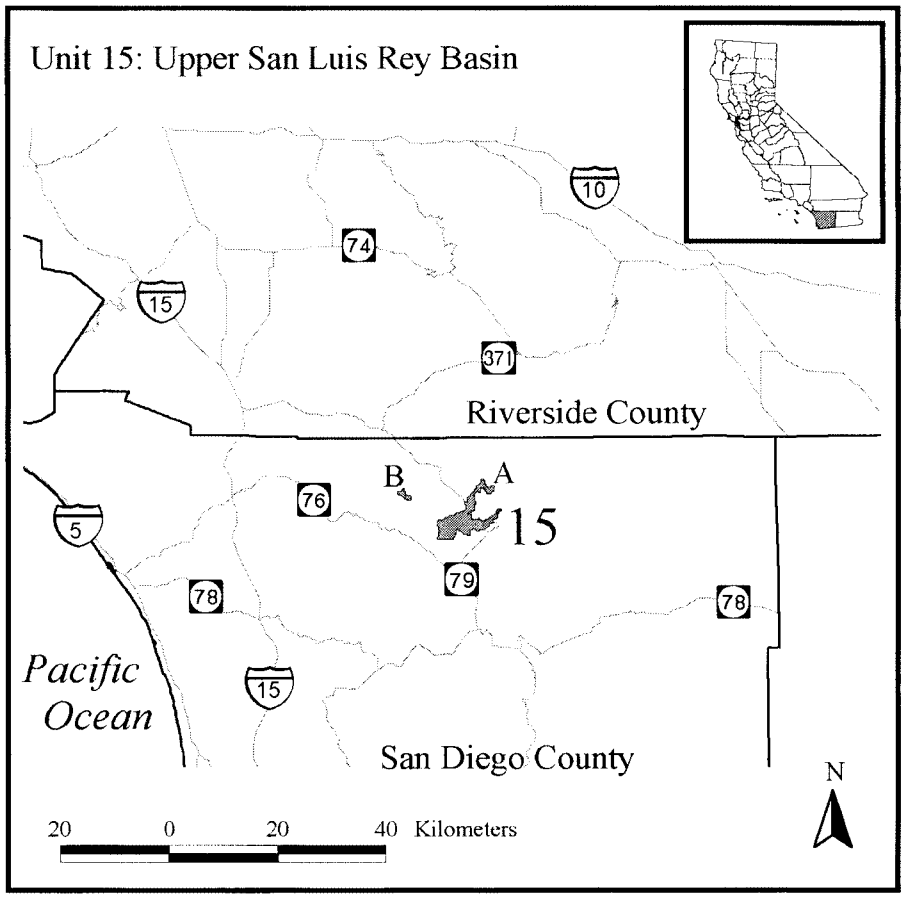
BILLING CODE 4310–55–C

10. On page 9464, correct the map for Unit 13 to read as follows:



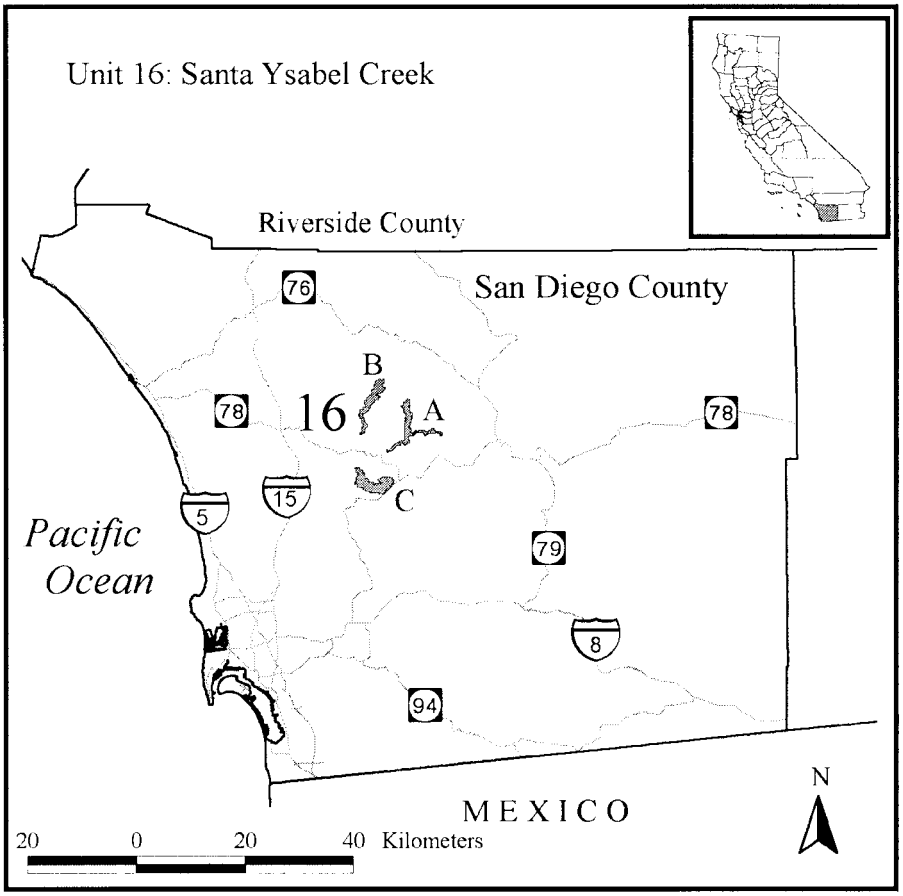
BILLING CODE 4310–55–C

11. On page 9466, correct the map for Unit 15 to read as follows:



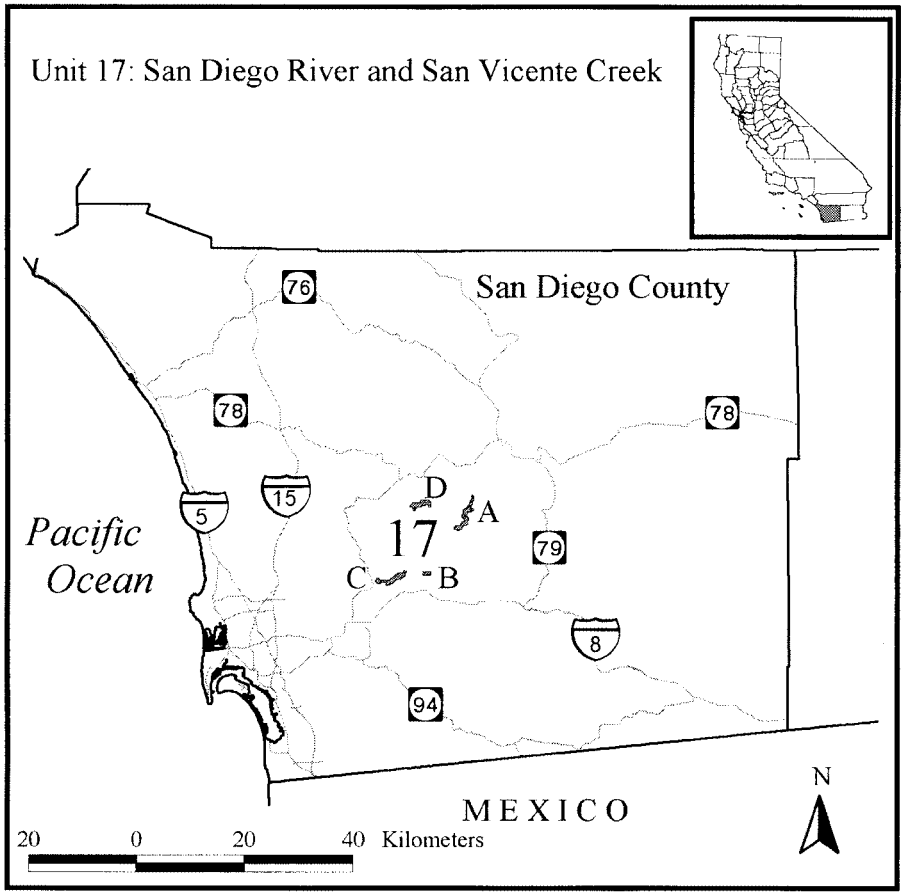
BILLING CODE 4310–55–C

12. On page 9467, correct the map for Unit 16 to read as follows:



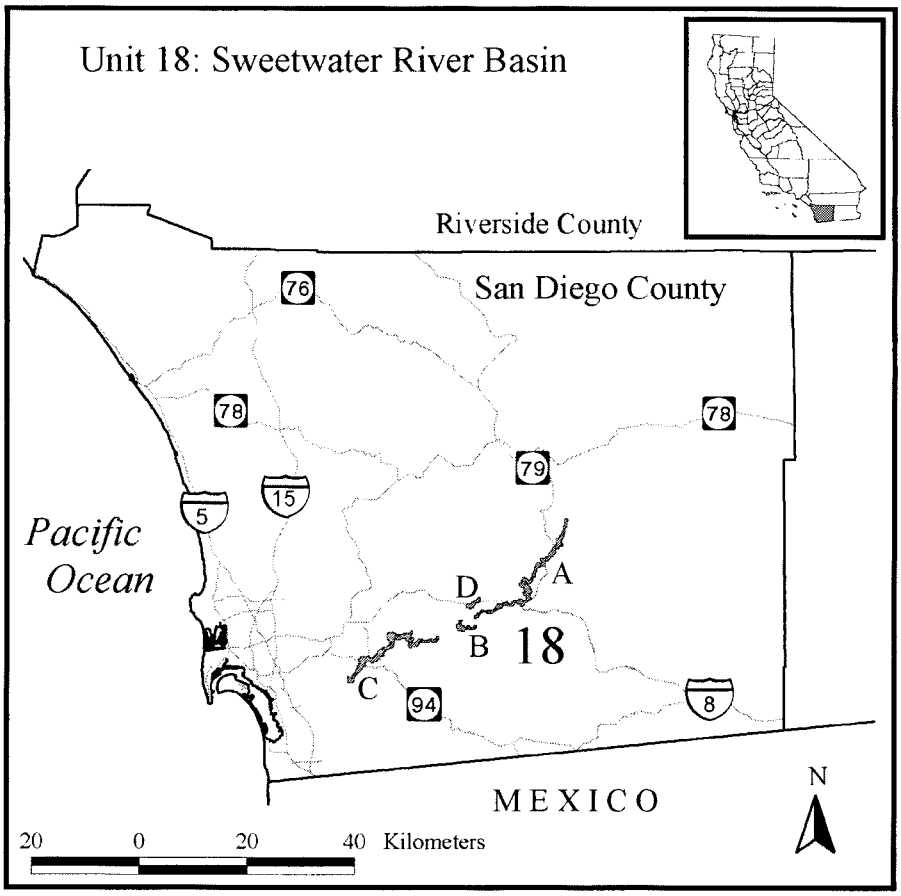
BILLING CODE 4310–55–C

13. On page 9468, correct the map for Unit 17 to read as follows:



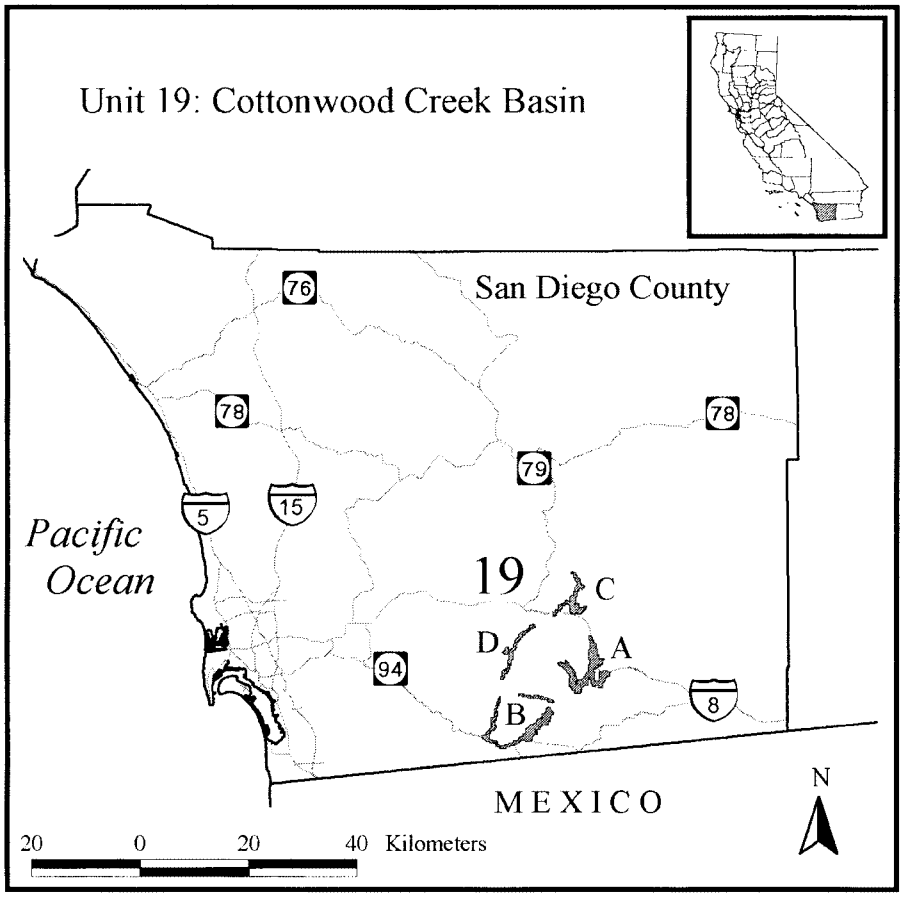
BILLING CODE 4310–55–C

14. On page 9469, correct the map for Unit 18 to read as follows:



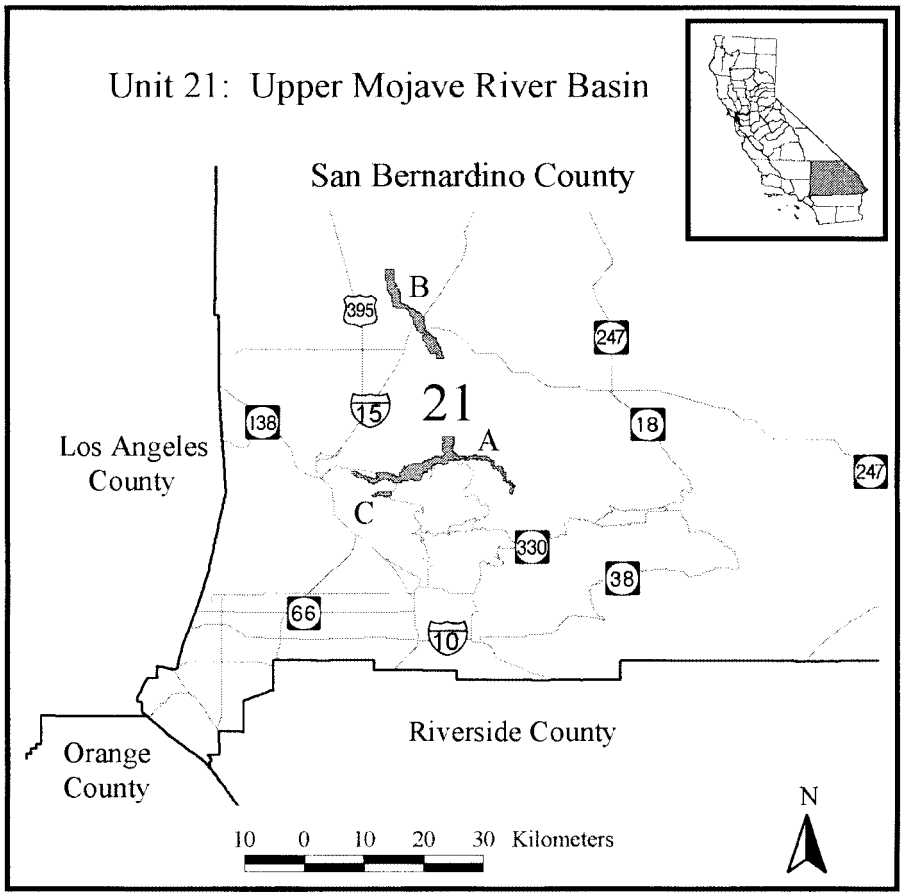
BILLING CODE 4310–55–C

15. On page 9471, correct the map for Unit 19 to read as follows:



BILLING CODE 4310–55–C

16. On page 9473, correct the map for Unit 21 to read as follows:



BILLING CODE 4310–55–C

Dated: February 23, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–5497 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 030201A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season amount of the Pacific cod total allowable catch (TAC) apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 4, 2001, until 1200 hrs, A.l.t., June 10, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2001 A season Pacific cod TAC apportioned to vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area is 16,335 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season amount of the Pacific cod TAC apportioned to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 14,335 mt, and is setting aside the remaining 2,000 as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting

directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2001 A season Pacific cod TAC specified for the inshore component in the Central Regulatory Area constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion to prevent exceeding the 2001 A season Pacific cod TAC specified for the inshore component in the Central Regulatory Area constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 2, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–5550 Filed 3–2–01; 3:51 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991207325-0063-02; I.D. 100699A]

RIN 0648–AJ52

Fisheries in the Exclusive Economic Zone Off Alaska; A Cost Recovery Program for the Individual Fishing Quota Program; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects regulatory text in the final rule that implements a cost recovery program for the Individual Fishing Quota (IFQ) program for fixed gear halibut and sablefish fisheries in waters in and off of Alaska, which was published in the **Federal Register** on March 20, 2000.

DATES: Effective March 15, 2000.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on March 20, 2000 (65 FR 14919), to implement the IFQ cost recovery program. In the regulatory text portion of the final rule, the procedure described for payment of IFQ fees incorrectly included notarizing the fee payment section.

Need for Correction

As published, the final rule contained an error that must be corrected:

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Accordingly, 50 CFR part 679 is corrected by making the following correcting amendment:

1. The authority for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

§ 679.5 [Corrected]

2. In § 679.5, paragraph (l)(7)(ii)(C)(*4*)(*i*) is correctly revised to read as follows:

* * * * *

(l) * * *

(7) * * *

(ii) * * *

(C) * * *

(*4*) *Fee payment and certification section*–(*i*) *Information required.* An IFQ permit holder with an IFQ landing must provide his or her NMFS person identification number and must sign and date the Fee Payment section and record the following: his or her printed name; the total annual fee amount as calculated and recorded on the Fee Calculation page; the total of any pre-payments submitted to NMFS that apply to the total annual fee amount; the remaining balance fee; and the enclosed payment amount.

* * * * *

Dated: February 27, 2001.

William T. Hogarth,

Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5559 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000629198-1038-02; I.D. 051500D]

RIN 0648-AM72

Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule implementing Amendment 66 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) and defining directed fishing for pollock CDQ. Amendment 66 removes the allocation of squid to the Western Alaska Community Development Quota (CDQ) Program to prevent the catch of squid from limiting the catch of pollock CDQ. The regulatory amendment defining directed fishing for pollock CDQ implements the intent of the American Fisheries Act (AFA) that only pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. Pollock caught incidentally in other groundfish CDQ fisheries will accrue against the pollock incidental catch allowance (ICA) established under the AFA. In addition, this definition allows NMFS to enforce closures to directed fishing for pollock CDQ in areas such as Steller Sea Lion conservation area or the Chinook Salmon Savings Area. This action is necessary to implement Amendment 66 and the CDQ Program-related provisions of the AFA. NMFS expects it to further the goals and objectives of the FMP.

DATES: Effective April 6, 2001.

ADDRESSES: Copies of Amendment 66 to the FMP, the two Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analyses (EA/RIR/IRFA), or the single Final Regulatory Flexibility Analysis (FRFA) prepared for these actions are available

from NMFS, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, or by calling the Alaska Region, NMFS, at 907–586–7228. Send comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to the Administrator, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907–586–7389, sally.bibb@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) according to the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels appear at 50 CFR parts 600 and 679.

Amendment 66 was approved by NMFS on August 30, 2000. This amendment removes the allocation of 7.5 percent of the BSAI squid total allowable catch (TAC) to the CDQ Program to prevent the catch of squid CDQ from limiting the catch of pollock CDQ. Amendment 66 was adopted by the Council at its June 1999 meeting without objection. NMFS published a notice of availability of the FMP amendment at 65 FR 34434, May 30, 2000, and invited comments on the FMP amendment through July 31, 2000. One letter of comment was received on the FMP amendment. The comments from this letter are summarized below in ''Response to Comments.'' NMFS published a proposed rule to implement Amendment 66 and to define ''directed fishing for pollock CDQ'' on July 17, 2000 (65 FR 44018). Public comments were requested through August 31, 2000. No comments were received on the proposed rule.

NMFS proposed a method for determining whether a vessel operator was directed fishing for pollock CDQ to implement the intent of the AFA with respect to pollock CDQ accounting. The AFA establishes the pollock CDQ allocation as a ''directed fishing allowance,'' which means that only pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. Pollock caught by vessels CDQ fishing, but not directed fishing for pollock CDQ, accrue against the pollock ICA. Based on the recommendation of the Council, NMFS proposed that the determination of whether a vessel operator was directed fishing for pollock CDQ would be based on the percent of pollock in each haul by a catcher/processor and each delivery by a catcher vessel. Hauls and deliveries in which pollock represented 60 percent or more of the total weight of groundfish would be considered directed fishing for pollock CDQ. In this final rule, NMFS revises the basis of determining directed fishing for pollock CDQ by catcher vessels from the definition that was included in the proposed rule. The revision is explained below in the section titled ''Changes from the Proposed Rule.''

Additional information about the objective of, and the impacts of Amendment 66 and the specific method for determining whether a vessel operator is directed fishing for pollock CDQ are described in the Classification section of this final rule and in the proposed rule (65 FR 44018, July 17, 2000).

Pollock Catch in the 2000 CDQ Fisheries

In 2000, 113,900 mt of pollock and 148 mt of squid were allocated to the CDQ Program. Through December 18, 2000, approximately 113,554 mt of pollock accrued against the pollock CDQ allocation because they were caught in hauls or deliveries in which pollock represented 60 percent or more of the catch. Approximately 469 mt of pollock accrued against the pollock ICA because they were caught in hauls or deliveries in which pollock represented less than 60 percent of the total catch. NMFS allocated approximately 51,255 mt of pollock to the 2000 pollock ICA for pollock caught incidentally in the CDQ and non-CDQ groundfish fisheries. Therefore, the incidental catch of pollock in the CDQ fisheries has, thus far in 2000, represented less than 1 percent of the amount of pollock available in the ICA.

Approximately 51 mt of squid have been caught in the CDQ fisheries through December 18, 2000. This amount represents about 34 percent of the 2000 squid CDQ allocation of 148 mt.

Response to Comments

NMFS received one letter of comment on Amendment 66 from the Center for Marine Conservation (CMC). Although the CMC does not specifically recommend that NMFS disapprove Amendment 66, it raises several concerns about the rationale for Amendment 66 and the management of squid in general.

Comment 1: The CMC questions NMFS' apparent interpretation that section 206(a) of the AFA requires NMFS to ensure that the CDQ groups harvest their 10 percent allocation of the pollock TAC. The CMC believes that NMFS is inappropriately prioritizing full harvest of the pollock CDQ allocations over the Magnuson-Stevens Act requirements to minimize bycatch. Furthermore, the CMC asserts that Amendment 66 sets a bad precedent by removing an allocation of a species from the CDQ Program to prevent the bycatch of that species from limiting the CDQ groups' harvest of a target species.

Response: The CMC correctly states that NMFS and the Council have interpreted that when Congress increased the allocation of pollock to the CDQ Program under the AFA, it intended that the CDQ groups harvest this increased allocation. In light of the increased allocation of pollock CDQ under the AFA, the Council re-evaluated the impact of the strict quota accountability requirements of the CDQ Program increasing the pollock CDQ allocation, which increased the chance that the 7.5 percent squid CDQ allocation would be reached before the pollock CDQ allocation was caught. In doing so, the Council and NMFS considered the trade-offs between the amount of squid bycatch in the CDQ fisheries and the importance of the pollock CDQ allocation in achieving the goals of the CDQ Program.

Section 301 of the Magnuson-Stevens Act requires that fishery management plans and their amendments be consistent with the national standards. As the CMC stated, national standard 9 requires that conservation and management measures shall, to the extent practicable, minimize bycatch and the mortality of such bycatch. Squid is a bycatch species in the BSAI groundfish fisheries and is caught primarily in the pollock fisheries. Removing squid as a CDQ species could, under some circumstances, result in a higher total catch of squid in the CDQ fisheries than would have occurred under the status quo. However, under both Amendment 66 and the status quo, the total catch of squid in the CDQ and non-CDQ fisheries combined is limited by the squid TAC, acceptable biological catch (ABC), and overfishing level (OFL). The total catch of squid in the CDQ and non-CDQ fisheries has been below the squid TAC since 1997, when new OFL definitions were implemented.

NMFS believes that Amendment 66 is consistent with the Magnuson-Stevens Act section 301 requirement that fishery management plans be consistent with all national standards, including

national standard 9. The stipulation ''to the extent practicable'' in national standard 9 requires the Council to consider minimizing bycatch together with other objectives. In recommending approval of Amendment 66, the Council and NMFS also considered consistency with all of the national standards. Specifically, national standard 1 requires that we prevent overfishing while achieving optimum yield and national standard 8 requires that management measures take into account the importance of fishery resources to fishing communities. Amendment 66 will increase the ability of the CDQ groups to fully harvest their pollock CDQ allocation, which is consistent with the objective of achieving optimum yield of the pollock TAC and the allocations provided under the AFA. With respect to national standard 8, the primary purpose of the CDQ allocations is to assist residents of 65 fishing communities in western Alaska to develop fisheries-based economies. Royalties received by the CDQ groups from their pollock CDQ allocation represented approximately 80 percent of the $25 million in royalties from the groundfish and crab CDQ allocations in 1999. Therefore, a management measure that increases the ability of the CDQ groups to fully harvest their pollock allocations is consistent with the objectives of national standard 8.

Comment 2: The CMC states that the EA does not adequately address Endangered Species Act and Marine Mammal Protection Act considerations with respect to Steller sea lions and the impact of squid harvests on the ecosystem. In addition, the CMC believes that NMFS should use more precaution in the procedure for setting OFL, ABC, and TAC for squid.

Response: The CMC's comments on the adequacy of the EA appear to be directed more toward the impact of the catch of the squid TAC in general than on Amendment 66. Amendment 66 addresses only the amount of squid that may be caught in the CDQ fisheries and the process used to account for squid catch in the CDQ and non-CDQ fisheries. Therefore, the CMC's concerns about the need for more information about squid, the process used to establish the squid TAC and OFL, the impact of squid harvests on Steller sea lions, or the impact on the ecosystem probably would not be alleviated by disapproval of Amendment 66. These concerns are more appropriately addressed in the annual specifications process through analysis documents required under the National Environmental Policy Act and the Endangered Species Act.

NMFS recognizes that the comments about the inadequacy of the EA for Amendment 66 are related to the U.S. District Court's July 13, 1999, remand order for the 1998 Final Supplemental Environmental Impact Statement (SEIS) NMFS prepared on setting TAC specifications and prohibited species catch limits. NMFS is preparing a programmatic SEIS for the GOA and BSAI groundfish fishery management plans in their entirety in accordance with the 1999 remand order. The EA prepared for Amendment 66 summarizes the biological and catch information for squid contained in the annual stock assessments documents and relies upon the information and conclusions of the 1998 SEIS for the groundfish fisheries off Alaska. The squid TAC, ABC, and OFL are determined annually through the groundfish specifications process. This process utilizes the best available scientific information on the status of the resource.

The finding of no significant impact as a result of Amendment 66 is based on the determination that, although the catch of squid in the CDQ fisheries may increase in some years, the total catch of squid in the BSAI CDQ and non-CDQ groundfish fisheries combined will continue to be limited by the squid TAC, ABC, and OFL. In many years, Amendment 66 will have no impact on the total catch of pollock or squid in the BSAI because the catch of squid in the CDQ fisheries will be less than 7.5 percent of the squid TAC.

On November 30, 2000, NMFS released a comprehensive biological opinion under the ESA (available from NMFS, see **ADDRESSES**). The biological opinion analyzed the impacts of the commercial groundfish fishery in the BSAI and GOA on Steller sea lions and other ESA listed species present in the area. In the biological opinion, NMFS determined that squid was an important component of the Steller sea lion diet. However, pollock, Pacific cod, and Atka mackerel were identified as the most important food sources. The fishery management measures recommended by NMFS to protect Steller sea lions focused on limiting the catch of pollock, Pacific cod, and Atka mackerel in critical habitat areas and during critical times of the year. Approximately 93 percent of the 384 mt of squid caught in the Bering Sea and Aleutian Islands groundfish fisheries in 2000 were caught in directed fisheries for pollock. Therefore, any limitations imposed on the directed fishery for pollock to protect Steller sea lions will similarly affect the catch of squid in critical habitat areas or during critical times of the year.

Changes from the Proposed Rule

In the final rule, NMFS is not implementing a stand-alone definition of directed fishing for pollock CDQ, as was proposed in the proposed rule. Rather, NMFS is adding a paragraph to the general definition of ''directed fishing'' in § 679.2 to include a reference to the calculation of directed fishing for the CDQ fisheries under § 679.20(f)(3). The specific method of calculating directed fishing for pollock CDQ using the 60 percent threshold is in this new paragraph § 679.20(f)(3).

This organization of the regulations is consistent with how directed fishing under the license limitation program and the American Fisheries Act fisheries is defined. NMFS expects to be required to define additional directed fisheries under the CDQ Program in future rulemakings. The organization established in this final rule provides a more logical regulatory base for adding new CDQ directed fishing calculations than having separate definitions in § 679.2 for each CDQ directed fishery.

The definition of directed fishing for pollock CDQ in the proposed rule was as follows:

> Directed fishing for pollock CDQ means, for purposes of determining whether pollock caught while CDQ fishing accrues against the pollock CDQ allocation or the pollock incidental catch allowance, a vessel operator using trawl gear is directed fishing for pollock CDQ if pollock represents 60 percent or more of the total catch of groundfish species by weight in a haul by a catcher/processor or a delivery by a catcher vessel. The groundfish species used to calculate total catch includes all species categories defined in Table 1 of the annual BSAI specificatios.

In the final rule, NMFS removes reference to ''for purposes of determining whether pollock caught while CDQ fishing accrues against the pollock CDQ allocation or the pollock incidental catch allowance.'' In addition, NMFS revises the wording of the calculation of directed fishing for pollock CDQ for catcher vessels. In the proposed rule, the calculation of directed fishing for pollock CDQ was based on the percent of pollock in the delivery by a catcher vessel. CDQ Program quota accounting for catcher vessels is done at the time of delivery. Therefore, the definition in the proposed rule accomplished the objective of the AFA to properly account for the catch of pollock against the pollock CDQ or the pollock ICA.

In the time since the proposed rule was initiated, additional regulations have been implemented that require NMFS to be able to determine whether

a vessel is directed fishing for pollock CDQ at any time during a fishing trip. This determination is necessary to enforce closures of areas to directed fishing for pollock CDQ. Two areas that currently can be closed to directed fishing for pollock CDQ are the Steller sea lion conservation area (65 FR 3892; January 25, 2000) and the Chinook Salmon Savings Area (65 FR 60587; October 12, 2000). The definition in the proposed rule would have allowed the determination of whether a catcher vessel operator was directed fishing for pollock CDQ only at the time a delivery was made. It would not have allowed a determination to be made while the vessel was participating in a CDQ fishery, before it delivered its catch.

In this final rule, NMFS bases the calculation of directed fishing for pollock CDQ by a catcher vessel on the percent of pollock in the total catch of groundfish onboard the vessel at any time. This revision allows the determination of whether an operator of a catcher vessel is directed fishing for pollock CDQ at any time during a fishing trip, including at the time of delivery. Thus, NMFS can use the 60 percent threshold for both quota accounting under the AFA and for determining whether a vessel is directed fishing for pollock CDQ for purposes of enforcing time and area closures implemented through other rulemaking.

For catcher/processors, calculating directed fishing on the basis of the percent of pollock in a haul allows the determination of directed fishing at any time while the vessel operator is fishing or after fishing has been completed. Therefore, no revision is made to text from the proposed rule related to the method of calculating directed fishing for catcher/processors.

The final rule adds § 679.32(a)(2) and (e) with a minor change from the proposed rule to correct the reference to § 679.20(f)(3). Section 679.32(a)(2) is a reference to the location of the pollock CDQ catch accounting regulations at paragraph (e). Section 679.32(e) contains the requirements that pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. All other catch of pollock in the CDQ fisheries accrue against the pollock ICA. Paragraph (e) also reiterates that 100 percent of all pollock caught in the groundfish CDQ fisheries, regardless of the percent of pollock in the haul or delivery, would be retained under the Improved Retention/Improved Utilization (IR/IU) regulations at § 679.27.

The following regulatory amendments to 50 CFR part 679 are implemented by this final rule with no change from the proposed rule:

1. In § 679.20, paragraph (b)(1)(iii)(A) is revised to remove the allocation of 7.5 percent of the squid TAC to the CDQ Program.

2. In § 679.31(f), the reference to the squid CDQ is removed from the paragraph describing the non-specific CDQ reserve. Squid will no longer be allocated to the CDQ Program, so NMFS could not allocate a portion of the squid CDQ to each CDQ group's non-specific CDQ reserve.

Compliance Guide for Small Entities

The removal of the allocation of squid does not result in additional recordkeeping or reporting requirements that must be complied with by small entities or any other entity participating in the CDQ fisheries. Current CDQ recordkeeping and reporting requirements at § 679.5(n) require the CDQ groups and shoreside processors to report the weight of all ''CDQ species'' on the CDQ catch report and CDQ delivery report. Squid will no longer be defined as a CDQ species, so squid will no longer be required to be reported on the CDQ catch report or the CDQ delivery report. However, no changes will be made to the recordkeeping and reporting requirements because these requirements do not refer to individual species but rather the general category of ''CDQ species.'' The CDQ groups and shoreside processors can comply with the removal of squid from the CDQ Program by no longer reporting squid catch on their CDQ catch reports and CDQ delivery reports. They also may continue to report squid on the CDQ catch report and the CDQ delivery report if they wish to do so, although the CDQ catch accounting computer programs will disregard squid weights for purposes of CDQ catch accounting. Squid catch will continue to be reported by observers and by industry on their logbooks and in weekly production reports. The squid catch in the CDQ fisheries will be subtracted from the overall squid TAC through separate computer programs (the ''blend system'') that account for catch in the non-CDQ fisheries.

Implementing a method for determining whether a vessel operator is directed fishing for pollock CDQ also will not result in any changes in the recordkeeping and reporting requirements. The CDQ groups and shoreside processors will continue to report the catch of all pollock while CDQ fishing. NMFS will use current computer programs to subtract only pollock that is caught in hauls or deliveries with 60 percent or more pollock from the CDQ groups' pollock CDQ allocations and to accrue the remainder of the pollock against the pollock ICA.

Classification

The Administrator, Alaska Region, NMFS, determined that Amendment 66 is necessary for the conservation and management of the BSAI groundfish fisheries and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a FRFA as required by the Regulatory Flexibility Act (RFA). A copy of this analysis is available from NMFS (see **ADDRESSES**) and is summarized below. The one letter of comment received on Amendment 66 did not address the IRFA or any issues associated with the impact of the action on small entities.

The objective of Amendment 66 and its removal of squid as a CDQ species is elimination of the possibility that CDQ groups will be unable to harvest all of their pollock CDQ allocations because they catch their squid CDQ allocation first. The incidental catch of squid in the 1998 pollock CDQ fisheries indicated that, at least in some years, the CDQ groups would catch their squid CDQ allocation of 148 mt before they harvested the full amount of their pollock CDQ allocations. Under existing CDQ catch monitoring and accounting regulations, as long as squid remains a CDQ species, the CDQ groups will be prohibited from exceeding their squid CDQ allocation even if this amount of squid CDQ is caught before the CDQ groups harvest all of their pollock CDQ. If the CDQ groups continue to fish for pollock CDQ after they reach their squid CDQ allocation, they likely will catch additional squid and increase their squid CDQ overage. Therefore, to avoid facing enforcement action due to a squid CDQ overage, the CDQ groups would have to stop pollock CDQ fishing before they reached their pollock CDQ allocation. If the CDQ groups are unable to fully harvest their pollock CDQ allocations, returns to the CDQ group in pollock royalty revenues will decrease.

The objective of the regulatory amendment to define directed fishing for pollock CDQ is to implement the intent of the AFA. The AFA requires that only pollock caught while directed fishing for pollock CDQ accrue against the pollock CDQ allocation. NMFS considered four alternatives for defining directed fishing for pollock CDQ. Alternative 1 is the status quo, which would not distinguish between pollock

caught while directed fishing for pollock CDQ from pollock caught incidentally to other groundfish CDQ fisheries. This alternative is not consistent with the AFA.

Alternative 2 would define directed fishing for pollock CDQ in the same manner as was implemented under an emergency rule in 1999. Pollock caught in hauls by a catcher/processor or deliveries by a catcher vessel in which pollock represents 40 percent or more of the total groundfish catch by weight would accrue against the pollock CDQ (the ''40-percent threshold''). Pollock caught in hauls or deliveries in which pollock represents less than 40 percent of the total groundfish catch would accrue against the pollock ICA.

Alternative 3 is the same as Alternative 2 except that the threshold for defining directed fishing for pollock CDQ would be increased from 40 percent to 60 percent.

Alternative 4 would use maximum retainable amounts to define directed fishing for pollock CDQ, which is the method used to define directed fishing in all non-CDQ groundfish fisheries. A vessel operator would be directed fishing for pollock CDQ if the weight of pollock CDQ retained onboard the vessel was 20 percent or more of the weight of all retained CDQ species onboard the vessel.

Under Alternative 4, vessel operators could control whether they were directed fishing for pollock CDQ by discarding the amount of pollock that exceeded the maximum retainable amount. Under Alternatives 2 and 3, vessel operators cannot discard pollock to control whether they are directed fishing for pollock CDQ because they are required to retain all of their pollock under IR/IU regulations.

Amendment 66 and the accompanying regulatory amendments directly affect the six CDQ groups representing the 65 western Alaska communities that are eligible for the CDQ Program. The CDQ groups and the communities they represent all are small entities under the RFA.

The action also directly affects the owners of 10 trawl catcher/processors, one mothership, 22 trawl catcher vessels, and 3 shoreside processors that harvest and process pollock CDQ. None of these vessels or processors are small entities under the RFA for reasons explained more fully in the IRFAs and the FRFA.

Removing squid as a CDQ species will provide significant benefits to the CDQ groups and western Alaska communities they represent. It will allow the CDQ groups to more fully harvest their pollock CDQ allocations in years of high squid bycatch. Without Amendment 66, some risk existed that the pollock CDQ fisheries would be constrained if the catch of squid in the CDQ fisheries reached the squid CDQ allocation. If this occurred, the CDQ groups would have lost the opportunity to harvest all of their pollock CDQ and the royalties associated with this pollock catch. Based on recent years' squid incidental catch rates, this potential loss to the CDQ groups could range from $0 to $8.4 million annually. In addition to the loss of royalty revenue, the CDQ groups also would lose profit sharing and employment opportunities associated with full harvest of the pollock CDQ.

NMFS expects no negative impacts on the small entities participating in the CDQ Program or on any small entities participating in the non-CDQ groundfish fisheries as a result of removing the allocation of squid to the CDQ Program. The only exception occurs if the overall squid catch reaches an overfishing level, in which case some CDQ and non-CDQ fisheries would have to be constrained to prevent overfishing. This is unlikely since, to date, no domestic groundfish fishery has been limited due to the catch of squid reaching TAC or overfishing.

The regulatory amendment defining directed fishing for pollock CDQ also will directly affect the CDQ groups and CDQ communities. It will determine whether pollock caught in the CDQ fisheries will accrue against the pollock CDQ allocation or the pollock ICA. The CDQ groups benefit more from alternatives that maximize the amount of pollock that accrues against the pollock ICA. Of the four alternatives considered, Alternative 2 has the most negative impact on the CDQ groups because it would result in the largest amount of pollock accruing against the pollock CDQ allocations and the least amount accruing against the pollock ICA. Alternative 4 has the least negative impact on the CDQ groups because it would allow the groups to determine which vessels are directed fishing for pollock CDQ and would allow the catch of pollock by any other CDQ vessels to accrue against the ICA. The preferred alternative, with its 60 percent threshold for determining directed fishing for pollock CDQ, has less potential negative impacts on the CDQ groups than does Alternative 2, but more potential negative impacts than Alternative 4. NMFS estimates that the royalty value of the pollock CDQ allocation to the CDQ groups is about $22.1 million under Alternative 4. Depending on the value of the pollock CDQ harvested by vessels not intending to target on pollock under Alternative 2 and Alternative 3, NMFS estimates that the value of the pollock CDQ allocation could either (1) not change relative to the value under Alternative 4, or could (2) decrease up to $96,000 under Alternative 3 and decrease up to $312,000 under Alternative 2.

The definition of directed fishing for pollock CDQ also may indirectly affect up to 20 catcher/processors, 3 motherships, 8 shoreside processors, and 120 catcher vessels that participate in the AFA pollock fisheries (the 10 trawl catcher/processors, 1 mothership, 22 trawl catcher vessels, and 3 shoreside processors listed above as participating in the CDQ fisheries and directly affected by the alternatives are among the vessels and processors that also are indirectly affected by the alternatives). NMFS estimates that none of the catcher/processors, motherships, or shoreside processors are small entities for the reasons described above. However, approximately 40 of the 120 catcher vessels that participate in the AFA pollock fisheries are small entities based on information presented in the EA/RIR/IRFA prepared for Amendment 61 to the BSAI FMP - regulations implementing the AFA.

The vessels and processors participating in the AFA fisheries are indirectly impacted by the definition of directed fishing for pollock CDQ. Any pollock from the CDQ fisheries that accrues against the pollock ICA reduces the pollock directed fishing allowances available to the inshore, offshore, and mothership sectors under the AFA.

The status quo (not a viable alternative) would allow no accrual of pollock from the CDQ fisheries to the pollock ICA. Alternative 2 increases potential costs to participants in the directed pollock fisheries because pollock in hauls or deliveries in which pollock is less than 40 percent of the total catch would accrue to the pollock ICA (estimated range of 807 mt to 5,040 mt of pollock would accrue to the pollock ICA). Alternative 3 further increases potential costs to the AFA fishery participants under the 60 percent threshold (estimated range of 937 mt to 6,120 mt of pollock). Among the alternatives considered, Alternative 4 would provide the maximum potential costs to the directed AFA fishery because it would allow the CDQ groups to identify which vessels were directed fishing for pollock and allow all pollock caught by other CDQ vessels to accrue to the pollock ICA (estimated range 1,018 mt to 6,600 mt).

Both the pollock CDQ allocation and any pollock incidental catch from the other CDQ and non-CDQ groundfish fisheries are subtracted from the pollock TAC before pollock allocations are made

to the AFA directed pollock fisheries. Therefore, the more pollock that is allowed as incidental catch in the CDQ fisheries, the larger the amount subtracted from the ICA, and the lower the amount available for the directed pollock fisheries. The 40 trawl catcher vessels (small entities) that participate in the BSAI pollock fisheries likely would prefer that no pollock CDQ allocations had been made. Instead, their preference would be that all of the BSAI pollock TAC were available to them as directed fisheries because direct harvest of pollock provides the highest net revenues to these vessels. However, the AFA authorizes some level of incidental pollock catch for the CDQ fisheries. The alternative that minimizes the amount of pollock that will accrue against the ICA (Alternative 2) results in the least negative impact on the 40 catcher vessels that participate in the AFA pollock fisheries, because it maximizes the amount of pollock available for the directed AFA fisheries. The preferred alternative provides a middle ground between Alternative 2, which minimizes the amount of pollock that accrues against the ICA and Alternative 4, which maximizes the amount of pollock that accrues against the ICA.

NMFS is not aware of any alternatives to removing squid as a CDQ species that would accomplish the objectives of the action and further minimize the impact on small entities. This action removes squid as a CDQ species, which would no longer require that the CDQ groups (small entities) account for their catch of squid against a CDQ allocation and remove the risk that the incidental catch of squid in the CDQ fisheries would prevent the CDQ groups from harvesting their full pollock CDQ allocation. Therefore, the preferred alternative provides the maximum relaxation of the current regulations and maximum benefits to small entities.

Alternatives increasing the amount of squid allocated to the CDQ Program are not practicable. Increasing the percentage of the TAC allocated to the CDQ reserve is not a viable alternative due to the moratorium on such increases at 16 U.S.C. 1855(i)(1)(c)(ii). Moreover, the option of increasing the squid TAC to provide more squid to the CDQ Program is not possible under the current process for setting OFLs, ABCs, and TACs, for the BSAI groundfish fisheries. Due to the lack of information about squid population dynamics and current biomass, the squid TAC is set based on the criteria in Tier 6 of the revised ABC and OFL definitions implemented through Amendment 44 to the BSAI FMP. Under this formula, the OFL for squid is the average catch from 1978 through 1995, or 2,620 mt, and the ABC is 75 percent of the OFL, or 1,970 mt. The squid TAC is set equal to the ABC at 1,970 mt. No TAC can be set higher than its ABC. Therefore, the squid TAC cannot be increased above 1,970 mt.

NMFS believes that the EA/RIR/IRFA contains the range of reasonable alternatives that would accomplish the objective of the AFA to provide for some level of pollock incidental catch in the CDQ fisheries. The regulations implemented in this final rule meet the objectives of the AFA and the Magnuson-Stevens Act, to minimize any significant economic impact on small entities, and to balance the competing interests of two groups of small entities affected by the regulation - the CDQ groups and the small catcher vessels participating in the non-CDQ fisheries.

The Council could have recommended a definition of directed fishing for pollock CDQ that further increased the amount of pollock catch in the CDQ fisheries that would accrue against the pollock ICA, thereby increasing the benefits to the small entities. Alternative 4 would have allowed the CDQ groups to catch as much pollock as they wished while CDQ fishing and to discard amounts of pollock above the maximum retainable amounts. This alternative was not preferred by the Council or the CDQ groups because it would require regulatory discards of pollock catch that exceed the maximum retainable amounts. In addition, this alternative would have increased the potential negative impacts to another group of small entities affected by the proposed action - the 40 catcher vessels in the AFA pollock fisheries - because increases in the amount of pollock from the CDQ fisheries accruing against the pollock ICA would decrease the directed pollock allowance to the AFA fisheries.

The Council also considered an alternative that could have further minimized negative economic impacts on the 40 catcher vessels in the AFA pollock fisheries. Under Alternative 2, the 40-percent threshold, less pollock from the CDQ fisheries would accrue against the pollock ICA than would accrue under the preferred alternative. However, the Council considered the trade-off in impacts to the participants in the AFA pollock fisheries and the CDQ fisheries and determined that the amount of pollock that would accrue against the pollock ICA under the preferred alternative was not likely to significantly affect the 40 trawl catcher vessels or other participants in the AFA fisheries. They recommended Alternative 3, which balances the impacts to the CDQ groups with the impacts to the participants in the non-CDQ fisheries.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Administrator, Alaska Region (see **ADDRESSES**).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

2. In § 679.2, in the definition for ''Directed fishing,'' a new paragraph (4) is added to read as follows:

§ 679.2 Definitions.

* * * * *

Directed fishing * * *

(4) With respect to the harvest of CDQ species, directed fishing as calculated under § 679.20(f)(3).

* * * * *

3. In § 679.20, paragraph (b)(1)(iii)(A) is revised and a new paragraph (f)(3) is added to read as follows:

§ 679.20 General limitations.

* * * * *

(b) * * *

(1) * * *

(iii) * * *

(A) *Groundfish CDQ Reserve.* Except as limited by § 679.31(a), one half of the nonspecified reserve established by paragraph (b)(1)(i) of this section for all species except squid is apportioned to the groundfish CDQ reserve.

* * * * *

(f) * * *

(3) *CDQ fisheries*—(i) *General.* Directed fishing in the CDQ fisheries is determined based on the species composition of the total catch of

groundfish while harvesting groundfish CDQ species. For catcher/processors, the species composition of each haul is assessed to determine the directed fishery. For catcher vessels, the species composition of the catch onboard the vessel at any time is assessed to determine the directed fishery. The groundfish species used to calculate total catch of groundfish includes all species categories defined in Table 1 of the annual BSAI specifications.

(ii) *Directed fishing for pollock CDQ.* A vessel operator using trawl gear is directed fishing for pollock CDQ if pollock represents 60 percent or more of the total catch of groundfish species by weight in a haul by a catcher/processor or 60 percent or more of the total catch of groundfish species by weight onboard the catcher vessel at any time.

* * * * *

4. In § 679.31, paragraph (f) is revised to read as follows:

§ 679.31 CDQ reserves.

* * * * *

(f) *Non-specific CDQ reserve.* Annually, NMFS will apportion 15 percent of each arrowtooth flounder and ''other species'' CDQ for each CDQ group to a non-specific CDQ reserve. A CDQ group's non-specific CDQ reserve must be for the exclusive use of that CDQ group. A release from the non-specific CDQ reserve to the CDQ group's arrowtooth flounder or ''other species'' CDQ is a technical amendment to a community development plan as described in § 679.30(g)(5). The technical amendment must be approved before harvests relying on CDQ transferred from the non-specific CDQ reserve may be conducted.

5. In § 679.32, paragraph (a)(2) is revised and paragraph (e) is added to read as follows:

§ 679.32 Groundfish and halibut CDQ catch monitoring.

(a) * * *

(2) *Pollock CDQ.* Requirements for the accounting of pollock while CDQ fishing are at paragraph (e) of this section.

* * * * *

(e) *Pollock CDQ*—(1) Directed fishing for pollock CDQ. Owners and operators of vessels directed fishing for pollock CDQ as calculated under § 679.20(f)(3) and processors taking deliveries from vessels directed fishing for pollock CDQ must comply with all applicable requirements of paragraphs (a) through (d) of this section. Pollock catch by vessels directed fishing for pollock CDQ will accrue against the pollock CDQ for the CDQ group.

(2) *Catch of pollock by vessels not directed fishing for pollock CDQ.* Pollock catch by vessels groundfish CDQ fishing, but not directed fishing for pollock CDQ as calculated under § 679.20(f)(3), will not accrue against the pollock CDQ for the CDQ group.

(3) Operators of all vessels participating in any CDQ fishery must retain all pollock caught while CDQ fishing as required at § 679.27 (IR/IU).

* * * * *

[FR Doc. 01–5558 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 45
Wednesday, March 7, 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

Commodity Credit Corporation

7 CFR Part 1439

RIN: 0560–AG33

Livestock Indemnity Program

AGENCIES: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 related to the Livestock Indemnity Program–2000 (LIP–2000). This proposed rule announces the program's availability and requirements and seeks comments on the program.

DATES: Comments on this rule must be received by April 6, 2001. Comments on the information collections in this rule must be received by May 7, 2001.

ADDRESSES: Comments should be mailed to: Sharon Biastock, Price Support Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave., SW, Washington, DC, 20250–0540, telephone (202) 720–6336, STOP 0517; e-mail address: sharon_biastock@wdc.fsa.usda.gov. Comments can be inspected in Room 4093 South Building, Washington, DC, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Sharon Biastock, Production, Emergencies, and Compliance Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave., SW, Washington, DC, 20250–0540, telephone (202) 720–6336, STOP 0517; e-mail address: *sharon_biastock@wdc.fsa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates Reform Act of 1995

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on State, local or tribal governments, or the private sector.

Paperwork Reduction Act

Title: Certification of Livestock Losses For Eligible Disaster.

OMB Control Number: 0560–0179.

Type of Request: Reinstatement and revision of a previously approved information collection.

Abstract: The information previously collected under OMB Control Number 0560–0179, as identified above, is all that is currently required by FSA to meet administrative and statutory requirements for the Livestock Indemnity Program. Information collected from livestock owners will be used by CCC to approve or determine the eligibility and amount of assistance in accordance with this subpart. The CCC considers the information collected essential to prudent eligibility and assistance determinations. Failure to make sound decisions in providing livestock indemnity program payments would result in inaccurate payments to livestock owners and losses to the Government.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Livestock Owners.

Estimated number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 1.5.

Estimated Total Annual Burden on Respondents: 3,000 hours.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; or (d) ways to minimize the burden of the collection of the 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. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Sharon Biastock, Program Specialist, Compliance Branch, Production, Emergencies, and Compliance Division, Farm Service Agency, United States Department of Agriculture, STOP 0517,

1400 Independence Avenue, SW, Washington, DC. 20250–0517, telephone (202) 720–6336.

Background

This proposed rule implements § 813 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. Law 106–387) related to the Livestock Indemnity Program–2000 (LIP–2000). The statute provides that the Secretary of Agriculture (the Secretary) use up to $10 million of the funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on a farm for qualifying livestock losses occurring in the period beginning on January 1, 2000, and ending on December 31, 2000. A Government-Wide rescission of appropriated funds required by the FY 2001 Consolidated Appropriations Bill (Pub. Law 106–554, section 1403) reduces the funds available for by 0.22 percent. Funding available for LIP–2000 is therefore $9.978 million.

Pub. Law 106–387 specifically includes fires and anthrax as compensable losses under the new LIP–2000. LIP–2000 is a new authorization of funds and includes two new causes of disaster loss. However, in authorizing the program, Congress did not make any additional changes to the prior program so that, as proposed, the LIP–2000 will parallel many of the prior LIP program requirements and program parameters.

The losses must be due to disasters or wild fires in areas covered by a qualifying disaster declaration issued by the President or Secretary of Agriculture that was requested for calendar year 2000 and subsequently approved. In addition, the Act specifically requires LIP–2000 to include losses due to anthrax, but because disaster declarations are not issued for such losses, anthrax losses will be compensable without the declaration of a disaster by the Secretary or the President.

As in prior LIP's, losses due to drought will not be covered by the program because these losses are partially preventable by providing adequate shelter, food and water, which would be required to prove actions consistent with proper animal husbandry standards. No person can receive more than $40,000 in payments and no person can receive any payment if that person's annual gross revenue exceeds $2.5 million. Payment rates will vary by class of livestock involved and the payment rate will be a percentage of the assigned market price for the class. Should eligible claims exceed the available funds, the claims will, to the extent practicable, be prorated. Losses will be compensable only to the extent that they were caused by the disaster and were in excess of normal losses for the operation for the particular livestock category involved. This rule also amends the regulations to provide that payments will be made to *livestock owners* who have legal ownership of the livestock and are citizens, or legal resident aliens in, the United States. Previously, payments were made to *livestock producers,* which was defined as one who had a beneficial interest in eligible livestock, had a financial risk in the livestock, and were citizens of, or resident aliens in, the United States.

LIP–2000 is being published at Subpart C of 7 CFR part 1439 (7 CFR 1439.200 *et seq.*). Accordingly, the LIP program for prior years can be found at Subpart C of 7 CFR part 1439 in the Code of Federal Regulations as it existed on January 1, 2001, and the LIP–2000, once adopted as final, will completely replace that subpart. The public is invited to comment on all aspects of LIP–2000.

List of Subjects in 7 CFR Part 1439

Animal feeds, Disaster assistance, Livestock, Pasture, Reporting and record keeping requirements.

For the reasons set out in the preamble, 7 CFR part 1439 is amended as follows:

PART 1439—EMERGENCY LIVESTOCK ASSISTANCE

1. The statutory authority for part 1439 continues to read as follows:

Authority: 7 U.S.C. 1427a; 15 U.S.C. 714 et seq.; Sec. 1103, Pub. Law 105–277, 112 Stat. 2681–42–44; Pub. Law 106–31, 113 Stat. 57; Pub. Law 106–78, 113 Stat. 1135; Pub. Law 106–113, 113 Stat. 1501; Sec. 257, Pub. Law 106–224, 114 Stat. 358; Secs. 802, 806, and 813, Pub. Law 106–387, 114 Stat. 1549.

2. Revise Subpart C of part 1439 to read as follows:

Subpart C—Livestock Indemnity Program

Sec.
1439.201 Applicability.
1439.202 Administration.
1439.203 Definitions.
1439.204 Sign-up period.
1439.205 Proof of loss.
1439.206 Indemnity benefits.
1439.207 Availability of funds.
1439.208 Limitations on payments.

Subpart C—Livestock Indemnity Program

§ 1439.201 Applicability.

(a) This subpart sets forth the terms and conditions applicable to the Livestock Indemnity Program for 2000 (LIP–2000). Benefits will be provided under this subpart only for losses (deaths) of livestock occurring as a result of:

(1) Natural disasters, except drought;

(2) Fires; or

(3) Anthrax.

(b) Losses due to natural disasters and fires (except drought) will be considered eligible for benefits in counties included in the geographic area covered by a qualifying natural disaster declaration, excluding contiguous counties, issued by the President of the United States or the Secretary of Agriculture of the United States which declaration was requested and approved for the period of January 1, 2000, through December 31, 2000, inclusive.

(c) A Presidential declaration or Secretarial designation is not required for losses due to anthrax.

(d) Owners will be compensated by livestock category as established by CCC. The owner's loss must be the result of the declared disaster or anthrax and in excess of the normal losses, established by CCC, for the owner's livestock operation. Losses to livestock due to drought conditions are deemed to have been avoidable and are not eligible for benefits under LIP–2000.

§ 1439.202 Administration.

Where circumstances preclude compliance with § 1439.204 due to circumstances beyond the applicant's control, the FSA county or State committee may request that relief be granted by the Deputy Administrator under this section. In such cases, except for statutory deadlines and other statutory requirements, the Deputy Administrator may, in order to more equitably accomplish the goals of this subpart, waive or modify deadlines and other program requirements if the failure to meet such deadlines or other requirements does not adversely affect operation of the program and are not prohibited by statute.

§ 1439.203 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering this subpart. The terms defined in § 1439.3 shall also be applicable, except where those definitions conflict with the definitions set forth in this subpart.

Anthrax means a disease of animals caused by bacillus anthracis.

Application means the Form CCC–661, Livestock Indemnity Program Application.

Eligible disasters are any natural disasters occurring in 2000 that are named in the Presidential declaration or Secretarial designation, except drought or extreme heat.

Fires means wild fires that occurred in forests, brush, etc., and, as a result, livestock was killed when it was caught in these fires or in structures that burned in these fires. It does not include structure fires that were not the result of a wild fire.

Livestock means beef and dairy cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, and buffalo and beefalo when maintained on the same basis and in the same manner as beef cattle maintained for commercial slaughter.

Livestock owner means a person who has legal ownership of the livestock and is a citizen of, or legal resident alien in, the United States. A farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation owns or jointly owns eligible livestock or poultry, will be considered livestock owners. Any Native American tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 88 Stat. 2203)); any Native American organization or entity chartered under the Indian Reorganization Act; any tribal organization under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 will be considered livestock owners so long as they meet the terms of the definition.

§ 1439.204 Sign-up period.

A request for benefits under this subpart must be submitted to the CCC at the FSA county office serving the county where the livestock loss occurred. All applications must be filed in the FSA county office prior to the close of business on such date as determined and announced by the Deputy Administrator.

§ 1439.205 Proof of loss.

(a) In the case of fires or natural disasters, livestock owners must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof that the death of the eligible livestock occurred during the recognized natural disaster period, as provided in § 1439.201(b); or was reasonably related to the disaster.

(b) The livestock owner shall provide any available supporting documents that will assist the county committee, or is requested by the county committee, in verifying:

(1) The quantity of eligible livestock that perished in the natural disaster including, but not limited to, purchase records, veterinarian receipts, bank loan papers, rendering truck certificates, Federal Emergency Management Agency and National Guard records, auction barn receipts, and any other documents available to confirm the presence of the livestock and subsequent losses; and

(2) That the loss was reasonably related to the recognized disaster in the declaration or designation, including, but not limited to, newspaper articles or other media reports, photographs of disaster damage, veterinarian records, and any other documents available to confirm that the disaster occurred and was responsible for the livestock losses.

(c) Livestock owners requesting benefits for losses due to anthrax shall provide documentation verifying the quantity of livestock deaths that was caused by anthrax.

(d) Certifications by third parties or the owner and other such documentation as the county committee determines to be necessary in order to verify the information provided by the owner must also be submitted. Third-party verifications may be accepted only if the owner certifies in writing that there is no other documentation available. Third-party verification must be signed by the party that is verifying the information. Failure to provide documentation that is satisfactory to the county committee will result in the disapproval of the application by the county committee.

(e) Livestock owners shall certify the accuracy of the information provided. All information provided is subject to verification and spot checks by the CCC. A failure to provide information requested by the county committee or by agency officials is cause for denial of any application filed under this part.

§ 1439.206 Indemnity benefits.

(a) Livestock indemnity payments for losses of eligible livestock as determined by CCC are authorized to be made to livestock owners, based on the owner's share of the livestock, who file an application for the specific livestock category in accordance with instructions issued by the Deputy Administrator, if:

(1) The livestock owner submits an approved proof of loss in accordance with § 1439.205; and

(2) The FSA county or State committee determines that because of an eligible disaster condition the livestock owner had a loss in the specific livestock category in excess of the normal mortality rate established by CCC, based on the number of animals in the livestock category that were in the owner's inventory at the time of the disaster.

(b) If the number of losses in the animal category exceeds the normal mortality rate established by CCC for such category, the loss of livestock that shall be used in making a payment shall be the number of animal losses in the animal category that exceed the normal mortality threshold established by CCC.

(c) Payments shall be calculated by multiplying the national payment rate for the livestock category as determined by CCC, by the number of qualifying animals determined under paragraph (b) of this section. Adjustments, if necessary, shall apply in accordance with § 1439.207.

§ 1439.207 Availability of funds.

(a) In the event that the total amount of eligible claims submitted under this subpart exceeds $10 million allocated by the Act, then each payment shall be reduced by a uniform national percentage.

(b) Such payment reductions shall be applied after the imposition of applicable per-person payment limitation provisions.

§ 1439.208 Limitations on payments.

(a) The provisions of §§ 1439.10 and 1439.11 apply to LIP–2000.

(b) Payments earned under other programs contained in this part shall not reduce the amount payable under this subpart.

(c) Disaster benefits under this part are not subject to administrative offset. See § 842 of Pub. L. 106–387.

(d) No interest will be paid or accrue on disaster benefits under this part that are delayed or are otherwise not timely issued unless otherwise mandated by law.

Dated: March 1, 2001.

James R. Little,

Acting Executive Vice President, Commodity Credit Corporation.

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FEDERAL ELECTION COMMISSION

11 CFR Part 100

[Notice 2001–3]

Definition of Political Committee

AGENCY: Federal Election Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Election Campaign Act, with certain exceptions,

defines ''political committee'' as any group of persons that receives more than $1,000 in contributions or makes more than $1,000 in expenditures during a calendar year. The Commission is seeking comments on whether to revise the definition of ''political committee'' contained in its regulations to include more explicit descriptions of activities that will result in those funds being considered contributions or expenditures. The Commission is also examining whether and how to incorporate the concept of ''major purpose'' into the definition of ''political committee.'' The Supreme Court has stated that the term ''political committee'' need only encompass organizations that are under the control of candidates or the major purpose of which is the nomination or election of a candidate. Please note that the Commission has not yet decided what, if any, revisions it will make to its rules in this area. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before May 7, 2001. The Commission will determine at a later date whether to hold a public hearing on this Notice. If a hearing is held, its date and time will be published in the **Federal Register**.

ADDRESSES: All comments should be addressed to Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up. Electronic mail comments should be sent to *polcomms@fec.gov* and must include the full name, electronic mail address and postal service address of the commenter. Electronic mail comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Commission is publishing this Advance Notice of Proposed Rulemaking (''ANPRM'') seeking comments on whether to revise the Commission's rules at 11 CFR 100.5 that define the term ''political committee.''

Section 431(4) of the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.*, (''FECA'' or ''the Act''), which contains the statutory definition of ''political committee,'' is divided into three parts. Paragraph (A) states that a political committee is ''any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year.'' Paragraphs (B) and (C) state that separate segregated funds established under section 441b(b) of the FECA are political committees, and that local committees of a political party are also political committees for FECA purposes under certain circumstances. This statutory definition is incorporated into section 100.5 of the Commission's regulations.

The Act defines ''contribution'' as ''any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.'' 2 U.S.C. 431(8)(a)(i). An ''expenditure'' is defined as ''any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for federal office.'' 2 U.S.C. 431(9)(a)(i).

The Commission is seeking comment on the scope and meaning of the ''major purpose'' test, which first appeared in the Supreme Court's discussion of the definition of ''political committee'' in *Buckley* v. *Valeo,* 424 U.S. 1 (1976) (''*Buckley*''). In *Buckley,* the Supreme Court noted that section 431(4)(A) as written could be construed to define ''political committee'' solely in terms of the amount of annual contributions received and expenditures made, and thus ''could be interpreted to reach groups engaged purely in issue discussion.'' 424 U.S. at 79. In *dicta,* the Court set forth criteria to prevent a potentially overbroad interpretation of ''political committee'': ''To fulfill the purpose of the Act [the term 'political committee''] need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate.'' *Id.*

The Supreme Court returned to the *Buckley* Court's ''major purpose'' concept in *FEC* v. *Massachusetts Citizens for Life, Inc.,* 479 U.S. 238 (1986) (''*MCFL*''). In *MCFL,* the Court concluded, *inter alia,* that the prohibition on expenditures by corporations contained in another provision of the FECA, section 441b, had to be construed narrowly to avoid overbreadth problems and could not constitutionally be applied to independent expenditures made by incorporated issue advocacy organizations with certain essential features. Id. at 263–64. However, the *MCFL* Court also said that ''should [such an organization's] independent spending become so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee.'' *Id.* at 262.

While the Supreme Court has yet to revisit the ''major purpose'' test, there have been lower court decisions that have done so. These decisions will be addressed in the ''major purpose'' portion of this document. There may be further judicial developments in this area of the law during the course of this rulemaking. Any such developments will obviously have an impact on any regulations to be promulgated by the Commission. Ways in which a ''major purpose'' test could be incorporated into the regulations defining ''political committee'' are discussed infra in Part II.

The Commission is also seeking comment on the extent to which the ''express advocacy'' requirement for independent expenditures should be incorporated into the ''political committee'' definition. In limiting the reach of the FECA's corporate independent expenditure ban at 2 U.S.C. 441b, the *MCFL* Court reiterated and expanded in application what it had held in *Buckley,* that the ''term 'expenditure' encompassed 'only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate.' '' *Id.* at 248–49, quoting *Buckley,* 424 U.S. at 80. Ways in which the ''express advocacy'' requirement could be incorporated into the regulations defining ''political committee'' are discussed infra in Part II.

Becoming a political committee as defined in the FECA has recordkeeping and reporting consequences. Generally, groups that are not political committees, such as partnerships and other unincorporated associations, are treated as other persons under the Act, and are subject to minimal reporting obligations. *See* 2 U.S.C. 434(c), 11 CFR 109.2. In contrast, political committees are subject to a more extensive set of recordkeeping and reporting requirements. *See* 2 U.S.C. 432, 434 11 CFR parts 102, 104. In addition, political committees are subject to contribution limits and prohibitions. *See* 2 U.S.C. 441a(a), (f) and (h).

I. Definitions of "Political Committee," "Contribution" and "Expenditure"

Paragraph (a) of section 100.5 follows the statutory definition of "political committee" by providing that any committee, club, association, or other group of persons that receives contributions aggregating in excess of $1000 during a calendar year is a political committee, except as set out in 11 CFR 100.5(b), (c), and (d). Paragraph (b) indicates that any separate segregated fund established under 2 U.S.C. 441b(b)(2)(C) is a political committee without any dollar thresholds. Paragraph (c) indicates that local committees of a political party are themselves political committees if they exceed either of the $1,000 thresholds or if they engage in $5,000 in exempt activity during a calendar year. *See* 11 CFR 100.7(b)(9), (15), (17); 11 CFR 100.8(b)(10), (16), (18). Paragraph (d) indicates that an individual's principal campaign committee or authorized committee becomes a political committee when that individual becomes a candidate under 11 CFR 100.3.

Comments are sought on several proposed amendments to the definitions of "contribution" and "expenditure" that the Commission is considering incorporating into the definition of "political committee" at 11 CFR 100.5. One approach would be to establish more objective criteria, even bright line rules, for activities that fall within the regulatory definitions of "contribution" and "expenditure," respectively. Possible criteria are described below. This would alert organizations planning to spend more than the statutory thresholds on these activities that they will have to become, or establish, a political committee in compliance with the FECA. Please note that, if these objective criteria are included in the rules, money spent on these activities will count against the FECA's contribution limits and, if sufficient amounts are contributed or expended, they will also trigger the FECA's reporting requirements.

A. Contribution Definition

The Commission seeks comments on revising paragraph 100.5(a) by adding six new descriptions to the definition of "contribution." These new descriptions may include:

(1) *Money, services or any other thing of value received as the result of a solicitation, the express purpose of which was to raise money to influence federal elections.* This provision would codify Commission precedents. Under this provision, a solicitation that in express terms states that money given as a result of the solicitation will be used to support or defeat one or more candidates for federal office would make moneys received as a result "contributions." Political committee status would follow regardless of how the money received was ultimately spent if total contributions or expenditures exceed $1,000.

(2) *Money, services or anything of value received from a political committee organized pursuant to 11 CFR 100.5(b), (c), or (d), except money, services or anything of value received by an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3).*[1] This new provision would, for example, prevent national party committees from funneling money into groups that may not report their disbursements and receipts. Again, an examination of how the money was ultimately spent would be unnecessary to determine political committee status.

(3) *Money, services or anything of value received by an organization that is expressly authorized by its charter, constitution, bylaws, articles of incorporation or other organizational document(s) to engage in activities for the purpose of influencing federal elections.* This paragraph would allow for an objective inquiry into the purposes of an organization. Under this element, if an organization wanted to influence federal elections, it would have to register as a separate political committee to do so.

This paragraph would be limited to groups that specifically state in their organizational documents that they may influence federal elections. Thus, groups whose enabling documents authorize them to engage in "any lawful purpose" or similarly broad language would not become political committees solely on the basis of this provision in the absence of a specific election-influencing proviso.

(4) *Money, services or anything of value received by an organization that is controlled by a federal candidate, his or her principal campaign committee, or any other committee authorized by a federal candidate pursuant to 11 CFR 100.5(f)(1),*[2] *other than as an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3) or (c)(4)*[3] *or an organization whose exclusive purpose is the election or nomination of that candidate for state or local office.* This provision would remove the guise of independence from groups set up by candidates, or by their campaign staff or their agents, to assist the candidates' aims, and would focus the Commission's inquiry into the issue of "control" by the candidate.

This proposal is intended to clarify when the relationship between a candidate or candidate's committee and another organization becomes so close that funds given to the organization become "for the purpose of influencing" an election. However, it would exclude organizations that have a merely incidental relationship to a candidate, e.g., that share a common vendor or a staffer, and organizations that are *bona fide* charities or social welfare groups. For purposes of this paragraph, "controlled" would mean substantial participation in the organization's decision-making regarding the organization's activities or disbursements.

(5) *Money, services, or anything of value received by an organization that claims tax exempt status pursuant to 26 U.S.C. 527 and does not restrict its activities to influencing or attempting to influence elections to state or local public office or office in a political organization.* If an organization claims 527 status and does not confine its activities to state, local or intra-party elections, it is acknowledging that it is an organization that is "influencing or attempting to influence the selection * * * of any individual to any Federal * * * office." 26 U.S.C. 527(e)(2). This proposal would complement Public Law ("P.L.") 106–230 and would subject 527 organizations that influence federal elections to FECA's reporting requirements for political committees, rather than the reporting requirements of Public Law 106–230. *See* 26 U.S.C. 527(a)(i)(6), and discussion of 527 organizations, *infra.*

(6) *Payments or costs deemed to be in-kind contributions for general public political communications, pursuant to 11 CFR 100.23.* This provision would incorporate the Commission's recently-promulgated coordination rules. 65 FR 76138 (Dec. 6, 2000).

[1] 26 U.S.C. 501(c)(3) provides federal tax exemption to a charitable organization, so long as it "does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

[2] Paragraph 100.5(f)(1) defines "authorized committee" as the principal campaign committee or any other political committee authorized by a candidate to receive contributions or make expenditures on behalf of such candidate, which has not been disavowed under 11 CFR 100.3(a)(3).

[3] Social welfare organizations registered with the IRS under 26 U.S.C. 501(c)(4) may work in political candidate elections, but only as long as that activity remains secondary to their primary, non-political work. They may also establish separate segregated funds ("SSF") that engage in political activity; and qualify as political committees for FECA purposes under 2 U.S.C. 441b(b)(2)(C) and 11 CFR 100.5(b).

B. Expenditure Definition

The Commission also seeks comments on revising paragraph (a) of section 100.5 by adding five new elements to the definition of ''expenditure.'' These new elements would include:

(1) *Payments or costs associated with the organization's solicitation of money or any other thing of value, where the solicitation appeals to donors by stating that donations will be used to influence a federal election.* This proposal would follow the first additional element of the revised definition of ''contribution,'' *supra.*

(2) *Payments or costs deemed to be coordinated expenditures for general public political communications, pursuant to 11 CFR 100.23.* This provision would incorporate the Commission's recently-promulgated coordination rules. 65 FR 76138 (Dec. 6, 2000).

(3) *Payments or costs associated with any general public political communication that refers to a candidate for federal office and has been tested to determine its probable impact on the candidate preference of voters.* This proposal would provide an objective basis for determining if an otherwise independent ''issue ad'' was in reality undertaken for the purpose of influencing voters' preferences with respect to one or more federal candidates. The term ''general public political communication'' would have the same meaning as in 11 CFR 100.23: it will include communication ''made through a broadcasting station (including a cable television operator), newspaper, magazine, outdoor advertising facility, mailing or any electronic medium, including the Internet or on a web site, with an intended audience of over one hundred people.'' 11 CFR 100.23(e)(1).

(4) *Payments or costs associated with any general public political communication that refers to a candidate for federal office, where the intended audience has been selected based on its voting behavior.* Like the previous element, this would provide an objective basis for determining that a communication to a targeted group of people, such as those residing in a specific area, had the purpose of influencing voters' preferences with respect to a particular candidate. Under this scenario, a link would have been established between the communication and the selection of the intended audience.

(5) *Payments made to a commercial vendor for a service or product with the express understanding that the service or product be designed to influence one or more federal elections.* This provision would rely on an organization's objective representations of purpose in the acquisition of goods or services to establish political committee status.

The Commission also seeks comments on adding new paragraph (a)(3) to section 100.5. This paragraph would provide that, notwithstanding any other provision of 11 CFR 100.5, a business organized for profit that provides goods or services to others at their usual and normal charge would not be considered a political committee. This savings clause would prevent political consultants and commercial vendors operating at the direction of their clients from becoming political committees if, for example, a vendor or consultant provides money up front to another vendor as an agent of a political committee with the express instruction that the service provided be for the purpose of influencing a federal election. Also, since vendors receive money from political committees organized under 11 CFR 100.5(b), (c), and (d) and are for-profit organizations, without this exemption they would be considered political committees under proposed paragraph 100.5(a)(1)(ii).

If these new descriptions of ''contribution'' and ''expenditure'' are adopted, the Commission could add cross references in 11 CFR 100.7 and 100.8 to the new language in 11 CFR 100.5(a), to alert readers that they need to also consult section 100.5. Alternatively, the Commission could limit the impact of the proposed amendments to 11 CFR 100.5 to political committees, thus leaving the current definitions of ''contribution'' and ''expenditure'' in 11 CFR 100.7 and 100.8 unchanged.

An alternative approach would be to locate the proposed new objective criteria in the generally applicable definitions of ''contribution'' and ''expenditure'' found at 11 CFR 100.7 and 100.8, respectively. The Commission invites comments on which of these approaches is appropriate, as well as whether they comport with constitutional safeguards and the Commission's statutory authority. No decision on whether to proceed further will be made until after the comment period has concluded.

II. The ''Major Purpose'' Test

A. Case Law

As explained above, the *Buckley* Court stated that the overbreadth of the general definition of ''political committee'' at 2 U.S.C. 431(4)(A) could be avoided if the definition were limited to ''those organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate.'' 424 U.S. at 79. Similarly, in *MCFL,* the Supreme Court noted that an organization that would otherwise be exempt from FECA's requirements would be classified as a political committee if its ''independent spending becomes so extensive that the organization's major purpose may be regarded as campaign activity.'' 479 U.S. at 262. Several lower court decisions have also addressed the ''major purpose'' test.

In *FEC* v. *GOPAC,* 917 F.Supp. 851, 859, 862 (D.D.C. 1996), a federal district court interpreted the FECA to reach only groups that ''received and/or expended $1,000 or more and had as their major purpose the election of a particular candidate or candidates for federal office.'' The court held that an ''organization's purpose may be evidenced by its public statements of its purpose or by other means, such as its expenditures in cash or in kind to or for the benefit of a particular candidate or candidates.'' The Commission did not appeal the district court's opinion. Other courts have endorsed a different approach.

In *Akins* v. *FEC,* 101 F.3d 731 (D.C. Cir. 1997) (*en banc*) (''*Akins*''), a group of former ambassadors, congressmen, and government officials argued that the American Israel Public Affairs Committee (''AIPAC''), an organization they considered to be a political committee, had failed to register with the Commission or file campaign disclosure reports. In 1989, the year in which the challenged activity took place, AIPAC had a budget of about $10 million. The Commission determined that AIPAC likely had made campaign contributions exceeding the $1,000 FECA threshold, but concluded that there was not probable cause to believe AIPAC was a political committee because its campaign-related activities were only a small portion of its overall activities and, therefore, not its major purpose.

The Court of Appeals for the District of Columbia Circuit concluded that an organization should be considered a political committee once it exceeds the $1,000 contribution level, even though its major purpose is not campaign-related activity. *Id.* at 741–42. The court reasoned that the major purpose test becomes relevant only where independent expenditures are involved.

While the Supreme Court granted *certiorari* in the *Akins* case, it avoided ruling on this issue. Finding that ''a considered determination of the scope of the statutory exemption that Congress enacted to address membership

communication would helpfully inform our consideration of the 'major purpose' test,'' the Court declined to rule on the test's scope or meaning. 524 U.S. 1, 29 (1998). The Court suggested that a broader interpretation of the ''membership exception'' could affect its evaluation of whether *Buckley's* narrowing interpretation of what constitutes a political committee is necessary in all contexts. *Id.* at 28. In light of the Commission adopting membership communication regulations that substantially expanded the number of organizations that could take advantage of the membership exception without triggering political committee status, *see* 11 CFR 100.8(b)(4)(iv), 114.1(e), the Commission seeks comments on whether a less restrictive reading of *Buckley* is appropriate and necessary to promote fuller disclosure of campaign activity.

In declaring North Carolina's ''political committee'' definition unconstitutional, the Fourth Circuit in *North Carolina Right to Life, Inc.* v. *Bartlett,* 168 F.3d 705, 712 (4th Cir. 1999) read *Buckley* to limit narrowly the FECA's definition of ''political committee'' to ''includ[e] only those entities that have as a major purpose engaging in express advocacy in support of a candidate * * * by using words such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' or 'reject.' '' Consequently, North Carolina's definition of ''political committee,''[4] which, like the FECA definition, included organizations that ''influence or attempt to influence the result of an election'' (a ''classic form of issue advocacy''), was ''unconstitutionally vague and overbroad.'' *Id.* at 713.

In *North Carolina Right to Life, Inc.* v. *Leake,* 108 F.Supp.2d 498 (E.D. N.C. 2000) (''*NCRL*''), a federal district court upheld a North Carolina statute revised in light of *Bartlett* that, in contrast to the FECA, defines ''political committee'' as, *inter alia,* a group that has ''a major purpose to support or oppose the nomination or election of one or more candidates.'' N.C.G.S. § 163–278.6(14)(d). The state law further provides that a group is presumed to have a ''major purpose'' of supporting or opposing one or more candidates if its contributions and expenditures total over $3,000 during an election cycle. However, the state statute further provides that the presumption can be rebutted ''by showing that the contributions and expenditures giving rise to the presumption were not a major part of activities of the organization during the election cycle.'' *Id.*[5] The Commission is seeking comments on whether a similar approach should be employed at the federal level. Should the Commission amend the definition of ''political committee'' at 11 CFR 100.5 to contain a rebuttable presumption that groups that have a major purpose of supporting or opposing one or more federal candidates are presumed to be political committees for purposes of these rules?

In *Florida Right to Life, Inc.* v. *Mortham,* No. 98–770–CIV–ORL–19A, 1999 WL 33204523, at *4, 5 (M.D. Fla., Dec. 15, 1999), a federal district court declared Florida's ''political committee'' definition[6] ''unconstitutionally overbroad'' because its reach was not limited to ''organizations whose *major* purpose is engaging in 'express advocacy,' as that term is defined in *Buckley* v. *Valeo,* 424 U.S. 1, 42–44 (1976).'' The Eleventh Circuit affirmed the district court, holding the definition to be ''unconstitutionally overbroad under the First Amendment,'' in *Florida Right to Life, Inc.* v. *Lamar,* 238 F.3d 1288 (11th Cir. 2001).

In *South Carolina Citizens for Life, Inc.* v. *Davis,* C.A. No. 3:00–124–19 (D. S.C. Sept. 11, 2000), the federal district court in South Carolina declared (without analysis) South Carolina's ''political committee'' definition (i.e., group of persons that spends more than $500 to ''influence the outcome of an elective office'') unconstitutional as applied to the plaintiff and permanently enjoined the defendants from enforcing it against the plaintiff's ''issue and express advocacy activities.'' The court's order preliminarily enjoining the statute at issue did so because of its application to issue advocacy and because of the seriousness of the plaintiff's claim that its proposed express advocacy was so insignificant (less than 20 percent of its disbursements) that the ''major purpose'' test would exempt it from the requirements of the statute.

B. Alternatives That Would Incorporate ''Major Purpose'' Into the Text of the Rules

Comments are sought as to several ways, which are described below, the major purpose test for political committee status could be applied to these entities. Please note that specific regulatory language that could be used to implement the various alternatives is not attached.

Alternative 1: Percentage of Disbursements

One way to define ''major purpose'' would consider an organization to be a political committee if at least 50% of that organization's disbursements are made for the purpose of influencing federal and non-federal elections. Comments are sought on whether a higher or lower percentage might be more appropriate in particular circumstances. For example, an organization may spend 30% or 40% of its total disbursements on election-related activity, while its other disbursements are used for a wide range of purposes. Under these circumstances, election-related activity could still be considered that organization's major purpose, even though most of its spending went for other purposes. This could also be true if, for example, an organization made 30% of its disbursements for electoral activity, and no more than 25% for any other purpose.

Alternative 2: Percentage of Time and Disbursements

Another approach would evaluate not only an organization's receipts and disbursements, but also the amount of time spent by its paid and unpaid staff. Both time and money would be divided among certain broad groupings, such as electoral, lobbying and educational activity. The organization's possible status as a political committee could be determined in several different ways. For example, a determination could be made as to whether the group devoted over 50% of either its time or its monetary resources to electoral activity and thus became a political committee. Alternatively, once these ratios are determined, if the combined share of time and money spent on elections is larger than that for either lobbying or education, the organization's major purpose could be considered to influence elections. The Commission seeks comments on these alternatives, as well.

1. Volunteer Activity. Under Alternative 2, the Commission also seeks comments on how, if at all,

[4] Prior to *Bartlett,* North Carolina defined ''political committee'' as ''a combination of two or more individuals, or any person, committee, association, or organization, the primary purpose of which is to support or oppose any candidate or political party or to influence or to attempt to influence the result of an election.''

[5] It should be noted that the court also held that an ''express advocacy'' component was not constitutionally required of North Carolina's ''political committee'' definition.

[6] Florida Stat. section 106.11(1) defined ''political committee'' as a ''combination of two or more individual, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $500.''

organizations should value volunteer activity in making this calculation. Volunteer activity may become significant in situations where, for example, an organization spends only a small amount of money on election-related activity, but uses the money to recruit and train groups of volunteers to canvass neighborhoods, run phone banks, or sponsor other volunteer activity that has a substantial impact on the campaign. On the other hand, volunteer activity is exempt from the FECA's definition of ''contribution.'' 2 U.S.C. 431(8)(B)(i), 11 CFR 100.7(b)(3); *but see* 11 CFR 100.7(a) for qualifications and exceptions. Thus, it can be argued that the value of such activity should not be included in any ''major purpose'' computation.

2. Time for the Computation. A related issue is, what period of time should be used in assessing major purpose? Should it be an election cycle, a calendar year, a calendar quarter, or some other period?

Using a quarterly basis would cover those situations where an organization engaged in substantial lobbying and educational efforts and only nominal campaign activity during the first three quarters of an election year, but put massive resources into a campaign during the last quarter in which the election was held. However, the statutory framework of the Act is such that it may be necessary to use a calendar year in computing this activity. Please note that once an organization qualifies as a political committee, it retains that status until it terminates. *See* 11 CFR 102.3 (termination of registration) and 11 CFR 102.4 (administrative termination).

Alternative 3: Percentage of Disbursements Spent on Communications Containing Express Advocacy

In contrast to Alternatives 1 and 2, the Commission is considering a substantially narrower approach to determining an organization's major purpose. Under Alternative 3, the organization would compare its total disbursements to only the amount it spends on general public political communications that expressly advocate the election or defeat of clearly identified candidates (i.e., ''independent expenditures,'' 2 USC 431(17)) and any contributions, 2 USC 431(8). This approach is consistent with *MCFL,* which reiterated and expanded the scope of the express advocacy requirement to section 441b of the Act: ''[In *Buckley*], the Court held that the term 'expenditure' encompassed 'only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate.' * * * We therefore hold that an expenditure must constitute 'express advocacy' in order to be subject to the prohibition of § 441b.'' 479 U.S. at 248–49, quoting *Buckley,* 424 U.S. at 80.

This approach also follows Fourth Circuit's reading of *Buckley* in *Bartlett, Mortham* and *Davis, supra,* and other cases.

In *Colorado Right to Life, Inc.* v. *Davidson,* No. 99–1414, 2000 WL 1902427, at *14 (10th Cir., Dec. 26, 2000), the Tenth Circuit declared a state statute defining ''political committee'' unconstitutional as applied to plaintiffs. The definition encompassed groups that ''associated themselves for the purpose of making independent expenditures,'' *i.e.,* on communications unambiguously referring to candidates. The court read *Buckley* and its progeny for the rule that ''communications that do not contain express words advocating the election or defeat of a particular candidate are deemed issue advocacy, which the First Amendment shields from regulation.'' Id. at *7.

In *Iowa Right to Life Committee, Inc.* v . *Williams,* No. 4–98–CV–10399, slip op. at 17 (S.D. Iowa, Oct. 23, 1998), a federal district court preliminarily enjoined Iowa's definition of ''political committee,'' which encompassed committees that spend in excess of $500 for the ''purpose of supporting or opposing a candidate for public office,'' because the ''plain meaning of the phrase can be interpreted to include issue advocacy.'' The court had read *Buckley* as holding that the ''government may not regulate funds spent to publish communications that contain what is generally referred to as 'issue advocacy.' '' Id. at 8 n.3.

In *Virginia Soc'y for Human Life, Inc.* v. *Caldwell,* 152 F.3d 268 (4th Cir. 1998), the Fourth Circuit held that a constitutionally narrow construction of Virginia's ''political committee'' definition was not readily apparent because the statutory language encompassed groups that spend money ''for the purpose of influencing the outcome of any election'' and thus necessarily applied to ''materials which simply describe a candidate's voting record in the hopes of influencing people's votes, that is, issue discussion.'' [7]

The Commission invites comment on other possible content standards that could be used for communications.

Alternative 4: Dollar Amount of Campaign Activity

As discussed above, the *Akins* case illustrated that it is possible for a group to spend millions of dollars in direct candidate support that nevertheless represents only a small percentage of its overall financial activity. Thus, under any of the alternatives set out above, its ''major purpose'' might not be the election of candidates and it would therefore not be a political committee. Consequently, the Commission seeks comments on establishing a $50,000 threshold for political committee status. If an organization exceeds this amount in election activity, or alternatively in express advocacy communications, it will automatically be deemed to have a major purpose of influencing federal elections. Thus, it will be a political committee, even if $50,000 represents a small percentage of its total disbursements for all activities. Comments are also sought on a higher or lower threshold amount than $50,000.

III. Section 527 Organizations and Recent Statutory Changes

Section 527 of the Internal Revenue Code (''I.R.C.'') grants beneficial tax treatment to political organizations, commonly called ''527 organizations,'' that meet the qualifications set forth

[7] Numerous other courts, while not addressing the constitutionality of ''poltical committee'' definitions, have addressed the application of the express advocacy requirement. *See Perry* v. *Bartlett,* 231 F.3d 155, 160 (4th Cir. 2000); *Vermont Right to Life, Inc.* v. *Sorrell,* 221 F.3d 376, 386 (2nd Cir. 2000); *Iowa Right to Life Comm., Inc.* v. *Williams,* 187 F.3d 963, 968–70 (8th Cir. 1999); *FEC* v. *Christian Action Network, Inc.,* 110 F.3d 1049, 1051 (4th Cir. 1997); *Maine Right To Life Comm., Inc.* v. *FEC,* 98 F.3d 1 (1st Cir. 1996); *Faucher* v. *FEC,* 928 F.2d 468, 472 (1st Cir. 1991); *FEC* v. *Central Long Island Tax Reform Immediately Comm.,* 616 F.2d 45, 53 (2d Cir. 1980) (*en banc*); *Kansans for Life, Inc.* v. *Gaede,* 38 F. Supp.2d 928 (D. Kan. 1999); *Right to Life of Mich., Inc.* v. *Miller,* 23 F. Supp.2d 766 (W.D. Mich. 1998); *Planned Parenthood Affiliates of Mich., Inc.* v. *Miller,* 21 F. Supp.2d 740 (E.D. Mich. 1998); *Right To Life of Dutchess County, Inc.* v. *FEC,* 6 F. Supp.2d 248 (S.D. N.Y. 1998); *Clifton* v. *FEC,* 927 F. Supp. 493, 496 (D. Me. 1996), *aff'd on other grounds,* 114 F.3d 1309 (1st Cir. 1997); *FEC* v. *Survival Educ. Fund, Inc.,* 1994 WL 9658, at *3 (S.D. N.Y. Jan. 12, 1994), *aff'd in part and rev'd in part on other grounds,* 65 F.3d 285 (2d Cir. 1995); *FEC* v. *Colorado Republican Fed. Campaign Comm.,* 839 F.Supp. 1448, 1456 (D. Colo. 1993), *rev'd on other grounds,* 59 F.3d 1015 (10th Cir. 1995), *vacated on other grounds,* 519 U.S. 604 (1996); *West Virginians For Life, Inc.* v. *Smith,* 919 F.Supp. 954, 959 (S.D. W.Va. 1996); *FEC* v. *NOW,* 713 F.Supp. 428 (1989); *FEC* v. *AFSCME,* 471 F. Supp. 315, 317 (D. D.C. 1969); *Washington State Republican Party* v. *State Public Disclosure Comm'n,* 141 Wash.2d 245, 4 P.3d 888 (2000); *Elections Bd. Of Wisconsin* v. *Wisconsin Mfrs. & Commerce,* 227 Wis.2d 650, 597 N.W.3d 721 (1999); *Osterberg* v. *Peca,* 12 S.W.3d 31, 50–52 (Tex. 2000); *Brownsburg Area Patrons Affecting Change* v. *Baldwin,* 714 N.E.2d 135 (Ind. 1999); *State* v. *Proto,* 526 A.2d 1297, 1310–11 (Conn. 1987); *Richey* v. *Tyson,* 120 F.Supp.2d 1298, 1310–12 (S.D. Ala. 2000); *Chamber of Commerce of the United States* v. *Moore,* No. 00–228ws (S.D. Miss. Nov. 2, 2000).

below. Organizations that qualify as FECA political committees qualify as 527 organizations, and thus are able to take advantage of this beneficial tax treatment.[8] Other 527 organizations, however, are alleged to have engaged in substantial political activity that fails to trigger the FECA registration and reporting requirements, and contribution restrictions.

The I.R.C. at section 527(e)(1) defines ''political organization'' as ''a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.'' ''Exempt function'' is defined at I.R.C. section 527(e)(2) to include ''the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected or appointed.''

This definition is on its face substantially broader than the FECA definition of ''political committee.'' Moreover, beginning in 1996, the Internal Revenue Service (''IRS'') has issued a series of private revenue rulings holding that activities such as circulating voting records, voter guides, and ''issue advocacy'' communications—those that do not expressly advocate the election or defeat of a clearly identified candidate—fall within the ''exempt function'' category under I.R.C. section 527(e)(2). Private Rulings 9652026 (Oct. 1, 1996), 9808037 (Nov. 21, 1997), and 199925051 (March 29, 1999). As knowledge of these rulings became more widespread, the number of 527 organizations is thought to have increased substantially, with a concomitant increase in their spending on federal elections. *See* Hill, ''Probing the Limits of Section 527 to Design a New Campaign Finance Vehicle,'' *Tax Notes,* Jan. 17, 2000, at 387–88.

Until recently, section 527 organizations that did not qualify as political committees under the FECA filed no registration statements or informational material with the Commission or the IRS. Moreover, since section 527 taxes only investment income earned by these organizations, *see* 26 U.S.C. 527(f), and many earn no such income, they are not required to file tax returns with the IRS. Thus, unless they qualified as FECA committees, or voluntarily disclosed this information, little was known about their funding or activities.

When the Commission first considered the possibility of a rulemaking in this area, it anticipated that one of the issues such a rulemaking might address would be treatment of section 527 organizations. Since that time, however, P.L. 106–230, 114 Stat. 477, was signed into law on July 1, 2000. That law requires 527 organizations to notify the Secretary of the Treasury of their status and provide certain identifying information within 24 hours of the date on which the organization is established, 26 U.S.C. 527(a)(i)(1), or 30 days after the date of enactment of the law, for those organizations in existence on July 1, 2000. 26 U.S.C. 527(d)(2). They must also disclose information on expenditures that aggregate over $500 in a calendar year to a single person, and contributions from persons that aggregate $200 or more during a calendar year. For additional information on this new law, *see* Revenue Ruling 2000–49 (Oct. 30, 2000). Please note that these statutory requirements do not apply to organizations that qualify as political committees under the FECA. 26 U.S.C. 527(a)(6), 527(j)(5)(A).

Despite enactment of Public Law 106–230, concern remains that Commission action is needed to clarify when an organization becomes a political committee under the FECA. While many 527 organizations are complying with the new tax law and IRS requirements, others may have changed their tax status in order to avoid having to do so. The Commission is seeking comment as to how this rulemaking should address 527 organizations and organizations that are not organized under 26 U.S.C. 527.

The Commission also welcomes comments on any other aspect of the issues addressed in this Notice.

List of Subjects in 11 CFR Part 100

Elections.

For the reasons set out in the preamble, it is proposed to amend Subchapter A, Chapter I of title 11 of the *Code of Federal Regulations* to read as follows:

PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

1. The authority citation for Part 100 would continue to read as follows:

Authority: 2 U.S.C. 431, 434(a)(11), and 438(a)(8).

2. Paragraph (a) of section 100.5 would be revised to read as follows:

11 CFR 100.5 Political committee (2 U.S.C. 431(4), (5), (6)).

* * * * *

(a) Except as provided in paragraphs (b), (c) and (d) of this section, any committee, club, association, or other group of persons that receives contributions aggregating in excess of $1,000, or that makes expenditures aggregating in excess of $1,000 during a calendar year is a political committee.

(1) The following are examples of ''contributions'' within the meaning of 11 CFR 100.7(a):

(i) Money, services or any other thing of value received as the result of a solicitation, the express purpose of which was to raise money to influence federal elections;

(ii) Money, services or anything of value received from a political committee organized pursuant to paragraphs (b), (c), or (d) of this section, except money, services or anything of value received by an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3);

(iii) Money, services or anything of value received by an organization that is expressly authorized by its charter, constitution, bylaws, articles of incorporation or other organizational document to engage in activities for the purpose of influencing federal elections;

(iv) Money, services or anything of value received by an organization that is controlled by a federal candidate, his or her principal campaign committee, or any other committee authorized by a federal candidate pursuant to paragraph (f)(1) of this section. This provision shall not encompass an organization qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3) or (c)(4) or an organization whose exclusive purpose is the election or nomination of that candidate for state or local office;

(v) Money, services, or anything of value received by an organization that claims tax exempt status pursuant to 26 U.S.C. 527 and does not restrict its activities to influencing or attempting to influence elections to state or local public office or office in a political organization; or

(vi) Payments or costs deemed to be in-kind contributions for general public political communications, pursuant to 11 CFR 100.23.

(2) The following are examples of ''expenditures'' within the meaning of 11 CFR 100.8:

(i) Payments or costs associated with the organization's solicitation of money or any other thing of value, where the solicitation appeals to donors by stating that donations will be used to influence a federal election;

[8] Section 527 organizations are taxed only on their investment income. 26 U.S.C. 527(f).

(ii) Payments or costs deemed to be coordinated expenditures for general public political communications, pursuant to 11 CFR 100.23;

(iii) Payments or costs associated with any general public political communication that refers to a candidate for federal office and has been tested to determine its probable impact on the candidate preference of voters;

(iv) Payments or costs associated with any general public political communication that refers to a candidate for federal office, where the intended audience has been selected based on its voting behavior; or

(v) Payments made to a commercial vendor for a service or product, with the express understanding that the service or product be designed to influence one or more federal elections.

(3) Notwithstanding any other provision of this section, a business entity organized for profit that provides goods or services to others at the usual and normal charge for such goods or services shall not be considered a political committee. Discounts may be provided as set forth in 11 CFR 9008.9(a).

* * * * *

Dated: March 1, 2001.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 01–5473 Filed 3–6–01; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 932

[No. 2001–03]

RIN 3069–AB11

Unsecured Credit Limits for Federal Home Loan Banks

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: On December 20, 2000, as part of its new capital rule, the Federal Housing Finance Board (Finance Board) approved new limits on the amounts of unsecured credit that a Federal Home Loan Bank (Bank) may extend to a single counterparty or group of affiliated counterparties. These new unsecured limits revised and codified the unsecured credit guidelines set forth in the Finance Board's Financial Management Policy (FMP). The Finance Board is, hereby, proposing amendments to the unsecured credit provisions of the capital rule to increase the limit on a Bank's unsecured credit exposure to government-sponsored enterprises (GSEs).

DATES: The Finance Board will consider written comments on the proposed rulemaking that are received on or before April 23, 2001.

ADDRESSES: Send comments to: Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov,* or by regular mail to the Board, at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Managing Director, (202) 408–2821; Scott L. Smith, Acting Director, (202) 408–2991; or Julie Paller, Senior Financial Analyst, (202) 408–2842, Office of Policy, Research and Analysis; or Thomas E. Joseph, Attorney-Advisor, (202) 408–2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Background

On December 20, 2000, in accordance with the Gramm-Leach-Bliley Act, Pub. Law No. 106–102, 133 Stat. 1338 (Nov. 12, 1999) (GLB Act), the Finance Board adopted a final rule to implement the new capital structure that the GLB Act established for the Banks. *See* 66 FR 8262 (Jan. 30, 2001). As part of the final capital rule, the Finance Board adopted new limits on the permitted amounts of a Bank's unsecured credit exposures to a single counterparty or a group of affiliated counterparties. *Id.* at 8318–19 (to be codified at 12 CFR 932.9). These new limits represent a revision and codification of the unsecured credit guidelines of Section VI of the FMP, Finance Board Res. No. 96–45 (July 3, 1996), *as amended by* Finance Board Res. No. 96–90 (Dec. 6, 1996), Finance Board Res. No. 97–05 (Jan. 14, 1997), and Finance Board Res. 97–86 (Dec. 17, 1997), which will remain in effect until these new limits take effect on July 2, 2001.[1] During the comment period for the proposed capital rule, many commenters generally opposed the implementation of the unsecured credit guidelines in § 932.9, but did not comment on the specific limits set in the rule, which are designed to address safety and soundness concerns related to the risk created by credit concentrations in a single counterparty or group of affiliated counterparties. *See* 66 FR 8301–02.

The new unsecured credit limits in 12 CFR 932.9 are more restrictive than those that are applied under the FMP. They allow the Banks, however, to extend unsecured credit to lower-rated counterparties than is now allowed under the FMP and will remove maturity constraints on extensions of unsecured credit that are contained in Section VI of the FMP. Before a Bank may extend unsecured credit to any counterparty (or affiliated counterparties) to which a Bank could not previously lend because of the credit rating restrictions or maturity limits in the FMP, the Bank must obtain the Finance Board's approval for the lending activity as a new business activity pursuant to 12 CFR Part 980. The new limits do not apply to obligations backed by the full faith and credit of the United States government, which is the case under the unsecured credit guidelines of the FMP. Section 932.9 also does not require a Bank to unwind positions that do not conform to the new requirements provided the credit was extended in accordance with the FMP before the effective date of the new rule.

II. Proposed Rule

As discussed in the **SUPPLEMENTARY INFORMATION** section of the adopting release of the final capital rule, the Finance Board believes that the diversification of risk, particularly with regard to unsecured credit, promotes the safety and soundness of the Banks and that the specific limits adopted in 12 CFR 932.9 are necessary to address the increase in credit risk associated with concentrations of credit exposures. The limits are not unduly onerous[2] and generally are consistent with those applicable to commercial banks. *See* 12 CFR Part 32.

It has been suggested, however, that as applied to debt issued by the GSEs, the new limits may present problems for some Banks. Under the FMP, the Banks could maintain unsecured credit exposures with a single GSE in an amount equal to 100 percent of the Bank's capital. The new unsecured credit limits would treat GSEs like other private counterparties and base the unsecured credit limit on the long- or

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[1] The Chairman of the Bank Presidents' Conference requested an extension of the March 1, 2001 effective date for complying with the new unsecured credit limits. In response, the Finance Board has waived the March 1, 2001 date by Resolution, dated February 28, 2001, and has extended the date for compliance with § 932.9 by 120 days until July 2, 2001.

[2] If extension of credit to GSEs are not included, at year-end 2000, the Banks in aggregate had only just over $4.4 billion in unsecured extensions of credit that would be in excess of the limits set forth in 12 CFR § 932.9 compared with a total unsecured extensions of credit to private counterparties of just over $84 billion.

short-term ratings assigned to the GSE by a Nationally Recognized Statistical Rating Organization (NRSRO). Generally speaking, GSEs currently receive the highest investment grade rating assigned by an NRSRO. For all such counterparties, a Bank's maximum allowable unsecured credit exposure under § 932.9 cannot exceed 15 percent of the Bank's total capital or of the counterparty's regulatory capital, whichever amount is lower.

Some Banks have indicated that, given the magnitude of the reduction in the allowable credit exposure to a GSE under § 932.9, they will experience difficulty in developing new investment strategies to conform to these new limits. Since publication of the final unsecured credit rule, some Banks have indicated that GSE debt offers an attractive risk-return profile not available from other investments, especially in the immediate future. Some Banks also have suggested that GSEs are a better credit risk than other counterparties, even those counterparties with the highest investment grade ratings, and point to the premium over corporate debt at which GSE debt trades in the markets as an indication of the GSEs' special status. These Banks further claim that the new restrictions on their credit exposures to GSEs may result in greater investment in instruments with a lesser credit quality.

In the **SUPPLEMENTARY INFORMATION** section of the final capital rule, the Finance Board noted that it ''may solicit additional comments regarding the appropriateness of the [unsecured credit] limits in future rulemaking and may consider revising them at that time.'' 66 FR 8302. The Finance Board also recognizes that for some Banks, the magnitude of the reduction in the allowable unsecured credit limit applicable to GSEs could be disruptive and that, historically, GSEs have been viewed more favorably by debt markets than even the highest-rated corporate debt issuers. Thus, the Finance Board is proposing to amend 12 CFR 932.9 to raise the limit on a Bank's unsecured extensions of credit to a GSE and is requesting comment and supporting analysis concerning the appropriate level for this new limit.

It also has been suggested that the Finance Board amend 12 CFR 932.9 to exclude from the unsecured credit limits the sale of Federal funds with a maturity of one day or less, or Federal funds sold under a continuing contract, as do commercial bank regulators. *See* 12 CFR Part 32. The Finance Board requests comment on whether it should adopt such an exclusion, although it is not proposing to do so at this time. If commenters support such an exclusion, they should provide data indicating how the lack of such an overnight Federal funds exclusion in 12 CFR 932.9 would negatively affect the Banks and should address why such an exclusion would not raise safety and soundness concerns.

III. Regulatory Flexibility Act

The proposed rule applies only to the Banks, which do not come within the meaning of small entities as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, 5 U.S.C. 605(b), the Finance Board hereby certifies that this proposed rule, if promulgated as a final rule, will not have a significant economic effect on a substantial number of small entities.

IV. Paperwork Reduction Act

The proposed rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 33 U.S.C. 3501 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

Dated: February 28, 2001.

By the Board of Directors of the Federal Housing Finance Board.

Allan I. Mendelowitz,

Chairman.

[FR Doc. 01–5474 Filed 3–6–01; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. PL00–1–000]

Dialog Concerning Natural Gas Transportation Policies Needed To Facilitate Development of Competitive Natural Gas Markets

March 2, 2001.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice organizing staff conference.

SUMMARY: In Order 637, issued on February 9, 2000, the Federal Energy Regulatory Commission (Commission) revised its regulatory policies, amended its regulations, and established new procedures to enhance the competitiveness and efficiency of markets for the transportation of natural gas in interstate commerce. This notice provides the organizational framework for the second of three public staff conferences in a dialog between the industry and Commission staff. This conference focuses on affiliate issues.

EFFECTIVE DATE: The conference will take place on March 15, 2001, starting at 1 p.m. Persons wishing to submit further comments following the conclusion of the conference must submit them by April 30, 2001.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Robert A. Flanders, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–2084, e-mail: Robert.Flanders@ferc.fed.us

Notice Organizing Staff Conference on Competitive Natural Gas Markets

This notice provides the organizational format for the Federal Energy Regulatory Commission staff conference to be held on March 15, 2001 to discuss how the changes in the natural gas market affect the way in which the Commission should regulate transportation transactions between pipelines and their affiliates, as well as between pipeline capacity holders and their affiliates, capacity managers and agents. The purpose of this conference is to continue the dialog begun with the September 19, 2000 staff conference to enable the industry to discuss with staff, as well as with each other, issues relating to the development of Commission policy and regulatory responses to rate and service revisions to meet the needs of the changing natural gas market. The conference will begin at 1:00 p.m. at the Commission's offices, 888 First Street, NE., Washington, DC in the Commission's Meeting Room.

The November 22, 2000 notice [1] of the conference requested those who were interested in making presentations or participating to indicate their interest by January 5, 2001. Sixteen requests to participate in the roundtable debate were made and comments from twenty-six interested persons were received.

The conference will be structured as a roundtable debate with staff as moderator. Panel participants are identified below. In order to facilitate a robust discussion of the affiliate issues identified in the November 22, 2000 notice, a roundtable debate format was selected. Accordingly, participants will not have the opportunity to make oral

[1] 65 FR 75627 (Dec. 4, 2000).

presentations. Interested persons have already had the opportunity to submit written comments reflecting their positions, and, as discussed below, are invited to submit additional comments. Participants should feel free to discuss or debate all topics during the course of the roundtable debate.

The composition of the roundtable panel is as follows:

Dena Wiggins, Process Gas Consumers Group, et al.
Representative to be designated, Ad Hoc Marketers Group
Thomas Riley, Independent Oil & Gas Assoc. of West Virginia
Alice Curtis, American Gas Association
Craig Goodman, National Energy Marketers Assoc.
Joan Dreskin, Interstate Natural Gas Assoc. of America
Jeff Holligan, Amoco Production Company and BP Energy Company
Denise Goulet, National Assoc. of State Utility Consumer Advocates
John Smith, The Williams Companies
Mark Haskell, Natural Gas Supply Assoc.
Leslie Lawner, Enron North America Corporation
Paul Koonce, Dominion Resources, Inc.
Michael Linn, Independent Petroleum Assoc. of America
Ed Ross, Dynegy, Inc.
Phillip Teumim, New York Public Service Commission
Kirby Bosley, Reliant Energy Services, Inc.
Mike Reidy, California Dairy Coalition of Concerned Energy Consumers

The Capitol Connection patrons in the Washington, DC area will receive notices regarding the broadcast of the conference. The conference will be available, for a fee, live over the Internet, via C-Band Satellite, and via telephone conferencing. Persons interested in receiving the broadcast, or who need further information, should contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible or visit the Capitol Connection web site at http://www.capitolconnection.org and click on ''FERC.''

The Commission invites interested persons and participants to submit additional comments on the affiliate issues debated at the conference including any related matters or alternative proposals that commenters may wish to discuss and must be received by the Commission before 5 p.m. on April 30, 2001.

After-conference comments may be filed either 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 such 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. PL00–1–000.

Comments filed 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 (*www.ferc.fed.us*) and click on ''Make An 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.*

Questions about the conference should be directed to: Robert Flanders, Office of Markets Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, 202–208–2084, Robert.flanders@ferc.fed.us

Linwood A. Watson,

Acting Secretary.

[FR Doc. 01–5518 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 43

[CC Docket No. 98–137; FCC 01–68]

1998 Biennial Regulatory Review—Review of Depreciation Requirements for Incumbent Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: In this document the Commission denied US West, Inc. (now Qwest) petition for reconsideration of our December 30, 1999 Depreciation Order. The US West, Inc. petition sought reconsideration of: our denial of United States Telephone Association petition for forbearance; the methodology for certain equipment life ranges, and the accounting treatment in waiver situation. The Commission concluded that US West, Inc had not provided any new information or arguments that required us to alter our prior rulings.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 445–12th Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: JoAnn Lucanik, Accounting Safeguards Division, Common Carrier Bureau, at (202) 418–0873.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration adopted February 21, 2001, and released February 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC 20554. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857–3800.

Summary of Order on Reconsideration

In this order, we deny a petition for reconsideration filed on May 10, 2000, by US West, Inc. (now Qwest) of our December 30, 1999 Order (*Depreciation Order*) (which was not published in the **Federal Register**). In the *Depreciation Order,* which was part of our 1998 Biennial Regulatory Review proceeding, we undertook an extensive review of our depreciation requirements for price cap incumbent local exchange carriers (ILECs). Although we denied a petition filed by the United States Telecom Association (USTA) to forbear from imposing depreciation requirements on price cap ILECs, we significantly streamlined our depreciation requirements, and set out specific conditions under which ILECs could seek waiver of these requirements.

In a subsequent order, released on November 7, 2000, 66 FR 9681 (February 9, 2001), we reviewed an alternative proposal for relieving carriers of our depreciation requirements. We concluded that the alternative proposal to permit an above-the-line accounting treatment of the financial-to-regulatory book differential in lieu of a below-the-line accounting treatment lacked the inherent protections provided for in the waiver process adopted in the *Depreciation*

Order. Thus, we declined to relieve carriers of our depreciation requirements in circumstances where they elected above-the-line treatment.

In its petition for reconsideration, Qwest requests (1) that we reconsider our denial of USTA's petition for forbearance of our depreciation requirements; (2) that if USTA's petition is not granted, we reconsider our methodology for establishing service life ranges for telecommunications plant equipment; and (3) that for purposes of seeking a waiver of the depreciation requirements, we permit an above-the-line accounting treatment of the differential between regulatory and financial book reserve levels.

After review of the arguments presented on reconsideration, we conclude that Qwest has not provided any new information or arguments that require us to alter our prior rulings. The precise issues and arguments that Qwest raises on reconsideration were thoroughly considered and examined in the previous proceeding. Our analysis and reasons for our rulings are fully stated in the *Depreciation Order,* and the *November 2000 Order* further underscores the appropriateness of the decision to deny reconsideration.

Accordingly, pursuant to sections 4, 201–205, 218–220, 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 201–205, 218–220, 303(r), and 405 of the Communications Act of 1934, as amended, and §§ 1.106 and 1.429 of the Commission's rules, 47 CFR 1.106, 1.429, that the petition for reconsideration filed May 10, 2000, by US West, Inc. (now Qwest) is denied.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5489 Filed 3–6–01; 8:45 am]

BILLING CODE 6701–12–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–286; MM Docket Nos. 01–33, 01–34; RM–10060, RM–10061]

Radio Broadcasting Services; Warsaw, Windsor, MO, and Caro, Cass City, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comment on two petitions for rulemaking. One filed by Edwards Communications, L.C., licensee of Station WIDL(FM), Caro, Michigan, proposes the substitution of Channel 221C3 for Channel 221A at Caro, Michigan, and the reallotment of Channel 221C3 from Caro to Cass City, Michigan. Channel 221C3 can be allotted at Cass City in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 4.9 kilometers (3.0 miles) northeast of the community at coordinates 48–38–20 NL and 83–08–38 WL. The second, filed by D&H Media, permittee of Station KWKJ(FM), Warsaw, Missouri, proposes the reallotment of Channel 253A from Warsaw to Windsor, Missouri. Channel 253A can be allotted at Windsor in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, without the imposition of a site restriction at coordinates 38–31–56 NL and 93–31–19 WL.

DATES: Comments must be filed on or before April 5, 2001 and reply comments must be filed on or before April 20, 2001.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve petitioner(s) as follows: for MM Docket No. 01–33, Edwards Communications, L.C., C/O John S. Neely, Miller and Miller, P.C., P.O. Box 33003 Washington, DC 20033; for MM Docket No. 01–34, D&H Media, C/O Howard J. Barr, Pepper and Corazzini, LLP, 1776 K Street, NW., Suite 200, Washington, DC 20006–2334.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01–33 and 01–34, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan is amended to remove Caro, Channel 221A and add Cass City, Channel 221C3.

3. Section 73.202(b), the Table of FM Allotments under Missouri is amended to remove Channel 253A at Warsaw and add Windsor, Channel 253A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–4323 Filed 3–6–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG71

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of the Draft Economic Analysis for Proposed Critical Habitat for 76 Plants From the Islands of Kauai and Niihau, HI

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the draft economic analysis for the proposed designations of critical habitat for 76 plants from the islands of Kauai and Niihau, Hawaii. We are also providing notice of the reopening of the comment period for the proposal to designate critical habitat for these 76 plants to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this reopened comment period and will be fully considered in the final rule.

DATES: We will accept public comments until April 6, 2001.

ADDRESSES: Written comments and information should be submitted to Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala

Moana Blvd., P.O. Box 50088, Honolulu, HI 96850–0001. For electronic mail address and further instructions on commenting, refer to Public Comments Solicited section of this notice.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, Pacific Islands Office, at the above address (telephone: 808/541–3441; facsimile: 808/541–3470).

SUPPLEMENTARY INFORMATION:

Background

We, the U.S. Fish and Wildlife Service (Service) have reconsidered our findings concerning whether designating critical habitat for 81 federally protected plant species currently found on the islands of Kauai and Niihau is prudent. A total of 95 species historically found on these two islands were listed as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act), between 1991 and 1996. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species.

These not prudent determinations were challenged in *Conservation Council for Hawaii* v. *Babbitt,* 2 F. Supp. 2d 1280 (D. Haw. 1988). On March 9, 1998, the United States District Court for the District of Hawaii, directed us to review the prudency determinations for 245 listed plant species in Hawaii, including these 95 species. On August 10, 1998, the court ordered us to publish proposed critical habitat designations or non-designations for at least 100 species by November 30, 2000, and to publish proposed designations or non-designations for the remaining 145 species by April 30, 2002 (24 F. Supp. 2d 1074). Due to this litigation, we reconsidered our previous prudency determinations for the 95 plants known historically from Kauai and Niihau. From this review, we proposed that critical habitat is prudent for 76 of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. On November 7, 2000, we published in the **Federal Register** (65 FR 66807) a proposed rule to designate critical habitat for 76 plants from the islands of Kauai and Niihau. In addition, we proposed that the designation of critical habitat is not prudent for five species which are either no longer extant in the wild and such designation would not be beneficial to the species, or because we believe that designation of critical habitat would likely increase the threat to the species from vandalism or collection. The remaining 14 species historically found on Kauai and/or Niihau, no longer occur on these islands. However, these species do occur on other islands, so proposed prudency determinations will be made in future rules addressing plants on those islands. The original comment period closed on January 8, 2001. Based on a request to hold a public hearing, we reopened the comment period until February 19, 2001. The public hearing was held on February 6, 2001 in Lihue, Kauai.

We have proposed to designate a total of 23 critical habitat units, 21 units on Kauai and 2 units on Niihau, covering 24,348.68 hectares (ha) (60,165.57 acres (ac)) on Kauai and 190.55 ha (470.85 ac) on Niihau.

Critical habitat receives protection from destruction or adverse modification through required consultation under section 7 of the Act (16 U.S.C. 1531 *et seq.*) with regard to actions carried out, funded, or authorized by a Federal agency. Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available, and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for 76 plants from Kauai and Niihau, and comments received during the previous comment periods, we have prepared a draft economic analysis of the proposed critical habitat designations. The draft economic analysis is available at the Internet and mailing addresses in the Public Comments Solicited section below.

Public Comments Solicited

We will accept written comments and information during this re-opened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., P.O. Box 50088, Honolulu, HI 96850–0001.

(2) You may send comments by electronic mail (e-mail) to: fw1pie_kauai_niihau_crithab @r1.fws.gov. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include ''Attn: RIN 1018– '' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Honolulu Fish and Wildlife Office at telephone number 808/541–3441.

(3) You may hand-deliver comments to our Honolulu Fish and Wildlife Office at the address given above.

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for inspection, by appointment, during normal business hours at the address under (1) above. Copies of the draft economic analysis are available on the Internet at *www.r1.fws.gov/pacific/wesa/endspindex.html* or by request from the Field Supervisor at the address and phone number under (1 and 2) above.

Author(s)

The primary author of this notice is Christa Russell (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 26, 2001.

Rowan W. Gould,

Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 01–5506 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 622 and 635

[I.D. 020801A]

RIN 0648-AN83

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to the Fishery Management Plans of the Gulf of Mexico

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

ACTION: Notice of availability of a generic amendment to the Gulf of Mexico Fishery Management Council's fishery management plans for the Gulf of Mexico regarding the Tortugas Marine Reserves; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted the Generic Amendment Addressing the Establishment of the Tortugas Marine Reserves in the Fishery Management Plans of the Gulf of Mexico (Tortugas Amendment) for review, approval, and implementation by NMFS. The Tortugas Amendment proposes to establish two marine reserves in the exclusive economic zone (EEZ) in the vicinity of the Dry Tortugas, FL. Within the marine reserves, fishing for any species and anchoring by fishing vessels would be prohibited. The intended effect is to protect and conserve important marine resources.

DATES: Written comments must be received on or before May 7, 2001.

ADDRESSES: Written comments on the Tortugas Amendment must be sent to Michael Barnette, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or the Internet.

Requests for copies of the Tortugas Amendment, which includes a regulatory impact review (RIR), an initial regulatory flexibility analysis (IRFA), and a final supplemental environmental impact statement (FSEIS), should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619–2266; phone: 813–228–2815; fax: 813–225–7015; e-mail: gulf.council@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Michael Barnette, NMFS; phone: 727–570–5305; fax: 727–570–5583; e-mail: Michael.Barnette@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan (FMP) or amendment to NMFS for review and approval, disapproval, or partial approval. NMFS implements approved FMP or amendment measures by issuing a final rule. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a document in the **Federal Register** stating that the FMP or amendment is available for public review and comment.

The Gulf of Mexico fisheries for coastal migratory pelagics, coral and coral reefs, red drum, reef fish, shrimp, spiny lobster, and stone crab are managed under FMPs prepared by the Council and approved and implemented by NMFS. These FMPs were prepared solely by the Council, with the exception of the FMPs for coastal migratory pelagics and spiny lobster that were prepared jointly by the Council and the South Atlantic Fishery Management Council.

The Tortugas Amendment would amend the following FMPs: Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico; Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico; Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico; Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico; Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico; Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; and Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic. All of these FMPs, except the FMPs for spiny lobster and stone crab, are implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622. The FMP for spiny lobster is implemented by regulations at 50 CFR part 640; the FMP for stone crab is implemented by regulations at 50 CFR part 654.

The Dry Tortugas are located approximately 70 miles (112 km) west of Key West, a very strategic location for a marine reserve. The Dry Tortugas contain the healthiest coral reefs found in the Florida Keys. Coral pinnacles as high as 40 feet (12 m), with the highest coral cover (over 30 percent) found in the Florida Keys, rise up from the ocean floor. These coral formations are bathed by some of the cleanest waters found in the Florida Keys and occur where the tropical waters of the Caribbean mingle with the more temperate waters of the Gulf of Mexico.

The Tortugas region is unique in its location and in the extent to which oceanographic processes affect the area. The Dry Tortugas play a dynamic role in supporting marine ecosystems throughout south Florida and the Florida Keys. Marine organisms that spawn in the Tortugas area produce larvae that are spread throughout the Keys by a persistent system of ocean eddies and currents. As the larval stages of various species range in duration from hours, e.g., for some coral species, to as much as a year, e.g., for spiny lobster, these eddies and currents provide the retention time in the water column and current pathways necessary for successful recruitment for numerous species (generally, recruitment is the survival of juvenile stages through the period where they mature sufficiently to join the adult population). In addition, the upwelling and convergence of the ocean currents in the Dry Tortugas area act to concentrate food supplies for the larval stages of numerous animal species.

The Tortugas region, relative to the rest of the Florida Keys, appears to have a greater population abundance and larger average individual size of many key species, e.g., groupers, snappers, and lobster. However, throughout the Florida Keys, including the Tortugas region, there appears to be an overfishing problem. Furthermore, the coral resources of the Florida Keys are under significant ecological stress resulting from coastal development impacts, e.g., sedimentation and pollution, and fishing activities, e.g., gear impacts and overfishing effects on fish stocks.

There is a considerable amount of literature on the benefits of marine reserves, such as the proposed Tortugas Marine Reserves. They are designed to protect older, larger fish and, thereby, protect critical spawning stock biomass, intra-specific genetic diversity, population age structure, recruitment supply, and ecosystem balance. Marine reserves are expected to supply adults and larvae to adjacent areas and will probably be most effective in addressing the problem of recruitment overfishing, especially in sedentary species. Marine reserves are believed to be important in maintaining the high abundance of many species of reef fish in certain protected areas worldwide. Existing reserves in the Netherlands Antilles and Barbados show increasing fish stock biomass and individual sizes of sampled reef fish. Expected benefits of the Tortugas Marine Reserves include the following: Establishment of a refuge and replenishment area to ensure continued abundance and diversity of coral reef resources; protection of critical fish spawning stock biomass and recruits from overfishing; physical protection of the coral reef structures; and ''spillover'' effects wherein organisms, such as fish, move from within to outside the reserve area, thereby providing improved fishing opportunities in the vicinity of the reserve.

The Florida Keys National Marine Sanctuary (FKNMS) is managed under NOAA's National Ocean Services. FKNMS managers initiated a collaborative effort with the State of Florida, the Dry Tortugas National Park (managed by the U.S. National Park Service), and NMFS to establish the boundaries for two proposed inter-jurisdictional marine reserves known as Tortugas North ecological reserve and Tortugas South ecological reserve. The

Tortugas Amendment would amend the aforementioned FMPs to establish the portion of the Tortugas North ecological reserve that falls within the Gulf of Mexico EEZ and to establish the Tortugas South ecological reserve, which resides entirely within the EEZ. The Tortugas North reserve encompasses an area of 120 square nautical miles (nm^2); the Tortugas Amendment would establish a 13 nm^2 portion of this reserve in the EEZ. The Tortugas South reserve encompasses 60 nm^2 , which includes the Riley's Hump mutton snapper spawning aggregation site proposed by the Council and approved and implemented by NMFS in 1994.

The Tortugas Amendment proposes that fishing for any species, including Atlantic highly migratory species (Atlantic HMS), be prohibited within these marine reserves. Additionally, anchoring by all fishing vessels would be prohibited within the marine reserves. These fishing and anchoring prohibitions are intended to achieve the maximum benefits (see discussion above) from the two marine reserves over their initially anticipated duration of 10 years.

Under the Magnuson-Stevens Act, NMFS, acting on behalf of the Secretary of Commerce, has full management responsibility for Atlantic HMS. In its Tortugas Amendment, the Council proposed that its fishing and anchoring prohibitions within the reserves apply to Atlantic HMS for several reasons, including significant enforcement considerations as well as overall biological benefits to the marine reserve ecosystem. The U.S. Coast Guard and NMFS advised the Council that unless fishing for all species and anchoring of all fishing vessels was prohibited within the Tortugas Reserves, there was no way to enforce adequately such prohibitions for just those species managed under the Council's FMPs. Regarding the biological benefits of protecting Atlantic HMS species within the reserves, the region serves as a spawning ground for a variety of Atlantic HMS, including bluefin tuna. The Tortugas region has also been identified under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks as constituting a portion of the essential fish habitat for several tuna species and a variety of shark species. After considering the public comment received on the Tortugas Amendment and on its proposed rule, if NMFS adopts the proposed fishing and anchoring prohibition measures as applied to Atlantic HMS, it would implement such measures through its rulemaking authority for these species pursuant to section 304(g) of the Magnuson-Stevens Act and the regulatory adjustment framework provisions of the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

The Council proposes that the marine reserves be established for a period of at least 10 years, during which the ecological benefits of the reserves will be evaluated. The prohibition on fishing and anchoring of fishing vessels should minimize human disturbances in the Tortugas reserves and help to restore and maintain their ecological integrity, including a full assemblage of fish, coral, and other benthic invertebrates. The reserves will also create a reference or baseline area for studying human impacts on coral reef ecosystems.

In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the Tortugas Amendment, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by May 7, 2001, whether specifically directed to the Tortugas Amendment or to the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the Tortugas Amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the Tortugas Amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: March 1, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–5557 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 022701H]

Fisheries of the Northeastern United States; Environmental Impact Statement (EIS) for Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan

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

ACTION: Notice of intent to prepare an EIS; scoping meeting; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) intends to prepare an EIS, or supplementary EIS (SEIS) under the National Environmental Policy Act (NEPA) to assess the potential effects on the human environment of its proposed action to initiate Amendment 13 to the Fishery Management Plan for Surfclams and Ocean Quahogs (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment currently would incorporate a new surfclam overfishing definition, multi-year quotas, a reversal of the requirement for regulatory action to suspend the surfclam size limit, development of a vessel monitoring system (VMS), and analyses of fishing gear impacts on essential fish habitat (EFH) for both species. The Council will hold a public scoping meeting and accept written comments to determine the need for an EIS or SEIS and the scope of issues to be addressed.

DATES: The Council will accept written comments through April 6, 2001. A public scoping meeting will be held Wednesday, March 21, 2001 from 1-3 p.m.

ADDRESSES: Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904. Comments may also be sent via facsimile (fax) to 302–674–5399. The Council will not accept comments via e-mail or the Internet.

The scoping meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to the development of Amendment 13 to the FMP. There are five issues currently to be addressed in this amendment: (1) A new surfclam overfishing definition, (2) multi-year quotas, (3) a reversal of the requirement for regulatory action to suspend the surfclam size limit, (4) development of a VMS, and (5) analyses of fishing gear impacts on EFH for both species. The analyses of fishing gear

impacts on EFH are necessary to remedy previously disapproved sections of the FMP. In addition, the EIS/SEIS would evaluate changes to the fishery and its effects on the human environment, since the last EIS for this FMP was prepared in 1990. The FMP amendment will be prepared by the Mid-Atlantic Council in cooperation with NMFS.

Public Scoping Meeting

The public scoping meeting will be held on Wednesday, March 21, 2001, from 1-3 p.m., at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155. The meeting will be held in conjunction with a meeting of the Council at the same time and location.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council, telephone 302–674–2331, ext. 18, at least 5 days prior to the hearing date.

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

Dated: March 2, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, national marine Fisheries Service.

[FR Doc. 01–5556 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 022701E]

Fisheries of the Northeastern United States; Environmental Impact Statement (EIS) for Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Notice of intent to prepare an EIS; scoping meeting; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) intends to prepare an EIS, or supplementary EIS (SEIS) under the National Environmental Policy Act (NEPA), to assess the potential effects on the human environment of its proposed action to initiate Amendment 13 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment currently would incorporate development of new commercial management measures for the black sea bass fishery, and analyses of fishing gear impacts on essential fish habitat (EFH) for all three species. The Council will hold a public scoping meeting and accept written comments to determine the need for an EIS or SEIS and the scope of issues to be addressed.

DATES: The Council will accept written comments through April 6, 2001. A public scoping meeting will be held on Wednesday, March 21, 2001 from 3-5 p.m.

ADDRESSES: Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904. Comments may also be sent via facsimile (fax) to 302–674–5399. The Council will not accept comments via e-mail or the Internet.

The scoping meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to the development of Amendment 13 to the FMP. There are two issues currently to be addressed in this amendment: (1) Development of new commercial management measures for the black sea bass fishery, and (2) analyses of fishing gear impacts on EFH for all three species. The analyses of fishing gear impacts on EFH are necessary to remedy previously disapproved sections of the FMP. In addition, the EIS/SEIS would incorporate changes to the fishery and its effect on the human environment, since the last EIS was prepared in 1992 for summer flounder and in 1996 for scup and black sea bass. The FMP amendment will be prepared by the Mid-Atlantic Council in cooperation with NMFS.

Public Scoping Meeting

The public scoping meeting will be held on Wednesday, March 21, 2001, from 3-5 p.m., at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609–368–5155. The meeting will be held in conjunction with a meeting of the Council at the same time and location.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council, telephone 302–674–2331, ext. 18, at least 5 days prior to the hearing date.

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

Dated: March 2, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–5555 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 45

Wednesday, March 7, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–011–1]

Public Meeting; Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting on biologics for cancer diagnosis, prevention, and immunotherapy.

SUMMARY: We are issuing this notice to inform interested individuals, including producers and users of human and veterinary biological products, that we will be holding a public meeting to discuss regulatory and policy issues related to the manufacture, distribution, and use of biological products for the diagnosis, prevention, and treatment of cancer in humans and animals. The meeting is being organized by the Food and Drug Administration, Center for Biologics Evaluation and Research, and the Animal and Plant Health Inspection Service, Veterinary Services, Center for Veterinary Biologics. The Institute for International Cooperation in Animal Biologics is sponsoring the meeting.

DATES: The public meeting will be held on Thursday and Friday, April 12 and 13, 2001, from 8 a.m. to approximately 5 p.m.

ADDRESSES: The public meeting will be held in the Scheman Building at the Iowa State Center, Iowa State University, Ames, IA.

FOR FURTHER INFORMATION CONTACT: For further information about the meeting, contact Dr. Dave M. Dusek, Center for Veterinary Biologics, Veterinary Services, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010–8197; phone (515) 232–5785, fax (515) 232–7120, or e-mail *Dave.M.Dusek@usda.gov.* For registration information, contact Ms. Dawne Buhrow at the Institute for International Cooperation in Animal Biologics, room 2160, College of Veterinary Medicine, Iowa State University, Ames, IA 50011; phone (515) 294–7632, fax (515) 294–8259, or e-mail *iicab@iastate.edu.* Information is also available online at *http://www.vetmed.iastate.edu/iicab/cancerbiologics.htm.*

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) specifies licensing requirements for veterinary biological products for the treatment of animals in title 9 of the Code of Federal Regulations, parts 101 to118. Veterinary biological products include, but are not limited to, viruses, serums, toxins (except antibiotics), immunostimulants, cytokines, diagnostic components, and analogous products that are intended for use in the treatment of animals and that act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response. To date, most cancer biologics licensed by APHIS have been conventional in design. However, APHIS anticipates receiving applications for licenses to produce veterinary biological products intended for use in the diagnosis, prevention, or treatment of cancer that are based on advances in biotechnology. The Food and Drug Administration (FDA) regulates the production of biologics for use in humans under its regulations in title 21 of the Code of Federal Regulations. Within the FDA, the Center for Biologics Evaluation and Research has received applications for licensure of biologics for the diagnosis, prevention, or treatment of cancer.

To provide a forum for the discussion of regulatory and policy issues related to the manufacture, distribution, and use of biological products intended for use in the diagnosis, prevention, or treatment of cancer, APHIS and FDA are organizing a public meeting. This public meeting, which is sponsored by the Institute for International Cooperation in Animal Biologics, is scheduled for April 12–13, 2001, will provide an opportunity for the exchange of information and discussion of issues of common concern among APHIS and FDA representatives; producers and users of biological products intended for use in the diagnosis, prevention, or treatment of cancer; and other interested persons. The public meeting will begin at 8 a.m. and is scheduled to end at 5 p.m. each day.

Information regarding the meeting and registration instructions may be obtained from the persons listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 1st day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5591 Filed 3–6–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–093–6]

Commercially Produced Official Identification Eartags and Backtags for Sheep and Goats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are giving notice that the Animal and Plant Health Inspection Service has established a contact office for companies that wish to produce official identification eartags and backtags for sheep and goats. This office will advise companies on production standards necessary for eartags and backtags to qualify as the official identification that is required for certain sheep and goats under our regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Diane Sutton, National Scrapie Program Coordinator, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

SUPPLEMENTARY INFORMATION: Scrapie is a degenerative and eventually fatal disease affecting the central nervous systems of sheep and goats. To control the spread of scrapie within the United States, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), administers regulations at 9 CFR part 79, which restrict the interstate movement of certain sheep and goats. APHIS also has regulations at 9 CFR part 54, which describe a voluntary scrapie control program.

These regulations require that, in some circumstances, certain sheep and

goats must be either individually identified, or identified with their premises of origin. Eartags and backtags are two of the most common devices for accomplishing the required identification. As APHIS continues to revise and expand its scrapie programs, we anticipate that the demand for eartags and backtags for official identification will increase over the next few years. Federal and State agencies, accredited veterinarians, and sheep and goat flock owners will be looking for commercial sources to supply the needed eartags and backtags.

To assist interested companies that wish to produce eartags and backtags for sheep and goats, APHIS has identified the office of the National Scrapie Program Coordinator as the contact point for companies to obtain advice on the production standards eartags and backtags must meet to qualify as official identification in accordance with our regulations. Further details on production standards for eartags and backtags may be obtained from the office identified in the **FOR FURTHER INFORMATION CONTACT** section above. This office will also review sample tags for suitability and approve companies to produce official identification eartags and backtags.

In general, tags may be plastic or metal and must be an appropriate size for use in sheep and goats. Tags must be able to legibly accommodate any required alphanumeric sequences to identify individual animals or their premises. Tags must resist removal and must be difficult to place on another animal once removed, but need not be tamper-proof. Tags must be readily distinguishable as USDA official sheep and goat tags, must carry the alphanumeric sequences, symbols, or logos specified by APHIS, and must have a means of discouraging counterfeiting, such as use of a unique copyrighted logo or trade mark.

Done in Washington, DC, this 1st day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5589 Filed 3–6–01 8:45am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–009–1]

Control of Rabies in Wildlife; Request for Public Involvement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service's Wildlife Services program is soliciting public involvement in the planning of a proposed cooperative program to stop the spread of rabies in the States of New York, Ohio, Texas, Vermont, and West Virginia. A small portion of northeastern New Hampshire and the western counties in Pennsylvania that border Ohio could also be included in these control efforts. In addition, Wildlife Services may cooperate in smaller scale oral rabies vaccine projects in the States of Florida, Massachusetts, Maryland, New Jersey, Virginia, and Alabama. The information received in response to this notice will be considered during the planning of the proposed program and development of an environmental assessment that will be prepared in accordance with the National Environmental Policy Act.

DATES: We invite you to comment on this notice. We will consider all comments that we receive by April 6, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–009–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–009–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Slate, Rabies Program Coordinator, Wildlife Services, APHIS, 59 Chennell Drive, Suite 7, Concord, NH 03301–8548; phone (603) 223–6832.

SUPPLEMENTARY INFORMATION: Rabies is an acute, fatal viral disease of mammals most often transmitted through the bite of a rabid animal. The disease can be effectively prevented in humans and domestic animals, but abundant and widely distributed reservoirs among wild mammals complicate rabies control. The vast majority of rabies cases reported to the Centers for Disease Control and Prevention (CDC) each year occur in raccoons, skunks, bats, foxes, and other wild animals. Domestic animals account for less than 10 percent of the reported rabies cases, with cats, dogs, and cattle among those most often reported.

Public health importance of rabies. Over the last 100 years, the rabies situation in the United States has changed dramatically. About 90 percent or greater of all animal cases reported annually to CDC now occur in wildlife, whereas before 1960 the majority of cases were reported in domestic animals. The principal rabies hosts today are wild carnivores and bats. The number of rabies-related human deaths in the United States has declined from more than 100 annually at the beginning of the 20th century to an average of one or two people per year in the 1990's. Modern prophylaxis, which consists of a series of vaccine injections given to people who have been exposed, has proven nearly 100 percent successful in preventing mortality when administered promptly after exposure. In the United States, human fatalities associated with rabies occur in people who fail to seek timely medical assistance, usually because they were unaware of their exposure.

Although human rabies deaths are rare, the estimated public health costs associated with disease detection, prevention, and control have risen, exceeding $300 million annually. These costs include the vaccination of companion animals, animal control programs, maintenance of rabies laboratories, and medical costs, such as those incurred for exposure case investigations and rabies post-exposure prophylaxis (PEP).

Accurate estimates of these expenditures are not available. Although the number of PEP's given in the United States each year is unknown, it is estimated to be about 40,000. When rabies becomes epizootic (epidemics in animals) or enzootic (i.e., present in an area over time but at low case

frequency) in a region, the number of PEP's in that area increases. Although the cost varies, a course of rabies immune globulin and five doses of vaccine given over a 4-week period typically exceeds $1,000 and may be as high as $2,000.

Rabies in raccoons was virtually unknown prior to the 1950's. It was first described in Florida and spread slowly during the next three decades into Georgia, Alabama, and South Carolina. It was unintentionally introduced into the mid-Atlantic States by translocation of infected animals. The first cases appeared in West Virginia and Virginia in 1977 and 1978. Since then, raccoon rabies in the area has expanded to form the most intensive rabies outbreak in the United States.

Two rabies epizootics emerged in Texas in 1988; one involved spillover of canine dog rabies into coyotes in south Texas, and the other involved a rabies variant unique to gray foxes in west-central Texas. The south Texas epizootic alone resulted in 2 human deaths and caused over 3,000 people to receive post-exposure rabies treatment. In 1994, the public health threat created by these two expanding epizootics prompted the Governor of Texas to declare rabies a public health emergency in Texas.

Primary need for action. If the rabies strains transmitted by raccoons, gray foxes, and coyotes are not prevented from spreading to broader areas of the United States, the health threats and costs associated with rabies are expected to increase substantially. In the area that stretches west from the leading edge of the current distribution of raccoon rabies (which stretches from Alabama northeastward along the Appalachian Mountains to Maine) to the Rocky Mountains, and north from the distribution of gray fox and coyote rabies in Texas, there are more than 111 million livestock animals—including cattle, horses, mules, swine, goats, and sheep—valued at $42 billion. If raccoon, gray fox, or coyote rabies were to spread into the above described area, the livestock there would be at risk from these specific rabies variants. More importantly, human health care concerns would be expected to increase substantially as well if raccoon, coyote, and gray fox strains of rabies infect a much broader geographic area.

Development of oral rabies vaccine (ORV) programs. Although the concept of ORV to control rabies in free-ranging wildlife populations originated in the United States, it has a longer history of implementation in Europe and Canada. The emergence of raccoon rabies in the United States during the 1970's heightened interest in the application of ORV to raccoons. Due to biological and ecological differences between the types of animals that transmit rabies, development of specific vaccine and bait combinations was necessary. One of the main difficulties was the development of a safe and effective vaccine for raccoons. In contrast to red foxes, which were the primary subjects of ORV programs in Europe and Canada, raccoons were not readily immunized by the oral route with the modified live rabies virus vaccines that worked well in foxes. In addition, modified ''live virus'' vaccines pose a small risk of vaccine-induced rabies and resulted in some cases of vaccine-induced rabies associated with oral baiting programs in Europe and Canada. However, a genetically engineered vaccine, vaccinia-rabies glycoprotein (V–RG), has proven to be effective orally in raccoons, coyotes, and foxes. V–RG was extensively evaluated in the laboratory for safety in over 50 vertebrate species with no adverse effects, regardless of route or dose. Following successful field safety testing in the early 1990's, V–RG was licensed in 1995 in the United States for vaccination of free-ranging raccoons. It remains the only effective vaccine licensed for use in the United States for raccoons. It has also been approved for experimental use to vaccinate wild gray foxes and coyotes in Texas.

V–RG is commercially available from Merial, 115 Transtech Drive, Athens, GA 30601, under the registered name Raboral V–RG®. It is currently the only licensed oral vaccine available for rabies control for carnivores in the United States. V–RG is a recombinant vaccine that uses vaccinia, a living pox virus, as the vector (*i.e.,* carrier) for the rabies gene that encodes for the production of rabies antigen in the form of rabies glycoprotein. Rabies glycoprotein is the protective sheath around the bullet-shaped rabies virus. The glycoprotein by itself is noninfective and cannot cause rabies, but, because it serves as the rabies antigen, it elicits an immune antibody response to rabies when the vaccine is swallowed by raccoons, foxes, or coyotes. When raccoons, foxes, or coyotes swallow the V–RG vaccine, it bathes the lymphatic tissue in the throat area and initiates the immunization process.

There is no possibility of vaccine-induced rabies with Raboral V–RG® because the vaccine only contains the noninfective surface protein of the rabies virus; none of the viral nuclear material that would be required for the rabies virus to replicate is present in the vaccine. Over 22 million doses of Raboral V–RG® have been distributed in the United States since 1994, with only one reported case of adverse effects on humans (*i.e.,* a single case of a vaccinia virus infection, which caused localized skin rashes). This vaccine has been tested in 59 wild mammalian and avian species without adverse effects. In addition, a domestic animal's annual rabies vaccination can be safely administered even if it recently ingested a dose of oral rabies vaccine.

The V–RG vaccine is most often encased in baits and distributed by aircraft. The baits are small blocks of fishmeal (for coyotes and raccoons) or dog food (for gray foxes) that are held together with a polymer binding agent. The sachet, a thin plastic packet containing the liquid vaccine, is in the middle of the bait. Efforts to provide for more efficient delivery of vaccine/bait packages to wildlife populations at lower cost have resulted in the development of ''baitless'' sachets, in which the vaccine is enclosed within a plastic sachet that has been coated with special waxes and attractants, rather than the thick outer package of edible meal. These baitless sachets, which can be prepared without extensive manual labor and for less cost in materials, are smaller and lighter than other oral rabies vaccine baits, allowing for the possibility that more baits can be transported via aircraft, and smaller, less expensive aircraft can be used. Another attribute of the baitless sachet is that it is not possible for the animal to eat the edible material and leave the un-ruptured vaccine container behind. Field trials to date have shown that it performs very well in delivering vaccine to raccoons and coyotes. While the traditional fishmeal/dog food baits are likely to be used in most cases, it is possible that APHIS–WS and the States may employ baitless sachets, depending on their availability, in the course of the proposed cooperative program.

Oral wildlife vaccination for raccoon rabies control has been under field evaluation in the United States since 1990. A limited field release of the recombinant vaccine occurred on Parramore Island, VA, prior to wider use in the United States for control of raccoon rabies. A major objective of that field trial was to evaluate the free-ranging raccoon population for adverse effects after the distribution of V–RG vaccine-laden baits. With the development and field testing of the V–RG vaccine, a potential method of rabies control now exists for some rabies variants to complement methods of control that include public education, domestic animal vaccination, and human post-exposure prophylaxis.

Since the first field release of the V–RG vaccine in 1990, the annual number of vaccine-laden baits distributed to better understand the role of ORV for raccoon rabies control in the United States has risen exponentially.[1] Eleven field projects have been conducted or are in progress in Pennsylvania (1991–1992), New Jersey (1992–1994, with further projects reinitiated in the last couple of years), Massachusetts (1994–present), Florida (1995–present), New York (1994–present), Vermont (1997–present), Ohio (1997–present), Maryland (1998), and Virginia (2000). Since 1995, more than 13.25 million individual doses of ORV have been distributed over 196,000 square miles of southern and west-central Texas for control of rabies strains in coyotes and gray foxes.

Several pilot projects were conducted to evaluate the effect of ORV baiting upon raccoon rabies. Through intensive baiting efforts at the peninsular neck, raccoon rabies was prevented from invading the Cape Cod peninsula. A recently completed project in Albany and Rensselaer Counties in New York demonstrated that raccoon rabies may be virtually eliminated from an area where the disease had been present for a number of years by use of ORV. In Ohio, along the Pennsylvania border from Lake Erie to West Virginia, twice-yearly baiting has been successful to date in preventing the westward spread of raccoon rabies.

Previous rabies control activities by Wildlife Services. The Animal and Plant Health Inspection Service's (APHIS) Wildlife Services (WS) program is authorized to conduct programs to address wildlife-caused disease problems by the Animal Damage Control Act of 1931 and the Rural Development, Agriculture and Related Agencies Act of 1988. WS's previous involvement in rabies prevention and control has been to provide technical and operational assistance to State health departments in experimental and operational distribution of ORV baits; in some of those States, WS has also assisted in the collection of animal specimens for monitoring purposes.

Proposed programs. APHIS–WS is proposing to cooperate in State programs to stop the spread of rabies in the States of New York, Ohio, Texas, Vermont, and West Virginia. A small portion of northeastern New Hampshire and the western counties in Pennsylvania that border Ohio could also be included in these control efforts. In addition, APHIS–WS may cooperate in smaller scale ORV projects in the States of Florida, Massachusetts, Maryland, New Jersey, Virginia, and Alabama. Consequently, we are soliciting public involvement in the planning process. The proposal is to provide Federal funds authorized by Congress to: (1) Purchase ORV baits that would be distributed by air and ground placement; (2) provide other forms of assistance in monitoring rabies and determining the effectiveness of the ORV programs through collection and testing of samples from wild animal specimens; and (3) if the targeted rabies strains advance beyond the barriers created by the ORV zones, participate in implementing contingency plans to restore the integrity of the ORV barrier and prevent further spread of rabies. Such contingency plans may involve increased distribution of ORV baits in and around the ORV zones or, if necessary, the localized reduction of target species populations through lethal means.

The intent of the bait distribution is to orally vaccinate wild raccoons in portions of the above-listed States with the exception of Texas. Similar programs would be directed at gray foxes in west-central Texas and coyotes in southern Texas. The primary goals of the program are to: (1) Stop the forward advance of these strains of rabies from areas where they now occur by immunizing portions of target species populations along the leading edges of the rabies fronts; and (2) reduce the incidence of rabies cases involving wild and domestic animals and rabies exposure to humans in the areas where the ORV programs are conducted.

The areas over which the ORV baits would be distributed and from which animal specimens would be collected could be anywhere in the above-listed States. The ORV zones would be delineated based on the most current distribution of rabies cases and the expected direction of disease spread. Vaccination zones would be determined in cooperation with State health departments and other State agencies with jurisdiction over wildlife and domestic animals. Pending the verification of legal authorities to do so, ORV baits would be distributed over a variety of classes of land ownership, including private, public, tribal, and other State and Federal lands. Each individual bait would have a warning label advising persons not to handle or disturb the bait along with a toll-free telephone number to call for further information.

Wild animal collections for purposes of monitoring would be conducted using a variety of live capture or lethal methods. Information from raccoons would be predominantly collected from cage-trapped individuals that, if apparently healthy, would be released at or near their site of capture. The requisite sample from coyotes would be obtained primarily by aerial or ground-based shooting from sample areas within the ORV zone. Gray fox samples would be obtained by ground shooting and various capture methods including leghold traps, cage traps, foot snares, and wire cable neck snares. Only legally approved methods would be used in all animal sample collection areas to provide critical data for the evaluation of project effectiveness. Project effectiveness would be based in large part on the percentage of ORV baits consumed in populations of target species and by the presence of sufficient levels of serum neutralizing antibodies to produce immunity to rabies as determined from serological analysis of blood samples obtained from target species within ORV zones.

In the event that the targeted rabies strains advance beyond the barriers created by the ORV zones, contingency plans may be implemented by the involved States that could involve local population suppression of the target wildlife species using lethal means. Another type of contingency plan to address such outbreaks might be to distribute higher densities of ORV baits in and around such areas to attempt to arrest the outbreak without resorting to lethal population suppression. If any localized lethal population control efforts were undertaken, those efforts would likely be integrated with hand or aerial placement of ORV baits in and around the population suppression area to restore the integrity of the ORV barrier and prevent further spread of rabies. APHIS–WS may, as part of the proposed action, assist in such efforts by providing funds, personnel, or equipment to capture and kill target species. Should this occur, methods used would involve any of those described above for the collection of wild animal specimens. In Texas, an additional method that could be used to remove gray foxes and coyotes would be sodium cyanide in the M–44 device, which is approved by the U.S. Environmental Protection Agency for this purpose. The need for APHIS–WS involvement in contingency plans that employ localized lethal population suppression is considered to be unlikely.

We are encouraging members of the public and other interested agencies and organizations to assist in the planning of this program by answering the following questions:

[1] A total of over 800,000 V–RG vaccine-laden baits were distributed in 1997.

• What issues or concerns about the distribution of ORV baits by air and ground should we analyze?

• What other issues or concerns about the proposed action do you think we should address?

• What alternatives to the proposed action should we analyze?

• Do you have any information (*i.e.,* scientific data or studies) that we should consider in the analysis?

Information received will be considered in an environmental assessment (EA) prepared in accordance with the National Environmental Policy Act.

Issues and alternatives identified thus far. Several issues have already been identified as areas of concern for consideration in the EA:

• Potential for adverse effects on people that become exposed to the vaccine or the baits.

• Potential for adverse effects on nontarget wildlife species that might consume the baits.

• Potential for adverse effects on pet dogs or other domestic animals that might consume the baits.

• Potential for aerially dropped baits to strike and injure people or domestic animals.

• Cost of the program in comparison to perceived benefits.

• Humaneness of methods used to collect wild animal specimens critical for timely program evaluation.

Other issues may also be included in the analysis and will be identified based on comments obtained through gathering information from the public and other agencies. Several alternatives that have been identified for consideration are:

• No involvement by APHIS–WS in rabies prevention or control.

• Implement the proposed action.

• Live capture of species being targeted (*e.g.,* raccoon, gray fox, coyotes) followed by administration of rabies vaccines by injection and release back into the wild.

• Provide resources for ORV bait distribution without collection of wild animal specimens by APHIS–WS for monitoring purposes.

Other alternatives may also be included in the analysis based on comments obtained through gathering information from the public and other agencies.

Availability of additional information. Further information on rabies and ORV may be obtained from CDC Internet website *(http://www.cdc.gov)* and from the vaccine manufacturer, Merial (http://www.merial.com, e-mail: *raboral@merial.com*). Further information on the status of ORV program planning efforts within the involved individual States may be available by contacting individual State health departments. Links to individual State health department Internet websites are available on the CDC Internet website. Information regarding APHIS–WS rabies control activities may be obtained by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 2nd day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–5590 Filed 3–6–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Forest Service

Meadow Face Stewardship Pilot Project, Nez Perce National Forest, Idaho County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement. (Authority: 40 CFR 1501.7)

SUMMARY: The Forest Service will prepare an environmental impact statement to disclose the environmental impacts of implementing vegetation and watershed restoration activities and modification of the transportation system within the Meadow Face analysis area. Individuals interested in actions of this nature are encouraged to submit comments and become involved in the planning process.

DATES: Comments concerning the scope of the analysis should be received at the address below on or before April 6, 2001.

ADDRESSES: Send written comments to Darcy Pederson, District Ranger, Route 2 Box 475, Grangeville, ID 83530.

FOR FURTHER INFORMATION CONTACT: Heather Berg, Project Coordinator, (208) 983–1983.

SUPPLEMENTARY INFORMATION: The Meadow Face Stewardship Pilot Project area is located on the Nez Perce National Forest in northern Idaho within Idaho County. The project area lies approximately 7 air miles southeast of Grangeville Idaho. The project area encompasses 27,000 acres and includes Meadow, Wickiup and Ralph Smith Creek watersheds, which drain directly into the South Fork Clearwater River.

The Meadow Face Stewardship Pilot Project was authorized under the 1999 Department of Interior Appropriations Bill (Section 347). This legislation authorized 28 pilot projects to test contracting mechanisms that allow the exchange of goods for services, retention of receipts, and end-result rather than prescriptive contract specifications. The legislative intent includes meeting local and rural community needs and provided a clear expectation for the pilot projects to be developed cooperatively with local and affected communities.

The proposed activities described below were developed cooperatively with a local citizens group called the Stewards of the Nez Perce Forest. This group worked with the Forest Service to review the ecological conditions in the analysis area as described in the South Fork Clearwater River Landscape Assessment (USFS, Nez Perce National Forest, 1998) and Meadow Face Ecosystem Assessment at the Watershed Scale (USFS, Nez Perce National Forest, 1999) and make recommendations for actions to address current undesirable conditions while meeting the objectives of the Nez Perce Forest Plan.

The actions proposed for implementation include modifying vegetation through timber harvest and prescribed burning to achieve forest conditions which more closely resemble historic. The analysis area includes both low elevation, dry, ponderosa pine and mid-elevation, moist, fir vegetation types. Due to fire suppression and other past management activities the vegetation is denser with increased shrubs and small trees. These conditions result in increased fire risk and susceptibility to drought, insects and disease. To address these conditions, approximately 5700 acres of harvest and 7300 acres of prescribed burning is proposed.

In addition to the vegetation conditions described above, the analysis area has non-native and noxious plant species present. To address this condition, approximately 230 acres of herbicide application and native species restoration is proposed.

As part of the Meadow Face proposal, the transportation system of roads and trails in the area would also be modified to reduce adverse effects of the road system on forest resources, particularly soil and water. To address these conditions, approximately 80 miles of road decommissioning would occur. Road decommissioning would return these road segments to forest production and they would no longer be available as transportation routes.

Some streams in the analysis area have been affected by the transportation system, past vegetation manamagement and grazing. These streams would be

restored by relocating the channels to their natural course, addition of woody debris and rock structures, and revegetation. These activities would occur in approximately 5 miles of stream.

Following the cooperative project development process, the proposed actions were scoped with the public in the summer of 2000 including a direct mailing to over 400 individuals in August and a field trip in September. Approximately 20 letters were received in response to the original scoping, and 27 individual attended the field trip. Based on the comments received, the following issues with the proposed action been identified: (1) Effects to the aquatic environment; (2) Effects to old and mature forest and dependent species; (3) Use of timber harvest, prescribed burning and herbicides as forest management tools and; (4) Effects to motorized recreation opportunities.

To address the issues identified above, alternatives to the proposed action have been developed. These alternatives propose varying levels of activities from those previously described. Some alternatives would require amendment of the Nez Perce Forest Plan to allow vegetation management within delineated old growth (Management Area 20). Some of the harvest proposed would exceed 40 acres in size and would require approval from the Regional Forester (Northern Region). Some of the activities associated with road repair and decommissioning and stream channel restoration would require permits from the Corps of Engineers to authorize work within a stream's high water mark.

The decisions to be made in response to this analysis include (1) Are vegetation management activities needed and if so where, when and how would they be implemented? (2) What transportation system is necessary in the analysis area and how will it be managed? (3) How will the roads identified as excess be returned to forest production? (4) Are the stream channel restoration activities necessary and if so where, when and how would they be implemented? (5) What mitigation is needed to assure forest management activities are consistent with the Nez Perce Forest Plan and environmental law? (6) Is an amendment to the Nez Perce Forest Plan necessary to implement the proposed actions? (7) What implementation and effectiveness monitoring is needed?

The responsible official for this project is the Nez Perce Forest Supervisor. Comments to this notice should be sent to the address and contacts identified above and should be submitted within 30 days of publication of this notice in the **Federal Register**. A Draft Environmental Impact Statement (EIS) is expected to be available in April 2001 and a Final EIS in July 2001. Should an action alternative be selected, implementation would be initiated in 2002. Implementation of any or all of the actions authorized with this decision may occur utilizing the stewardship contracting authorities granted in Section 347 of the 1999 Interior Appropriations Bill.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

Dated: February 27, 2001.

Michael J. Cook,

Acting Forest Supervisor, Nez Perce National Forest.

[FR Doc. 01–5593 Filed 3–6–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 960223046–1049–06; I.D. 011801D]

RIN 0648–ZA09

Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry

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

ACTION: Notice of solicitation for applications.

SUMMARY: NMFS (hereinafter ''we'' or ''us'') issues this document to describe how to apply for funding under the Saltonstall-Kennedy (S-K) Grant Program and how we will determine whether to fund a proposal.

Under the S-K Program, we provide financial assistance for research and development projects that address various aspects of U.S. fisheries (commercial or recreational), including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

DATES: We must receive your application by the close of business May 7, 2001 in one of the offices listed in section I.F. Applications Addresses of this document. You must submit one signed original and nine signed copies of the completed application (including supporting information). We will not accept facsimile applications.

ADDRESSES: You can obtain an application package from, and send your completed application(s) to, the NMFS Regional Administrator located at any of the offices listed in section I.F. Application Addresses of this document. You may also obtain the application package from the S-K Home Page (see section I.G. Electronic Access **ADDRESSES**). However, we cannot accept completed applications electronically.

FOR FURTHER INFORMATION CONTACT: Alicia L. Jarboe, S-K Program Manager, (301) 713–2358.

SUPPLEMENTARY INFORMATION:

I. Introduction

We are soliciting applications for Federal assistance pursuant to the Saltonstall-Kennedy Act (S-K Act), as amended (15 U.S.C. 713c–3). This document describes how you can apply for funding under the S-K Grant Program, and how we will determine which applications we will fund.

A. Background

The S-K Act established a fund (known as the S-K fund) that the Secretary of Commerce uses to provide grants or cooperative agreements for fisheries research and development projects addressed to any aspect of U.S. fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures. U.S. fisheries[1] include any fishery, commercial or recreational, that is, or may be engaged in, by citizens or nationals of the United States, or citizens of the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia.

The objectives of the S-K Grant Program, and, therefore, the funding priorities, have changed over the years since the program began in 1980. The program has evolved as Federal fishery management laws and policies, and research needs, have evolved in response to changing circumstances.

The original focus of the program was to develop underutilized fisheries within the U.S. Exclusive Economic Zone (EEZ, i.e., 3–200 miles (4.8–320 kilometers) off the coast). This focus was driven in part by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act, originally passed in 1976, directed us to give the domestic fishing industry priority access to the fishery resources in the EEZ. In 1980, the American Fisheries Promotion Act amended the S-K Act to stimulate commercial and recreational fishing efforts in underutilized fisheries. The competitive S-K Program initiated as a result included fisheries development and marketing as funding priorities.

In the following years, the efforts to Americanize the fisheries were successful to the point that most nontraditional species were fully developed and some traditional fisheries became overfished. Therefore, we changed the emphasis of the S-K Program to address conservation and management issues and aquaculture.

In 1996, the Sustainable Fisheries Act (SFA) (Public Law 104–297), was enacted. The SFA amended the Magnuson-Stevens Act and supported further adjustment to the S-K Program to address the current condition of fisheries.

The Magnuson-Stevens Act, as amended by the SFA, requires us to undertake efforts to prevent overfishing, rebuild overfished fisheries, insure conservation, protect essential fish habitats, and realize the full potential of U.S. fishery resources. It further requires that we take into account the importance of fishery resources to fishing communities; provide for the sustained participation of such communities; and, to the extent possible, minimize the adverse economic impacts of conservation and management measures on such communities. The Magnuson-Stevens Act defines a ''fishing community'' as ''a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.'' (16 U.S.C. 1802 (16)). We have refocused the S-K Program to address the needs of fishing communities as defined by the Magnuson-Stevens Act.

The NOAA Strategic Plan, updated in 1998, has also shaped the S-K Program. The Strategic Plan has three goals under its Environmental Stewardship Mission: Build Sustainable Fisheries (BSF), Recover Protected Species, and Sustain Healthy Coasts. The fisheries research and development mission of the S-K Program directly relates to the BSF goal. There are three BSF objectives in the Strategic Plan:

1. Eliminate and prevent overfishing and overcapitalization.
2. Attain economic sustainability in fishing communities.
3. Develop environmentally and economically sound marine aquaculture.

For the FY 2001 S-K Grant Program announced in this document, we have attempted to address the most important needs of fishing communities in terms of the preceding BSF objectives. This goal is reflected in the four funding priorities listed in section II of this document. Successful applications will be those aimed at helping fishing communities to resolve issues that affect their ability to fish; make full use of species currently under Federal jurisdiction or explore the potential for development of new sustainable managed fisheries; and address the socioeconomic impacts of overfishing and overcapitalization.

The S-K Program is open to applicants from a variety of sectors, including industry, academia, and state and local governments. We encourage applications that involve collaboration between industry and the other sectors listed.

B. Changes from the Last Solicitation Notice

We have changed some of the conditions in this document from the last S-K Grant Program solicitation notice published on June 21, 1999 (64 FR 33050). For example, the scope of the FY 2001 program announced in this document is limited to marine species under Federal jurisdiction. Therefore, we encourage you to read the entire document before preparing your application.

C. Comments and Responses

We published a notice in the **Federal Register** on February 25, 2000, (65 FR 10051) seeking comments on the proposed scope and priorities for the FY 2001 S-K Program. We proposed limiting the scope of the program to marine species under Federal management. Within the scope, we proposed four priority areas for funding. The proposed scope and priorities covered the issues we deemed to be the most important and the most appropriate for the limited funds and time frame of the S-K Program.

We received comments from one individual, two industry associations, a research institute, and an aquaculture company by the deadline date. We have combined similar comments here.

Comment 1: One individual called for proper legal analysis and coordination among Federal agencies on legal, regulatory, and national security issues as part of the proposed funding priority on developing marine aquaculture in the off-shore environment. In addition, he recommended that we add specific criteria to the notice (knowledge and experience) for successful applicants to address this priority area.

Response: We agree that applications should address all relevant considerations and should demonstrate the knowledge and ability of the investigator(s) to carry out the project, as well as familiarity with related work. However, these requirements are not unique to the aquaculture priority, but are evaluated for all applications in our technical review process (see IV.B.1 of

[1] For purposes of this document, a fishery is defined as one or more stocks of fish, including tuna, and shellfish that are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, and eastern oysters.

this document). Appropriate subject matter experts rate all applications, regardless of their priority area, on ''Project management and experience and qualifications of personnel,'' and the other technical review criteria. Therefore, we do not agree that we need to revise the aquaculture priority to include a criterion dealing with the expertise of those applicants proposing to address off-shore aquaculture.

Comment 2: A research laboratory director and a seafood industry association commented that we should solicit proposals dealing with the critical area of improved data for fisheries management, including biological data for stock assessments, either as part of Priority A., Conservation Engineering, or as a separate priority.

Response: We agree that better data are essential to successful management for sustainable fisheries. However, we do not believe that the S-K Program is the best means to conduct such work, due to the limited funding and the short term of S-K grants. Both NMFS and the Regional Fishery Management Councils (Councils) receive funds for stock assessments and related activities under their responsibilities for implementing the Magnuson-Stevens Act.

Comment 3: An aquaculture company and a shellfish industry group objected to our proposal to limit the program scope to federally managed species, and the aquaculture priority to only the off-shore marine environment, not land-based or near-shore aquaculture.

Response: In the past, we have accepted applications that addressed Great Lakes species and species under state management plans as well as federally managed species. While we have funded many worthy projects on non-federally managed species in the past, current funding is inadequate to cover every important and deserving project.

However, we have modified the scope somewhat. We recognize that species that are not currently federally managed, i.e., under Federal fishery management plans (FMPs), may be relevant to our fisheries management mission. For example, such species could present an opportunity to develop a sustainable managed fishery to substitute for an overfished fishery. Therefore, the scope of the program for FY 2001 has been changed to species under Federal jurisdiction, i.e., in the EEZ.

We have also modified the proposed funding priority for aquaculture, in response to the comments received and in accordance with the NMFS research plan for aquaculture. Although NOAA and NMFS continue to support all aspects of aquaculture development through various efforts, marine aquaculture remains the appropriate focus for NMFS and the S-K Program. While off-shore aquaculture development is still a priority need, we have added language to clarify that for projects that address off-shore aquaculture, the actual work does not need to be conducted in the off-shore environment. We have also added other priority areas, including the need to address environmental issues, develop best management practices, and develop effective enhancement strategies for wild stocks of marine and anadromous species.

As we stated in the notice of proposed priorities, other programs of the U.S. Department of Agriculture and NOAA's Office of Oceanic and Atmospheric Research address land-based and near-shore aquaculture operations. Another possible source of assistance for aquaculture is our Fisheries Finance Program, which we have revised to make loans to aquaculture ventures a priority.

D. Funding

We expect to have approximately $3.8 million available for grant awards for Fiscal Year (FY) 2001, which began on October 1, 2000. However, we cannot guarantee that sufficient funds will be available to make awards for all proposals deserving of funding.

In order to be funded under the S-K Grant Program, applications must propose activities that: address the funding priorities listed in section II of this document; are expected to produce a direct benefit (e.g., tool, information, service, or technology) to the fishing community (as defined in section I.A. of this document); and can be accomplished within 18 months. Acceptable research and development activities include applied research, demonstration projects, pilot or field testing, or business plan development. However, we will not fund projects that primarily involve infrastructure construction, port and harbor development, or start-up or operational costs for private business ventures. Furthermore, if your proposed project primarily involves data collection, we will only consider it if it is directed to a specific problem or need and has a fixed duration. Data collection programs of a continuing nature will not be considered.

E. Eligibility

You are eligible to apply for a grant or a cooperative agreement under the S-K Grant Program if:

1. You are a citizen or national of the United States;
2. You are a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the constitution of the NMI;
3. You are a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia; or
4. You represent an entity that is a corporation, partnership, association, or other non-Federal entity, non-profit or otherwise (including Indian tribes), if such entity is a citizen of the United States or NMI, within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. app. 802).

We support cultural and gender diversity in our programs and encourage women and minority individuals and groups to submit applications. Furthermore, we recognize the interest of the Secretaries of Commerce and Interior in defining appropriate fisheries policies and programs that meet the needs of the U.S. insular areas, so we also encourage applications from individuals, government entities, and businesses in U.S. insular areas.

We are strongly committed to broadening the participation of Minority Serving Institutions (MSIs), which include Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities, in our programs. The DOC/NOAA/NMFS vision, mission, and goals are to achieve full participation by MSIs, to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. Therefore, we encourage all applicants to include meaningful participation of MSIs.

We encourage applications from members of the fishing community, and applications that involve fishing community cooperation and participation. We will consider the extent of fishing community involvement when evaluating the potential benefit of funding a proposal.

You are not eligible to submit an application under this program if you are an employee of any Federal agency; a Council; or an employee of a Council. However, Council members who are not Federal employees can submit an application to the S-K Program.

Our employees (whether full-time, part-time, or intermittent) are not allowed to help you prepare your application, except that S-K Program staff may provide you with information

on program goals, funding priorities, application procedures, and completion of application forms. Since this is a competitive program, NMFS and NOAA employees will not provide assistance in conceptualizing, developing, or structuring proposals, or write letters of support for a proposal.

Unsatisfactory performance under prior Federal awards may result in your application not being considered for funding.

F. Duration and Terms of Funding

We will award grants or cooperative agreements for a maximum period of 18 months.

We do not fund multi-year projects under the S-K Program. If we select your application for funding and you wish to continue work on the project beyond the funding period, you must submit another proposal to the competitive process for consideration, and you will not receive preferential treatment.

If we select your application for funding, we have no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is totally at our discretion.

Even though we are publishing this announcement, we are not required to award any specific grant or cooperative agreement, nor are we required to obligate any part or the entire amount of funds available.

G. Cost Sharing

We are requiring cost sharing in order to leverage the limited funds available for this program and to encourage partnerships among government, industry, and academia to address the needs of fishing communities. You must provide a minimum cost share of 10 percent of total project costs, but your cost share must not exceed 50 percent of total costs. (For example, if the proposed total budget for your project is $100,000, you must contribute at least $10,000, but no more than $50,000, toward the total costs. Accordingly, the Federal share you apply for would range from $50,000 to $90,000.) If your application does not comply with these cost share requirements, we will return it to you and will not consider it for funding.

The funds you provide as cost sharing may include funds from private sources or from state or local governments, or the value of in-kind contributions. You may not use Federal funds to meet the cost sharing requirement except as provided by Federal statute. In-kind contributions are non-cash contributions provided to you by non-Federal third parties. In-kind contributions may include, but are not limited to, personal services volunteered to perform tasks in the project, and permission to use, at no cost, real or personal property owned by others.

We will determine the appropriateness of all cost sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in 15 CFR parts 14 and 24. In general, the value of in-kind services or property you use to fulfill your cost share will be the fair market value of the services or property. Thus, the value is equivalent to the cost for you to obtain such services or property if they had not been donated. You must document the in-kind services or property you will use to fulfill your cost share.

If we decide to fund your application, we will require you to account for the total amount of cost share included in the award document.

H. Catalog of Federal Domestic Assistance

The S-K Grant Program is listed in the ''Catalog of Federal Domestic Assistance'' under number 11.427, Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.

I. Application Addresses

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930; (978) 281–9267.

Southeast Region, NMFS, 9721 Executive Center Drive, North, St. Petersburg, FL 33702–2432, (727) 570–5324.

Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA: 90802–4213, (562) 980–4033.

Northwest Region, NMFS, 7600 Sand Point Way, N.E., BIN C15700, Building 1, Seattle, WA 98115, (206) 526–6115.

Alaska Region, NMFS, P.0. Box 21668, Juneau, AK 99802 or Federal Building, 709 West 9th Street, 4th Floor, Juneau, AK 99801–1668, (907) 586–7224.

J. Electronic Access Addresses

This solicitation and the application package are available on the NMFS S-K Home Page at: *www.nmfs.noaa.gov/sfweb/skhome.html.*

The 1998 updated Executive Summary of the NOAA Strategic Plan is available at: *www.strategic.noaa.gov/* and the Magnuson-Stevens Act is available at: *www.nmfs.noaa.gov/sfa/magact/*.

The list of species that are currently under Federal FMPs is in the publication, *Status of Fisheries of the United States*, available at: *www.nmfs.noaa.gov/sfa/reports.html*.

II. Funding Priorities

Your proposal must address one of the priorities listed here as they pertain to species under Federal jurisdiction. 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.

If we do not receive proposals that adequately respond to the priorities listed, we may use S-K funds to carry out a national program of research and development addressed to aspects of U.S. fisheries pursuant to section 713c–3(d) of the S-K Act, as amended.

The priorities are not listed in any particular order and each is of equal importance.

A. Conservation Engineering

Reduce or eliminate adverse interactions between fishing operations and nontargeted, protected, or prohibited species, including the inadvertent take, capture, or destruction of such species. These include juvenile or sublegal-sized fish and shellfish, females of certain crabs, fish listed under the Endangered Species Act (ESA), marine turtles, seabirds, or marine mammals.

Improve the survivability of fish discarded or intentionally released and of protected species released in fishing operations.

Reduce or eliminate impacts of fishing activity on essential fish habitat (EFH) that adversely affect the sustainability of the fishery.

B. Optimum Utilization of Harvested Resources under Federal Jurisdiction

Reduce or eliminate factors such as diseases, human health hazards, and quality problems that limit the marketability of fish under Federal jurisdiction and their products in the United States and abroad.

Increase public knowledge of the safe handling and use of fish under Federal jurisdiction and their products.

Develop usable products from economic discards (defined in the Magnuson-Stevens Act as ''fish which are the target of a fishery, but which are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons'') and from byproducts of processing of federally managed species.

Develop fishing data to be presented to the Council(s) to determine the

feasibility of a new sustainably managed fishery.

C. Planning for Fishing Community Transition

Help fishing communities to address the socioeconomic effects of overfishing and overcapitalized fisheries through business, community, or state planning activities, including business planning for fishing capacity reduction. Activities may complement, but should not duplicate, programs available from other Federal, state, or local agencies.

D. Marine Aquaculture

Advance the implementation of marine aquaculture in the off-shore environment (i.e., the EEZ) by addressing technical aspects such as systems engineering, environmental compatibility, and culture technology. Although you are not required to conduct the actual work in the EEZ, your application must demonstrate that the project will contribute to the goal of off-shore industry development.

Reduce or eliminate legal and social barriers to off-shore aquaculture development, e.g., legal constraints, use conflicts, exclusionary mapping, and appropriate institutional roles.

Address environmental issues for marine aquaculture, e.g., measure and reduce water quality and benthic community impacts; evaluate and reduce negative interactions between aquaculture and wild stocks, protected resources, and EFH; develop best management practices with scientific analysis and assessment of risk.

Develop effective enhancement strategies for marine and anadromous species to help in the recovery of wild stocks.

III. How to Apply

You must follow the instructions in this document in order to apply for a grant or cooperative agreement under the S-K Program. Your application must be complete and must follow the format described here. Your application should not be bound in any manner and must be printed on one side only. You must submit one signed original and nine signed copies of your application.

A. Cover Sheet

You must use Office of Management and Budget (OMB) Standard Form 424 and 424B (4–92) as the cover sheet for each project. (In order to complete item 16 of Standard Form 424, see section V.A.5. of this document.)

B. Project Summary

You must complete NOAA Form 88–204 (10–98), Project Summary, for each project. You must list on the Project Summary the specific priority to which the application responds (see section II. of this document).

C. Project Budget

You must submit a budget for each project, using NOAA Form 88–205 (10–98), Project Budget and associated instructions. You must provide detailed cost estimates showing total project costs. Indicate the breakdown of costs between Federal and non-Federal shares, divided into cash and in-kind contributions. To support the budget, describe briefly the basis for estimating the value of the cost sharing derived from in-kind contributions. Specify estimates of the direct costs in the categories listed on the Project Budget form.

You may also include in the budget an amount for indirect costs if you have an established indirect cost rate with the Federal government. For this solicitation, the total dollar amount of the indirect costs you propose in your application 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 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. The Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. If you have an approved indirect cost rate above 25 percent of the total proposed direct cost, you may use the amount above the 25-percent level up to the 100-percent level as part of the non-Federal share. You must include a copy of the current, approved, negotiated indirect cost agreement with the Federal government with your application.

We will not consider fees or profits as allowable costs in your application.

The total costs of a project consist of all allowable costs you incur, including the value of in-kind contributions, in accomplishing project objectives during the life of the project. A project begins on the effective date of an award agreement between you and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, we cannot reimburse you for time that you expend or costs that you incur in developing a project or preparing the application, or in any discussions or negotiations you may have with us prior to the award. We will not accept such expenditures as part of your cost share.

D. Narrative Project Description

You must provide a narrative description of your project that may be up to 15 pages long. The narrative should demonstrate your knowledge of the need for the project, and show how your proposal builds upon any past and current work in the subject area, as well as relevant work in related fields. You should not assume that we already know the relative merits of the project you describe. You must describe your project as follows:

1. Project goals and objectives. Identify the specific priority listed earlier in the solicitation to which the proposed project responds. Identify the problem/opportunity you intend to address and describe its significance to the fishing community. State what you expect the project to accomplish.

If you are applying to continue a project we previously funded under the S-K Program, describe in detail your progress to date and explain why you need additional funding. We will consider this information in evaluating your current application.

2. Project impacts. Describe the anticipated impacts of the project on the fishing community in terms of reduced bycatch, increased product yield, or other measurable benefits. Describe how you will make the results of the project available to the public.

3. Evaluation of project. Specify the criteria and procedures that you will use to evaluate the relative success or failure of a project in achieving its objectives.

4. Need for government financial assistance. Explain why you need government financial assistance for the proposed work. List all other sources of funding you have or are seeking for the project.

5. Federal, state, and local government activities and permits. List any existing Federal, state, or local government programs or activities that this project would affect, including activities requiring: certification under state Coastal Zone Management Plans; section 404 or section 10 permits issued by the Corps of Engineers; experimental fishing or other permits under FMPs; environmental impact statements to meet the requirements of the National Environmental Policy Act; scientific permits under the ESA and/or the Marine Mammal Protection Act; or Magnuson-Stevens Act EFH consultation if the project may adversely affect areas identified as EFH. Describe the relationship between the project and these FMPs or activities, and list names and addresses of persons providing this information. You can get information on these activities from the NMFS Regions (see Section I.F., Application **ADDRESSES**). If we select your project for funding, you are responsible for complying with all applicable requirements.

6. Project statement of work. The statement of work is an action plan of activities you will conduct during the period of the project. You must prepare a detailed narrative, fully describing the work you will perform to achieve the project goals and objectives. The narrative should respond to the following questions:

(a) What is the project design? What specific work, activities, procedures, statistical design, or analytical methods will you undertake?

(b) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting.)

(c) What are the major products and how will project results be disseminated? Describe products of the project, such as a manual, video, technique, or piece of equipment. Indicate how project results will be disseminated to potential users.

(d) What are the project milestones? List milestones, describing the specific activities and associated time lines to conduct the scope of work. Describe the time lines in increments (e.g., month 1, month 2), rather than by specific dates. Identify the individual(s) responsible for the various specific activities.

This information is critical for us to conduct a thorough review of your application, so we encourage you to provide sufficient detail.

7. Participation by persons or groups other than the applicant. Describe how government and non-government entities, particularly members of fishing communities, will participate in the project, and the nature of their participation. We will consider the degree of participation by members of the fishing community in determining which applications to fund.

8. Project management. Describe how the project will be organized and managed. Identify the principal investigator and other participants in the project. If you do not identify the principal investigator, we will return your application without further consideration. Include copies of any agreements between you and the participants describing the specific tasks to be performed. Provide a statement no more than two pages long of the qualifications and experience (e.g., resume or curriculum vitae) of the principal investigator(s) and any consultants and/or subcontractors, and indicate their level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, you must follow procurement guidance in 15 CFR part 24, ''Grants and Cooperative Agreements to State and Local Governments,'' and 15 CFR part 14, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations.'' If you select a consultant and/or a subcontractor prior to submitting an application, indicate the process that you used for selection.

E. Supporting Documentation

You should include any relevant documents and additional information (i.e., maps, background documents) that will help us to understand the project and the problem/opportunity you seek to address.

IV. Screening, Evaluation, and Selection Procedures

A. Initial Screening of Applications

When we receive applications at any of the NMFS Regional Offices, we will first screen them to ensure that they were received by the deadline date (see DATES); include OMB form 424 signed and dated by an authorized representative (see section III. A. of this document); were submitted by an eligible applicant (see section I.E. of this document); provide for at least a 10-percent cost share but not more than 50 percent (see section I.G. of this document); involve an eligible activity (see section I.D. of this document); address one of the funding priorities for species under Federal jurisdiction (see section II.A.-D. of this document); include a budget and a statement of work including milestones (see sections III.C. and III.D.6 of this document); and identify the principal investigator (see section III D.8. of this document). If your application does not conform to these requirements and the deadline for submission has passed, we will return it to you 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

After the initial screening, we will solicit individual evaluations of each project application from three or more appropriate private and public sector experts to determine the technical merit. These reviewers will be required to certify that they do not have a conflict of interest concerning the application(s) they are reviewing. They will assign scores ranging from a minimum of 60 (poor) to a maximum of 100 (excellent) to applications based on the following criteria, with weights shown in parentheses:

a. Soundness of project design/ conceptual approach. Applications will be evaluated on the conceptual approach; the likelihood of project results in the time frame specified in the application; whether there is sufficient information to evaluate the project technically; and, if so, the strengths and/or weaknesses of the technical design relative to securing productive results. (50 percent)

b. Project management and experience and qualifications of personnel. The organization and management of the project will be evaluated. The project's principal investigator and other personnel, including consultants and contractors participating in the project, will be evaluated in terms of related experience and qualifications. Applications that include consultants and contractors will be reviewed to determine if your involvement, as the primary applicant, is necessary to the conduct of the project and the accomplishment of its objectives. (25 percent)

c. Project evaluation. The effectiveness of your proposed methods to monitor and evaluate the success or failure of the project in terms of meeting its original objectives will be examined. (10 percent)

d. Project costs. The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high or low project costs will be taken into account. (15 percent)

Following the technical review, we will determine the weighted score for each individual review and average the individual technical review scores to determine the final technical score for each application. Then, we will rank applications in descending order by their final technical scores and determine a ''cutoff'' score that is based on the amount of funds available for grants. We will eliminate from further consideration those applications that scored below the cutoff.

2. Constituent Panel(s)

For those applications at or above the cutoff technical evaluation score, we will solicit individual comments and evaluations from a panel or panels of three or more representatives selected by the Assistant Administrator for Fisheries (AA), NOAA. Panel members will be chosen from the fishing industry, state government, non-government organizations, and others, as appropriate. We will provide panelists with a summary of the technical evaluations, and, for

applications to continue a previously funded project, information on progress on the funded work to date.

Each panelist will evaluate the applications in terms of the significance of the problem or opportunity being addressed, the degree to which the project involves collaboration with fishing community members and other appropriate collaborators, proposed means to disseminate project results, and the merits of funding each project. Each panelist will provide a rating from 0–4 (poor to excellent) for each project, and provide comments if they wish. Panel members will be required to certify that they do not have a conflict of interest and that they will maintain confidentiality of the panel deliberations.

Following the Constituent Panel meeting, we will average the individual ratings for each project. We will then develop a ranking of projects based on the individual ranks within each of the priority areas.

C. Selection Procedures and Project Funding

After projects have been evaluated and ranked, we will use this information, along with input from the NMFS Regional Administrators (RAs) and Office Directors (ODs), to develop recommendations for project funding. RAs/ODs will prepare a written justification for any recommendations for funding that fall outside the ranking order, or for any cost adjustments.

The AA will review the funding recommendations and comments of the RAs/ODs and determine the projects to be funded. In making the final selections, the AA may consider costs, geographical distribution, and duplication with other federally funded projects. Awards are not necessarily made to the highest ranked applications.

We will notify you in writing whether your application is selected or not. Furthermore, if your application is not selected, we will return it to you. Successful applications will be incorporated into the award document.

The exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in preaward negotiations between you and NOAA/NMFS representatives. The funding instrument (grant or cooperative agreement) will be determined by NOAA Grants. You should not initiate your project in expectation of Federal funding until you receive a grant award document signed by an authorized NOAA official.

We will not award any Federal funds to you or any subrecipients who have an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is received, or

c. Other arrangements satisfactory to Commerce are made.

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(s), 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).

3. Submit a completed Form CD-511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' The following explanations are provided:

a. Nonprocurement debarment and suspension. Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

b. Drug-free workplace. Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form prescribed above applies;

c. Anti-lobbying. Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions,'' and the lobbying section of the certification form applies to applications for grants or cooperative agreements for more than $100,000; and

d. Anti-lobbying disclosures. Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

4. If applicable, require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit a completed Form CD-512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF-LLL, ''Disclosure of Lobbying Activities.'' Form CD-512 is intended for your use and should not be sent to the Department of Commerce (Commerce). You should send an SF-LLL submitted by any tier recipient or subrecipient to Commerce only if your application is recommended for funding. Instructions will be contained in the award document. We will provide you with all required forms.

5. Complete Item 16 on Standard Form 424 (4-92) regarding clearance by the State Point Of Contact (SPOC) established as a result of Executive Order 12372. You can get the list of SPOCs from any of the NMFS offices listed in this document or from the S-K Home Page (see section I.G. Electronic Access Addresses of this document). It is also included in the ''Catalog of Federal Domestic Assistance.'' You must contact the SPOC, if your state has one, to see if applications to the S-K Program are subject to review. If SPOC clearance is required, you are responsible for getting that clearance in time to submit your application to the S-K Program by the deadline (see **DATES**).

6. Complete Standard Form 424B (4-92), ''Assurances—Non-construction Programs.'' B. Your Obligations as a Successful Applicant (Recipient) If you are awarded a grant or cooperative agreement 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's Grants Management Division 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.

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 S-K Home Page. You may charge the costs associated with preparing and transmitting your final reports in electronic format to the grant award. We will consider requests for exemption from the electronic submission requirement on a case-by-case basis.

We will provide you with OMB-approved formats for the semiannual and final reports.

5. In addition to the final report in section V.B.4. of this document, 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. Submit either three hard copies or an electronic version of any such publications.

You are encouraged to the extent feasible to purchase American-made equipment and products with the funding provided under this program.

Note, if you incur any costs prior to receiving an award agreement signed by an authorized NOAA official, you do so solely at your own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that you may have received, Commerce has no obligation to cover preaward costs.

C. Other Requirements

1. Federal Policies and Procedures

If you receive Federal funding, you are subject to all Federal laws and Federal and Commerce policies, regulations, and procedures applicable to financial assistance awards. You must comply with general provisions that apply to all recipients under Commerce grant and cooperative agreement programs.

2. Name Check Review

You may be subject to a name check review process. We use name checks to determine if you or any key individuals named in your application have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on your management, honesty, or financial integrity.

3. Financial Management Certification/ Preaward Accounting Survey

You may, at the discretion of the NOAA Grants Officer, be required to have your financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. If you are a first-time applicant for Federal grant funds, you may be subject to a preaward accounting survey by Commerce prior to execution of the award.

4. False Statements

A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

Classification

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.

Furthermore, 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.

Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424B, and SF-LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040, and 0348–0046. NOAA-specific requirements have been approved under OMB control number 0648–0135. These requirements and their estimated response times are 1 hour for a project summary, 1 hour for a budget form, 2.5 hours for a semiannual report, and 13 hours 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 this collection of information, including suggestions for reducing this burden, to Alicia Jarboe, F/SF2, Room 13112, 1315 East West Highway, Silver Spring, MD 20910–3282.

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 requirements of the PRA unless that collection of information displays a currently valid OMB control number.

A solicitation for applications will also appear in the ''Commerce Business Daily.''

Dated: February 28, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5560 Filed 3–6–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0231]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Mortuary Services Contracts

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through July 31, 2001. DoD proposes that OMB extend its approval for use through July 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0231 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to:

Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0231.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Sandra Haberlin, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 237.70, Mortuary Services, and the associated clause at DFARS 252.237–7011; DD Form 2063, Record of Preparation and Disposition of Remains; OMB Control Number 0704–0231.

Needs and Uses: This requirement provides for the collection of necessary information from contractors regarding the results of the embalming process under contracts for mortuary services. The information is used to ensure proper preparation of the body for shipment and burial.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 400.

Number of Resondents: 114.

Responses Per Respondent: 7.

Annual Responses: 800.

Average Burden Per Response: .5 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.237–7011, Preparation History, requires that the contractor submit information describing the results of the embalming process on each body prepared for burial under a DoD contract. The contractor uses DD Form 2063 to provide this information.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5583 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0232]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Contract Pricing

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2001. DoD proposes that OMB extend its approval for use through September 30, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0232 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0232.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0288. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Amy Williams, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 215.4, Contract Pricing, and related clause in DFARS 252.215; OMB Control Number 0704–0232.

Needs and Uses: DoD contracting officers need this information to negotiate an equitable adjustment in the total amount paid or to be paid under a fixed-price redeterminable or fixed-price incentive contract, to reflect final subcontract prices; and to determine if a contractor has an adequate system for generating cost estimates, and monitor correction of any deficiencies.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 5,350.

Number of Respondents: 310.

Responses Per Respondent: .45.

Annual Responses: 141.

Average Burden Per Response: 37.94 hours.

Frequency: On occasion.

Summary of Information Collection

DFARS 215.404–3(a)(iv)(B) requires that, upon establishment of firm prices for each subcontract listed in a repricing modification, the contractor must submit the subcontractor's costs incurred in performing the subcontract and the final subcontract price. This requirement applies to the pricing of a fixed-price redeterminable or fixed-price incentive contract that includes subcontracts placed on the same basis, if the contractor has not yet established final prices for the subcontracts and circumstances require prompt negotiation.

DFARS 215.407–5 and the clause at 252.215–7002, Cost Estimating System Requirements, require that certain large business contractors—

- Establish an adequate cost estimating system and disclose the estimating system to the administrative contracting officer (ACO) in writing;
- Maintain the estimating system and disclose significant changes in the system to the ACO on a timely basis; and

• Respond in writing to reports from the Government that identify deficiencies in the estimating system.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5584 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0253]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Subcontracting Policies and Procedures

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) approved this information collection requirement for use through July 31, 2001. DoD proposes that OMB extend its approval for use through July 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0253 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0253.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602–0293. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Mr. Rick Layser, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 244, Subcontracting Policies and Procedures; OMB Control Number 0704–0253.

Needs and Uses: Administrative contracting officers use this information in making decisions to grant, withhold, or withdraw purchasing system approval at the conclusion of a contractor purchasing system review. Withdrawal of purchasing system approval would necessitate Government consent to individual subcontracts.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 1,440.

Number of Respondents: 90.

Responses Per Respondent: 1.

Annual Responses: 90.

Average Burden Per Response: 16 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes the requirements of DFARS 244.305–70, Granting, withholding, or withdrawing approval. DFARS 244.305–70 requires the administrative contracting officer, at the completion of the in-plant portion of a contractor purchasing system review, to ask the contractor to submit within 15 days its plan for correcting deficiencies or making improvements to its purchasing system.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5585 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0272]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Environment, Conservation, and Occupational Safety

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through August 31, 2001. DoD proposes that OMB extend its approval for use through August 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0272 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0272.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 223, Environment, Conservation, and Occupational Safety, and related clauses in DFARS 252.223; OMB Control Number 0704–0272.

Needs and Uses: This information collection requires that an offeror/contractor provide information in response to solicitation provisions and contract clauses in DFARS 252.223, excluding those provisions and clauses relating to a drug-free workplace (which are approved under OMB Control Number 0704–0336). DoD contracting officers use this information to—

- Verify compliance with requirements for labeling of hazardous material;
- Ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26–M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps;
- Identify the place of performance of all ammunition and explosives work; and
- Ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76–M, Physical Security of sensitive Conventional Arms, Ammunition, and Explosives.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 9,996.

Number of Respondents: 8,873.

Responses Per Respondent: 1.66.

Annual Responses: 14,726.

Average Burden Per Response: .68 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes the following requirements:

1. DFARS 252.223–7001, Hazard Warning Labels

Paragraph (c) requires all offerors to list which hazardous materials will be labeled in accordance with certain statutory requirements instead of the Hazard Communication Standard. Paragraph (d) requires only the apparently successful offeror to submit, before award, a copy of the hazard warning label for all hazardous materials not listed in paragraph (c) of the clause.

2. DFARS 252.223–7002, Safety Precautions for Ammunition and Explosives

Paragraph (c)(2) requires the contractor, within 30 days of notification of noncompliance with DoD 4145.26–M, to notify the contracting officer of actions taken to correct the noncompliance. Paragraph (d)(1) requires the contractor to notify the contracting officer immediately of any mishaps involving ammunition or explosives. Paragraph (d)(3) requires the contractor to submit a written report of the investigation of the mishap to the contacting officer. Paragraph (g)(4) requires the contractor to notify the contracting officer before placing a subcontract for ammunition or explosives.

3. DFARS 252.223–7003, Changes in Place of Performance—Ammunition and Explosives

Paragraph (a) requires the offeror to identify, in the Place of Performance provision of the solicitation, the place of performance of all ammunition and explosives work covered by the Safety Precautions for Ammunition and Explosives clause of the solicitation. Paragraphs (b) and (c) require the offeror/contractor to obtain written permission from the contacting officer before changing the place of performance after the date set for receipt of offers or after contract award.

4. DFARS 252.223–7007, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives

Paragraph (e) requires the contractor to notify the cognizant Defense Security Service field office within 10 days after award of any subcontract involving sensitive conventional arms, ammunition, and explosives within the scope of DoD 5100.76–M.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5586 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0359]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement Part 232, Contract Financing

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through August 31, 2001. DoD proposes that OMB extend its approval for use through August 31, 2004.

DATES: DoD will consider all comments received by May 7, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0359 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0359.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Sandra Haberlin, OUSD (AT&L)DP(DAR), IMD 3C132, 3062

Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and related clause at DFARS 252.237–7007, Limitation of Government's Obligation; OMB Control Number 0704–0359.

Needs and Uses: This information collection requires contractors that are awarded incrementally funded, fixed-price DoD contracts to notify the Government when the work under the contract will, within 90 days, reach the point at which the amount payable by the Government (including any termination costs) approximates 85 percent of the funds currently allotted to the contract. This information will be used to determine what course of action the Government will take (e.g., allot additional funds for continued performance, terminate the contract, or terminate certain contract line items).

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 800.

Number of Respondents: 800.

Responses Per Respondent: 1.

Annual Responses: 800.

Average Burden Per Response: 1 hour.

Frequency: On occasion.

Summary of Information Collection

This information collection includes requirements related to contract financing and payment in DFARS Part 232, Contract Financing, and the related clause at DFARS 252.232–7007, Limitation of Government's Obligation. DFARS Subpart 232.7, Contract Funding, limits the use of incrementally funded fixed-price contracts to situations where the contract is funded with research and development appropriations; where Congress has otherwise incrementally appropriated program funds; or where the head of the contracting activity approves the use of incremental funding for either base services contracts or hazardous/toxic waste remediation contracts. The clause at DFARS 252.232–7007 identifies procedures for incrementally funding the contract and requires the contractor to provide the Government with written notice when the work will reach the point at which the amount payable by the Government, including any termination costs, approximates 85 percent of the funds currently allotted to the contract.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5587 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Cost Accounting Standards Administration

AGENCY: Department of Defense (DoD).

ACTION: Notice of public meeting.

SUMMARY: The Director of Defense Procurement is sponsoring a public meeting to discuss potential opportunities to streamline the provisions in Part 31 of the Federal Acquisition Regulation concerning cost measurement, assignment, and allocation. The Director of Defense Procurement would like to hear the views of interested parties on what they believe are potential areas for streamlining in light of the evolution of Generally Accepted Accounting Principles, the advent of Acquisition Reform, and experience gained from implementation. A listing of some possible streamlining areas can be found on the Internet Home Page of the Office of Cost, Pricing, and Finance at *http://www.acq.osd.mil/dp/cpf*.

Upon identification of the key areas, subsequent public meetings will be held to hear views of interested parties regarding specific recommendations. The dates and times of those meetings will be published on the Internet Home Page of the Office of Cost, Pricing, and Finance.

DATES: The first meeting will be held on April 19, 2001, from 10 a.m. until 1 p.m., local time.

ADDRESSES: The meeting will be held in the Auditorium at the General Services Administration, 18th and F Streets, Washington, DC. Directions may be found on the Internet at *http://www.acq.osd.mil/dp/cpf*.

FOR FURTHER INFORMATION CONTACT: Mr. David Capitano, Office of Cost, Pricing, and Finance, by telephone at (703) 695–7249, by FAX at (703) 693–9616, or by e-mail at *dcapitano@osd.mil*.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–5581 Filed 3–6–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Committee meeting:

Name of Committee: U.S. Army War College Subcommittee of the Army Education Advisory Committee.

Dates of Meeting: April 25, 26, 27, and 28, 2001.

Place: Root Hall, U.S. Army War College, Carlisle Barracks, Pennsylvania.

Time: 8:30 a.m.–5 p.m.

Proposed Agenda: Receive information briefings; conduct discussions with the Commandant staff and faculty; table and examine online College issues; assess resident and distance education programs, self-study techniques, and plans for the Process for Accreditation of Joint Education (PAJE) 2000; assemble a working group for the concentrated review of institutional policies and a working group to address committee membership and charter issues; propose strategies and recommendations that will continue the momentum of federal accreditation success and guarantee compliance with regional accreditation standards.

FOR FURTHER INFORMATION CONTACT: To request advance approval or obtain further information, contact Lieutenant Colonel Cary A. Hilton, Box 524, U.S. Army War College, Carlisle Barracks, PA 17013 or telephone (717) 245–3396.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee after receiving advance approval for participation. To request advance approval or obtain further information, contact Lieutenant Colonel Cary A. Hilton at the above address or phone number.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–5533 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act

(P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB)—Venture Capital.

Date of Meeting: 05–06 March 2001.

Time of Meeting: 0900–1630, 05 March 2001, 0900–1630, 06 March 2001.

Place: Presidential Towers Office Bldg, 9th floor conference room, 2511 Jefferson Davis Highway, Arlington, VA 22202–3911.

Agenda: This is the second meeting of The Army Science Board's (ASB) Venture Capital Ad Hoc Study. Briefings will be presented on Department of Defense initiatives to access leading edge technologies and on commercial business strategies for accessing leading edge technologies. For further information, please contact LTC John Anzalone, Operations Research Analyst, (703) 604–7436. If you plan to attend and require an escort to the 9th floor conference room, please call Mr. Everett R. Gooch on (703) 604–7479.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 01–5561 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of the Revised Draft Environmental Impact Statement for the Platte West Water Production Facilities, Douglas and Saunders Counties, Nebraska

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act and implementing regulations, a revised Draft Environmental Impact Statement (DEIS) has been prepared to evaluate the environmental impacts of the Metropolitan Utilities District's (MUD's) preferred water supply expansion location (Platte West) as well as other reasonable alternatives to that location. The environmental impacts of each of the five action alternatives, as well as the ''no action'' alternative are described in the DEIS. Public comment on the DEIS will be accepted by the Corps through April 13, 2001. A public workshop will be held from 7 p.m. to 9 p.m. on Wednesday, March 21 in the Russell Middle School cafeteria at 5304 South 172nd Street, Omaha, Nebraska. The public is invited to view displays related to the project and provide comments to the Corps.

FOR FURTHER INFORMATION CONTACT: Questions and comments regarding the DEIS can be addressed to Becky Latka, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102–4978, telephone at (402) 221–4602, or E-Mail rebecca.j.latka@usace.army.mil

SUPPLEMENTARY INFORMATION: MUD's preferred Platte West alternative is located in Douglas and Saunders Counties, and consists of 40 to 46 vertical wells that would withdraw groundwater to provide additional water for future growth of the Omaha metropolitan area. It is anticipated that the 30-year project could impact wetland habitat, as well as result in Platte River depletions. However, the location of the Platte West site, which is situated near future growth areas, as well as the quality and volume of water available at the site and the relatively low cost of the water, make the Platte West site the preference for MUD. Information on the costs and environmental impacts of the six alternatives (which includes the no-action alternative) are detailed in the DEIS.

Currently, the water supply for the Omaha metropolitan area consists of the Florence water treatment plant (67.5% of total capacity) which gets its water from the Missouri River, and the Platte South wellfield (25.5% of total capacity) which gets water from the groundwater in the Platte River aquifer. The remaining water (7% of total capacity) comes from smaller wellfields in Millard and Elkhorn. One of the purposes of the wellfield expansion project is to diversify the water supply so Omaha is not as dependent on any one water source as the city is currently. This diversification concept or planned redundancy increases the reliability of the overall water supply system by providing a back-up water supply in the event of an interruption of water supply or contamination of source water.

The Corps' role in this process is to determine whether a Section 404 (Clean Water Act) permit should be issued, issued with conditions, or denied. The Corps is neither a proponent nor opponent of the project, but is required through the National Environmental Policy Act to disclose the impacts of the project and reasonable alternatives.

An earlier DEIS was released for public comment in February of 1999. Numerous public and agency comments were received at that time. In the process of addressing these comments, additional reasonable alternatives were identified and included in the NEPA process, which has resulted in the release of a revised DEIS. The public may comment on the full range of alternatives now available. MUD's preferred alternative has remained the same for both DEIS's, although estimated Platte River depletions and estimated wetland impacts have each decreased slightly from the 1999 proposal. A public hearing to comply with the Section 404 permit process has already been held in conjunction with public meetings in 1999.

If the proposed Platte West alternative is permitted, land use changes could be expected in the vicinity of the wellfields over the next 30 years, and could also result in impacts to the Two Rivers State Recreation Area near Venice, Nebraska. A separate agreement between the Commission and MUD would allow for funding for deepening the lakes in mitigation for the groundwater reduction.

Additionally, a trust fund consisting of nearly $1 million will be established, if the Platte West alternative is permitted, in order to compensate for Platte River depletions. The intent is to use the fund to develop a backwater area and wetland mitigation site near LaPlatte, Nebraska. This proposed plan for mitigation is being coordinated with various agencies.

Dated: March 7, 2001.

Mark E. Tillotson,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–5535 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–62–U

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Inland Waterways Users Board; Meeting

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the next meeting of the Inland Waterways Users Board. The meeting will be held on April 11, 2001, in New Orleans, Louisiana, at the Wyndham Hotel New Orleans at Canal Place, 100 Rue Iberville (Tel. (504) 566–7006). Registration will begin at 7:30 a.m. and the meeting is scheduled to adjourn at 1 p.m. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Mr. Norman T. Edwards, Headquarters, U.S. Army Corps of Engineers, CECW–PD,

441 G Street, NW., Washington, DC 20314–1000.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–5534 Filed 3–6–01; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR01–5–000]

Chevron Products Company v. Anschutz Ranch East Pipeline, Inc. and Express Pipeline Partnership; Notice of Complaint

March 1, 2001.

Take notice that on February 28, 2001, Chevron Products Company (Chevron) tendered for filing a complaint against Anschutz Ranch East Pipeline, Inc. (Anschutz) and Express Pipeline Partnership (Express).

Chevron states that it is a shipper of crude oil and sour condensate on a local tariff filed by Anschutz for the shipment of crude petroleum and sour condensate originating at Frontier Station, Utah and Evanston Station, Wyoming and terminating in Kimball Junction, Utah. Chevron states that it is also a shipper of crude oil on joint tariffs published by Anschutz and Express for the shipment of crude petroleum between International boundary, Canada and Salt Lake City, Utah. Chevron alleges that the rates being charged on the Anschutz local tariff and on the Anschutz portion or division of the Anschutz/Express joint tariffs are unjust and unreasonable and unduly discriminatory and unduly preferential, and, therefore, in violation of the Interstate Commerce Act. Chevron further maintains that the rates charged on the Express/Anschutz joint tariffs exceed ceiling price levels.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 20, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 20, 2001. Comments and protests may be filed electronically via the internet if lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–5526 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–92–000]

East Tennessee Natural Gas Company; Notice of Application

March 1, 2001.

Take notice that on February 23, 2001, East Tennessee Natural Gas Company (East Tennessee), Post Office Box 1642, Houston, Texas, 77251–1642, filed in Docket No. CP01–92–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to install, construct, own and operate approximately 2.23 miles of 12-inch pipeline loop and appurtenant facilities in Washington County, Virginia; Loudon County, Tennessee; and Putnam County, Tennessee. In addition, East Tennessee proposes to perform seven pipeline road crossing replacements and hydrostatic testing in order to increase the maximum allowable operation pressure (MAOP) of approximately 17.5 miles of existing 22-inch pipe on its Line 3107, all as more fully set forth in the application on file with the Commission and open to public inspection. The project is collectively referred to as the ''Gateway Project''. This filing may be viewed on the web at *http://www.ferc.fed.us/online/htm* (call 202–208–2222 for assistance).

The proposed pipeline loop facilities will include approximately 2.23 miles of new 12-inch pipeline extending from main line valve (MLV) 3310–02, at milepost (MP) zero on East Tennessee's 8-inch line 3300 to MP 2.23 at the Saltville Storage facility interconnect. East Tennessee proposes to install a regulator on the Loudon-Lenoir City lateral at MLV 3218D–102. This regulator is required to allow gas deliveries into the Loudon meter station 75–9039, from the north, Line 3100 and the South Line 3200, operating at independent and possibly differential pressures. The Loudon regulator will be located within the existing rights-of-way.

East Tennessee also proposes to increase the MAOP on a portion of Line 3107. This increased MAOP is necessary to provide Etowah and Loudon firm transportation from the Ridgetop interconnect with Tennessee Gas Pipe Line Company to the respective Etowah and Loudon meter stations. To accomplish this, East Tennessee proposes to perform six road crossing replacements and hydrostatic test on approximately 12.85 miles of 22-inch pipe on Line 3107 from MLV 3107–1A to MLV 3108–1 and also to replace one road crossing and thereby uprate approximately 4.56 miles of 22-inch pipe on Line 3107 from the discharge of station 3107 to 3107–A. The hydrostatic testing and pipeline replacement will allow East Tennessee to increase the MAOP on these segments from 722 to 766 pounds per square inch gauge (psig), respectively to 773 psig.

The Gateway Project will allow East Tennessee to provide firm transportation service for Etowah Utility Department (Etowah), Loudon Utilities Gas Department (Loudon), and Stone Mountain Energy, LC (Stone Mountain), collectively referred to as the Gateway Customers. The proposed Gateway Project will provide 1,000 dekatherms (Dth/d) of capacity to Etowah, 3,000 Dth/d to Loudon, and 4,000 Dth/d to Stone Mountain, for a total of 8,000 Dth/d of FT–A transportation service resulting from the proposed Gateway Project facilities. East Tennessee held an open season from June 1, 2000, until June 15, 2000 for a potential expansion of its system. As a result of its open season, East Tennessee has provided precedent agreements and gas transportation agreements with each customer, for 100 percent of the proposed transportation service. In addition East Tennessee has provided other data indicating a growing market for natural gas in East Tennessee's market area citing projections from NERC's Electricity Supply and Demand 2000 database, among other things.

East Tennessee proposes to provide service to the Gateway Customers pursuant to its existing open access Rate Schedule FT–A. However, East Tennessee further seeks authorization to establish an initial Section 7(c) rate for the service proposed. East Tennessee states that all construction costs associated with the proposed facilities will be paid for through the incremental rates to be charged the Gateway Customers.

East Tennessee states that the Gateway Projects will be constructed on East Tennessee's existing pipeline right of way and thus will not result in a significant adverse effect on the environment.

The Gateway Customers have requested that East Tennessee provide the proposed transportation service during the 2001/2002 winter heating season. East Tennessee requests a certificate on or before August 1, 2001 in order for it to meet its November 1, 2001 in-service date requested by the Gateway Customers.

Any questions regarding the application should be directed to Steven E. Tillman, Director, Regulatory Affairs, East Tennessee Natural Gas Company, P.O. Box 1642, Houston, Texas, 77251, (713) 627–5113.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 2001, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Comments and protests may be filed electronically in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://ferc.fed.us/efl/doorbell.htm.*

A person obtaining intervener status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the interveners. An intervener can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervener must submit copies of comments or any other filing it makes with the Commission to every other intervener in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commentors will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commentors will not be required to serve copies of filed documents on all other parties. However, commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commentors or those requesting intervener status.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for East Tennessee to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–5524 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–869–000]

Geothermal Properties, Inc.; Notice of Issuance of Order

March 1, 2001.

Geothermal Properties, Inc. (GPI) submitted for filing a rate schedule under which GPI will engage in wholesale electric power and energy transactions at market-based rates. GPI also requested waiver of various Commission regulations. In particular, GPI requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by GPI.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by GPI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, GPI is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of GPI's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5521 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–915–000]

GPN Pleasant Hill, LLC, GPN Pleasant Hill Operating, LLC; Notice of Issuance of Order

March 1, 2001.

GPN Pleasant Hill Operating, LLC (GPN) submitted for filing a rate

schedule under which GPN will engage in wholesale electric power and energy transactions at market-based rates. GPN also requested waiver of various Commission regulations. In particular, GPN requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by GPN.

On February 20, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by GPN should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, GPN is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of GPN's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 22, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5522 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–56–001]

Merrill Lynch Capital Services, Inc.; Notice of Filing

March 1, 2001.

Take notice that on February 23, 2001, pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations, Merrill Lynch Capital Services, Inc. (MLCS) filed an Amendment to the Application for approval of the disposition of MLCS's jurisdictional facilities to Allegheny Energy Global Markets, LLC (Allegheny Global) and Allegheny Energy Supply Company, LLC (Allegheny Supply). The Amendment was filed to reflect Allegheny Supply as a possible recipient of some or all of MLCS's wholesale electric power supply agreements.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 8, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–5525 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–457–000 and ER01–457–001]

Naniwa Energy LLC; Notice of Issuance of Order

March 1, 2001.

Naniwa Energy LLC (Naniwa) submitted for filing a rate schedule under which Naniwa will engage in wholesale electric power and energy transactions at market-based rates. Naniwa also requested waiver of various Commission regulations. In particular, Naniwa requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Naniwa.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Naniwa should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Naniwa is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Naniwa's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http:/*

/www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5520 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1044–000]

Riverside Generating Company, L.C.C.; Notice of Issuance of Order

March 1, 2001.

Riverside Generating Company, L.L.C. (Riverside) submitted for filing a rate schedule under which Riverside will engage in wholesale electric power and energy transactions at market-based rates. Riverside also requested waiver of various Commission regulations. In particular, Riverside requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Riverside.

On February 20, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Riverside should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Riverside is authorized to issue securities and assume obligations of liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Riverside's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 22, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5519 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–373–000 and ER01–373–001]

Tiger Natural Gas, Inc.; Notice of Issuance of Order

March 1, 2001.

Tiger Natural Gas, Inc. (Tiger) submitted for filing a rate schedule under which Tiger will engage in wholesale electric power and energy transactions at market-based rates. Tiger also requested waiver of various Commission regulations. In particular, Tiger requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Tiger.

On February 15, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Tiger should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Tiger is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Tiger's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 19, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5523 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–52–040]

Williams Gas Pipelines Central, Inc.; Notice of Settlement Agreement

March 1, 2001.

Take notice that on February 23, 2001, Williams Gas Pipelines Central, Inc., Ash Grove Cement, Atmos Energy Corporation, Farmland Industries, Inc., FMC Corporation, Heartland Cement, Kansas Gas Service Company, a Division of ONEOK, Inc., the Kansas Corporation Commission (KCC), Kansas Industrial Energy Supply Company, Lone Star Industries, Inc., Amoco Production Company, Pioneer Natural Resources USA, Inc., Mobil Oil Corporation, OXY USA Inc., and Union Pacific Resources Company, collectively Sponsoring Parties, filed a Settlement Agreement (Settlement) under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. A copy of the Settlement is available for public inspection in the Commission's Public Reference Room and may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Sponoring Parties state the purpose of the voluntary Settlement is to facilitate the partial resolution of complicated claims and mitigate administrative burdens relating to refunds asserted to be due as a result of the collection of Kansas *ad valorem* tax reimbursements in excess of maximum lawful prices

under the Natural Gas Policy Act. Sponsoring Parties also assert the Settlement, together with a Stipulated Settlement to be filed with the KCC, will resolve any issues between the Settling Parties but will not impact the claims of other parties. In addition, Sponsoring Parties state the Settlement will resolve all claims except those related to refunds due to Missouri jurisdictional customers and is supported by all active parties in Kansas, Oklahoma, Texas, Nebraska and Colorado.

Comments on the Settlement Agreement are due by March 15, 2001; reply comments are due on March 22, 2001. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–5531 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1320–000, et al.]

Central Maine Power Company, et al.; Electric Rate and Corporate Regulation Filings

February 28, 2001.

Take notice that the following filings have been made with the Commission:

1. Central Maine Power Company

[Docket No. ER01–1320–000]

Take notice that on February 23, 2001, Central Maine Power Company (CMP) tendered for filing a service agreement for Non-firm Local Point-to-Point Transmission Service entered into with Select Energy, Inc. Service will be provided pursuant to CMP's Open Access Transmission Tariff, designated rate schedule CMP–FERC Electric Tariff, Fifth Revised Volume No. 3, Original Service Agreement No. 119.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Kandiyohi Power Cooperative

[Docket No. ES01–21–000]

Take notice that on February 22, 2001, Kandiyohi Power Cooperative (Kandiyohi) submitted an application pursuant to section 204 of the Federal Power Act requesting authorization to make long-term borrowings under a loan agreement with the National Rural Utilities Cooperative Finance Corporation in an amount not to exceed $8.8 million.

Kandiyohi also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Linasa Cogeneracion y Asociados, S.L.

[Docket No. EG01–134–000]

Take notice that on February 23, 2001, Linasa Cogeneracion y Asociados, S.L. (LICA) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

LICA owns a 15 MW eligible facility located in Las Torres de Cotillas, Murcia, Spain. LICA states that it is engaged directly and exclusively in the business of owning and/or operating all or part of an eligible facility (as defined in Section 32(a)(1) of the Public Utility Holding Company Act); selling electricity at wholesale to Industria Jabonera LINA, S.A., the cogeneration host, and at wholesale to the local distribution utility, IBERDROLA, a publicly held Spanish corporation operating under the laws of Spain; and, possibly, selling electricity at retail to customers none of which will be located within the United States.

Comment date: March 21, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Puget Sound Energy, Inc.

[Docket No. ER01–1319–000]

Take notice that on February 23, 2001, Puget Sound Energy, Inc., tendered for filing a Netting Agreement with California Department of Water Resources (CDWR).

A copy of the filing was served upon CDWR.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. The United Illuminating Company

[Docket No. ER01–1318–000]

Take notice that on February 23, 2001, The United Illuminating Company (UI) tendered for filing Service Agreement No. 21 under UI's FERC Electric Tariff, Second Revised Volume No. 4, a non-firm point-to-point transmission service agreement between UI and H.Q. Energy Services (U.S.) Inc.

UI requests an effective date for the service agreement of January 25, 2001.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Westar Generating, Inc.

[Docket No. ER01–1305–000]

Take notice that on February 23, 2001, Westar Generating, Inc. (Westar), tendered for filing proposed cost-based rates for sales to Western Resources, Inc., from Westar's 40 percent ownership share in the new State Line Combined Cycle Station presently under construction by The Empire District Electric Company (Empire) at the site of Empire's existing State Line Plant located in Jasper County, Missouri.

Westar asks that the Commission permit the rates to become effective March 19, 2001, the date the facility is expected to begin operational testing.

Westar states that it has served copies of its filing on the Kansas Corporation Commission and Western Resources.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Cargill-Alliant, LLC

[Docket No. ER01–1306–000]

Take notice that on February 23, 2001, Cargill-Alliant, LLC tendered for filing an application for authorization to make market-rate power sales to its affiliated public utilities.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. DPL Energy

[Docket No. ER01–1307–000]

Take notice that on February 23, 2001, DPL Energy (DPLE), tendered for filing a long-term transaction agreement with The Dayton Power and Light Company.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Pool

[Docket No. ER01–1308–000]

Take notice that on February 23, 2001, the New England Power Pool (NEPOOL) Participants Committee hereby files for acceptance materials to terminate the status of Utility.com, Inc., as a NEPOOL Participant.

The Participants Committee seeks an effective date of the earlier of a Commission order accepting the filing, or April 24, 2001, sixty days after the filing.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Pool

[Docket No. ER01–1309–000]

Take notice that on February 23, 2001, the New England Power Pool (NEPOOL), tendered a filing reflecting approval by the NEPOOL Participants of rate treatment for certain actual costs of the Vermont Electric Power Company (VELCO) incurred in the period January 1, 2001 through February 28, 2001 with respect to the deployment on an interim basis a generating unit to operate primarily as a synchronous condenser to enhance system reliability in light of the failure of a phase angle regulator, and for certain actual costs of VELCO incurred with respect to the repair of that phase angle regulator.

A January 1, 2001 effective date has been requested.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Xcel Energy Services Inc.

[Docket No. ER01–1311–000]

Take notice that on February 23, 2001, Xcel Energy Services Inc., on behalf of Public Service Company of Colorado (PSCo), tendered for filing a Power Supply Agreement (Agreement) between PSCo and Cheyenne Light, Fuel and Power Company (Cheyenne). Pursuant to the Agreement, PSCo will supply Cheyenne partial requirements service until the end of 2001.

Xcel Services requests that the Agreement be made effective on February 25, 2001, the day after the termination of Cheyenne's existing partial requirements contract.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Entergy Services, Inc.

[Docket No. ER01–1314–000]

Take notice that on February 23, 2001, Entergy Services, Inc., on behalf of the Entergy Operating Companies, tendered for filing a Network Integration Transmission Service Agreement with Entergy Power Marketing Corp. (EPMC), and a Network Operating Agreement with EPMC.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. AES Ironwood, L.L.C.

[Docket No. ER01–1315–000]

Take notice that on February 23, 2001, AES Ironwood, L.L.C., petitions the Commission for acceptance of AES Ironwood, L.L.C. Rate Schedule FERC No. 1, the granting of certain blanket approvals, including authority to sell capacity, energy and ancillary services at wholesale at market-based rates, and the waiver of certain Commission Regulations.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. PacifiCorp

[Docket No. ER01–1316–000]

Take notice that on February 23, 2001, PacifiCorp, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Umbrella Service Agreements for Short-Term Firm and Non-Firm Transmission Service with Pacific Northwest Generating Cooperative (PNGC) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–1317–000]

Take notice that on February 23, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Service Agreement No. 110 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of January 26, 2001 for Minnesota Power Energy Exchange.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Delmarva Power & Light Company, Conectiv Delmarva Generation, Inc., Atlantic City Electric Company, Conectiv Atlantic Generation, LLC, Conectiv Energy Supply, Inc.

[Docket Nos. ER00–3322–003 and ER00–1770–003]

Take notice that on February 23, 2001, Conectiv tendered for filing a compliance filing in the above-captioned proceeding on behalf of its subsidiaries Delmarva Power & Light Company (Delmarva), Conectiv Delmarva Generation, Inc. (CDG), Atlantic City Electric Company (Atlantic), Conectiv Atlantic Generation, LLC (CAG) and Conectiv Energy Supply, Inc. (CESI).

Copies of the filing were served upon Delmarva's wholesale requirements customers, the Maryland Public Service Commission, Delaware Public Service Commission, New Jersey Public Service Commission, the Virginia State Corporation Commission and other persons shown on the list of recipients with this filing.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Public Service Company of New Mexico

[Docket No. ER01–615–001]

Take notice that on February 23, 2001, Public Service Company of New Mexico (PNM), tendered for filing Substitute Second Revised Sheet No. 2 to its FERC Electric Tariff, Original Volume No. 3. PNM states that the filing revises Section 4 of its market-based sales tariff in compliance with the Commission's January 24, 2001 order in Docket Nos. ER01–592–000 and ER01–615–000, Western Resources, Inc. and Public Service Company of New Mexico, 94 FERC 61,050 (2001).

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Western Resources, Inc.

[Docket No. ER01–592–001]

Take notice that on February 23, 2001, Western Resources, Inc. (WR), tendered for filing Substitute Second Revised Sheet No. 1 to its FERC Electric Tariff, Original Volume No. 1. WR states that the filing revises Section 4 of its market-based sales tariff in compliance with the Commission's January 24, 2001 order in Docket Nos. ER01–592–000 and ER01–615–000, Western Resources, Inc. and Public Service Company of New Mexico, 94 FERC 61,050 (2001).

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Ameren Energy, Inc.

[Docket No. ER01–466–001]

Take notice that on February 23, 2001, Ameren Energy, Inc. (Ameren Energy), tendered for filing a compliance filing required by the Commission's January 9, 2001 Order in Docket No. ER01–466–000.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. New York Independent System Operator, Inc.

[Docket Nos. ER99–4235–004, ER00–798–004 and ER01–461–002]

Take notice that on February 23, 2001, the New York Independent System Operator, Inc. (NYISO) tendered for filing substitute sheets to its Market Administration and Control Area Services Tariff in the above-captioned dockets. The filing corrects an inadvertent error in a previous filing.

The NYISO has requested an effective date of January 2, 2001 for the filing, and has requested waiver of the Commission's notice requirements.

The NYISO has requested waiver of the Commission's service requirements. The documents are available for download from the NYISO's website at www.nyiso.com. Copies will be provided upon request.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Kentucky Utilities Company

[Docket No. ER01–1334–000]

Take notice that on February 23, 2001, Kentucky Utilities Company (KU), tendered for filing revisions to existing contracts between KU and its wholesale requirements customers.

KU requests an effective date of January 1, 2001 for these contracts.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–5488 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Minor License.

b. *Project No.:* 11855–000.

c. *Date Filed:* July 24, 2000; supplemented on February 14, 2001.

d. *Applicant:* JLH Hydro, Incorporated.

e. *Name of Project:* Idols Hydroelectric Project.

f. *Location:* On the Yadkin River near the town of Clemmons in Davie and Forsyth counties, North Carolina. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* James L. Horton, President, JLH Hydro, Inc. at 1800 Statesville Blvd., Salisbury, NC 28144. Telephone 704–638–0506.

i. *FERC Contact:* Jim Haimes, *james.haimes@ferc.fed.us;* (202) 219–2780.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all persons and entities filing requests to intervene in the subject proceeding to serve a copy of each document they file with the Commission on each person on the official service list for the subject project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The proposed project would consist of the following existing facilities: (1) a 10-foot-high, 660-foot-long, rubble masonry dam having an ungated 410-foot-long spillway; (2) a 1-mile-long, reservoir with a surface area of 35 acres, and no appreciable storage at normal pool elevation, 672.3 feet mean sea level; (3) a 900-foot-long, 100 to 150-foot-wide tailrace, separated from the main river channel by a 200-foot-long, concrete retaining wall and a mid-channel island; and (4) a 60-foot-long by 39-foot-wide brick utility building, which would contain the project's transformers.

The site's 146-foot-long by 36-foot-wide powerhouse, located at the northeast and of the dam, was a stone masonry and wood structure, which contained 6 vertical Francis-type turbines directly connected to 6 generators having a total installed capacity of 1,411 kilowatts. On February 8, 1998, a major fire destroyed the powerhouse's generators and electrical equipment as well as its wooden roof, walls, and floor.

The applicant proposes: (1) to use the project's existing dam, water intake structures, wicket gates, and turbines; (2) to reconstruct the powerhouse with a steel roof and red concrete block walls; (3) to install 6 generators having a combined capacity of 1,440 kilowatts in the restored powerhouse structure; (4) to install 3 dry-type transformers in the utility building; (5) to improve the existing canoe take-out, portage trail, and put-in area around the dam's west side; and (6) to operate the project in a run-of-river mode to produce an average of 5,866,000 kilowatt-hours of electricity per year.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, Room 2A, located at 888 First Street, NE, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h, above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice

and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. *All filings must:* (1) Bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant specified in item h, above.

David P. Boergers,

Secretary.

[FR Doc. 01–5527 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Application Type:* Application to Amend License for the Round Butte & Pelton Project.

b. *Project No:* 2030–033.

c. *Date Filed:* February 20, 2001.

d. *Applicant:* Portland General Electric Company (PGE).

e. *Name of Project:* Round Butte & Pelton Project.

f. *Location:* The project is located on the Deschutes River in Jefferson County, Oregon, in part on federal lands, including tribal lands within the Warm Springs Indian Reservation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Julie Keil, Director, Hydro Licensing, Portland General Electric Company, 121 SW Salmon Street, 3WTC–BRHL, Portland, OR 97204, (503) 464–8864.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Mohamad Fayyad (202) 219–2665 or by e-mail at mohamad.fayyad@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* March 23, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorell.htm.

Please include the project number (2030–033) on any comments or motions filed.

k. *Description of Filing:* PGE proposes to replace the runners on two of the three turbines at the Round Butte Development of the project. The proposed new runners will have a maximum hydraulic capacity of 4,700 cfs at 345 ft net head, which represents an approximate 3% increase in the maximum hydraulic capacity of the turbines. The existing turbines are operated in their high efficiency range and the upgrade units would be operated in a similar manner. The capacity of the Round Butte Development would not change because it is limited by the generator capacity. Installation of new runners would provide increased flexibility in system load following and spinning reserve capability, and could alleviate some of the shortages in energy currently being experienced in that part of the Nation.

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 be viewed on http://www.ferc.fed.us/online/rims.htm [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'', ''PROTESTS'', 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 any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5528 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a: *Application Type:* Amendment of License.

b: *Project No.:* 8864–016.

d: *Applicant:* Calligan Hydro, Inc.

e: *Name of Project:* Calligan Creek Hydroelectric Project.

f: *Location:* The Calligan Creek Hydroelectric Project will be sited on Calligan Creek within the Snoqualmie River Basin of King County, Washington. No federal lands would be affected.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h: *Applicant Contact:* Cheryl Krueger, Hancock Hydro, Inc., 19515 North Creek Parkway, Suite 310, Bothell, WA 98011; (425) 487–6541.

i. *FERC Contact:* Questions about this notice can be answered by Kenneth Hogan at (202) 208–0434 or e-mail address: kenneth.hogan@ferc.fed.us. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, terms and conditions, motions to intervene, and protests:* 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Calligan Creek Hydro Inc., has applied for license amendment to the Calligan Creek Hydroelectric Project. The current license for the project was issued on May 13, 1993. An order amending the license was issued on June 2, 1994, approving the change from an overhead transmission line to a buried one. On April 10, 1995, the Commission issued an order granting an extension of time for the construction of the project commencement date of May 13, 1997 and construction completion on May 13, 1999. On March 24, 1999, the Commission issued another order extending the date for the projects construction commencement and construction completion to May 13, 2001 and May 13, 2003, respectively. No project facilities have been constructed to date.

The licensee has requested an amendment to change the project capacity from 5.4 MW to 7.4 MW with a 36 percent increase in hydraulic capacity to allow maximum power production during high flows; modify the intake and diversion structures to accommodate the increased flow needed to support the increased generation capacity, including an increase of surface area to the fish screens; bury the first 2,000 feet of the penstock to a depth of about 100 feet to eliminate the need for the approved siphon; and change the current tailrace design from a 140-foot-long buried pipe to an approximately 100-foot-long open channel.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. 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.

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.

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.

Federal, state, local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5529 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2103–002.

c. *Date filed:* June 29, 2000.

d. *Applicant:* Cominco American Incorporated.

e. *Name of Project:* Cedar Creek.

f. *Location:* On Cedar Creek, near the City of Northport, in Stevens County, Washington. 2.058 acres within the project boundary are Federal Lands managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Nan A. Nalder, Acres International Corp., 150 Nickerson St., Suite 310, Seattle, WA 98109–1634.

i. *FERC Contact:* Kenneth J. Hogan, kenneth.hogan@ferc.fed.us, (202) 208–0343.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretry, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The project consists of 2.4 acres of U.S. land which is periodically

inundated by operation of the Waneta Project located in British Columbia, Canada. The U.S. Bureau of Land Management (BLM) manages 2.058 acres of land within the project. The project boundary also includes a 60-foot Boundary Reserve designated by the International Joint Commission (0.298 acres). The remaining project area of 0.044 acres is privately owned.

m. 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 2–A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice. Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 01–5530 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 1, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a: *Application Type:* Amendment of License.

b: *Project No.:* 9025–012.

c: *Date Filed:* January 31, 2001.

d: *Applicant:* Hancock Hydro Inc.

e: *Name of Project:* Hancock Creek Hydroelectric Project.

f: *Location:* The Hancock Creek Hydroelectric Project will be sited on Hancock Creek within the Snoqualmie River Basin of King County, Washington. No federal lands would be affected.

g: *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h: *Applicant Contact:* Cheryl Krueger, Hancock Hydro, Inc., 19515 North Creek Parkway, Suite 310, Bothell, WA 98011; (425) 487–6541.

i. *FERC Contact:* Questions about this notice can be answered by Kenneth Hogan at (202) 208–0434 or e-mail address: kenneth.hogan@ferc.fed.us. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, terms and conditions, motions to intervene, and protests:* 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Hancock Creek Hydro Inc., has applied for license amendment to the Hancock Creek Hydroelectric Project. The current license for the project was issued on June 23, 1993. On April 25, 1995, the Commission issued an order granting an extension of time with a construction commencement date of June 21, 1997, and construction completion June 21, 1999. On March 26, 1999, the Commission issued another order extending the date for the project's construction commencement and construction completion to June 21, 2001 and June 21, 2003, respectively. No project facilities have been constructed to date.

The licensee has requested an amendment to change the project capacity from 6.3 MW to 7.4 MW with a 14.8 percent increase in hydraulic capacity to allow maximum power production during high flows; modify the intake and diversion structures to accommodate the increased flow needed to support the increased generation capacity, including an increase of surface area to the fish screens; reroute the first 2,500 feet of penstock to avoid a 0.46 acre sphagnum bog/wetland; bury the first 2,500 feet of the penstock to a depth of about 100 feet to eliminate the need for the approved siphon; shift the location of the powerhouse slightly to facilitate the use of an existing access road and create a short spur road, allowing access to the powerhouse from the north instead of the east, improving the aesthetics in the area; change the current tailrace design from a 140-foot-long buried pipe to a slightly shorter open channel, and modify the overhead transmission line, proposed in the current license, to a buried transmission line to provide greater reliability, visual benefits and eliminate the need for raptor protection.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. 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.

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.

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.

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5532 Filed 3–6–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Clean Air Act Tribal Authority

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 EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Clean Air Act Tribal Authority, EPA ICR Number 1676.02, and OMB Control No. 2060–0306, expiring 05/31/01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 7, 2001.

ADDRESSES: Office of Air and Radiation, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Mail Code 6101–A, Washington, DC 20460. Interested persons may request a copy of the ICR without charge from the contact person below.

FOR FURTHER INFORMATION CONTACT: Tony Bynum, tel.: (202) 564–1389; fax: (202) 564–2057; e-mail: *bynum.tony@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which request Clean Air Act Tribal Authority.

Title: Clean Air Act Tribal Authority (OMB Control No. 2060–0306; EPA ICR No.1676.02) expiring 05/31/01, renewal.

Abstract: This ICR requests clearance of EPA's review and approval process for determining Tribal eligibility to carry out the Clean Air Act (CAA). Tribes may choose to submit a CAA eligibility determination and a CAA program application to EPA at the same time for approval and EPA will review both submittals simultaneously. EPA will use this information to determine if a Tribe meets the statutory criteria under section 301(d) of the CAA and is qualified for purposes of implementing an Air Quality Program. Section 114 of the CAA is the authority for the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 40 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 22, 2001.

Robert D. Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 01–5570 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, the New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels at 40 CFR part 60, Subpart Kb, OMB Control Number 2060–0074, expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where

appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1132.06 and OMB Control No. 2060–0074, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No.1132.06. For technical questions about the ICR contact Everett Bishop at 202–564–7032.

SUPPLEMENTARY INFORMATION:

Title: The New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels at 40 CFR part 60, Subpart Kb (OMB Control Number 2060–0074, EPA ICR Number 1132.06), expiration date February 28, 2001. This is a request for an extension of a currently approved collection.

Abstract: The notification of construction, reconstruction or modification indicates when a storage vessel becomes subject to the standards. The information generated by the inspecting, recordkeeping and reporting requirements is used by the Agency to ensure that the storage vessel affected by the NSPS continues to operate the control equipment in a manner that helps achieve compliance with the NSPS.

Information is recorded in sufficient detail to enable owners or operators to demonstrate the means of complying with the applicable standards. Under this standard, the data collected by the affected owner/operator is retained at the facility for a minimum of two years and made available to the Administrator either on request or by inspection.

The information generated by the recordkeeping and reporting requirements are used by the Agency to ensure that facilities affected by the NSPS continue to operate in compliance with the NSPS.

The information collected from the recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court. Collection of this information is authorized at 40 CFR 60.7 and 60.110b. Any information submitted to the Agency, for which a claim of confidentiality is made, will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2: 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 22, 2000 (65 FR 80854). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1 hour per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners of storage vessels for petroleum liquids and synthetic organic chemicals.

Estimated Number of Respondents: 580.

Frequency of Response: Semi-annually, Annually, Initial Reports.

Estimated Total Annual Hour Burden: 74,606 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $4,714,690.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1132.06 and OMB Control No. 2060–0074 in any correspondence.

Dated: February 22, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5567 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100168; FRL–6767–2]

Systems Integration Group, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Systems Integration Group, Inc. in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Systems Integration Group, Inc. has been awarded a contract to perform work for OPP, and access to this information will enable Systems Integration Group, Inc. to fulfill the obligations of the contract.

DATES: Systems Integration Group, Inc. will be given access to this information on or before March 12, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. Contractor Requirements

Under contract number 01–35–4713/172, the contractor will perform the following:

The Contractor shall create digitized multi-page tiff images from approximately 2.9 million microfiche frames of scientific reviews on pesticides. Preparing such images will allow the Health Effects Division (HED), Records Reference Center the ability to retrieve previously microfiched scientific reviews from CDs. Electronic accessibility of old scientific reviews will allow EPA the necessary capability to quickly obtain reviews of studies performed, and enabling efficient regulatory decisions. The Contractor shall have access to CBI, and will treat all scientific documents as confidential business information per EPA directives.

This contract involves no subcontractors.

OPP has determined that the contract described in this document involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) the contract with Systems Integration Group, Inc., prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Systems Integration Group, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Systems Integration Group, Inc. until the requirements in this document have been fully satisfied. Records of information provided to Systems Integration Group, Inc. will be maintained by EPA Project Officers for the contract. All information supplied to Systems Integration Group, Inc. by EPA for use in connection with the contract will be returned to EPA when Systems Integration Group, Inc. has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 14, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–5576 Filed 3–6–01; 8:45 am]

[BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100167; FRL–6770–3]

Syracuse Environmental Research Associates, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Syracuse Environmental Research Associates, Inc. in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Syracuse Environmental Research Associates, Inc. has been awarded a contract to perform work for OPP, and access to this information will enable Syracuse Environmental Research Associates, Inc. to fulfill the obligations of the contract.

DATES: Syracuse Environmental Research Associates, Inc. will be given access to this information on or before March 12, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. Contractor Requirements

Under contract number GS-10F-0082F000, the contractor will perform the following:

The Forest Service (FS) has entered into Interagency Agreements with other Federal agencies to develop human health and safety risk assessments, and other related activities that are mutually beneficial to both agencies. Examples include the development of methodologies for determining human health and safety risks associated with tank mixture of pesticides with EPA.

The Contractor shall prepare documents using the most current information available, including current FS program information and pesticide or semiochemical data. This will require that the Contractor search all pertinent data bases, current literature, published and unpublished data, results of current research, and also contact Federal, state, local, and private individuals involved in current and recent research,

monitoring and regulatory activities associated with pest control or vegetation management efforts or the tools used in those efforts.

The Contractor shall also contact individuals who are specifically knowledgeable regarding the current regulatory status of the pesticidal agents' most recent toxicological information. This includes the Product Managers of each agent and toxicologists at the EPA, and the manufacturer's technical representatives or Product Managers.

The contract involves no subcontractors.

OPP has determine that the contract described in this document involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with Syracuse Environmental Research Associates, Inc. prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Syracuse Environmental Research Associates, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Syracuse Environmental Research Associates, Inc. until the requirements in this document have been fully satisfied. Records of information provided to Syracuse Environmental Research Associates, Inc. will be maintained by EPA Project Officers for the contract. All information supplied to Syracuse Environmental Research Associates, Inc. by EPA for use in connection with the contract will be returned to EPA when Syracuse Environmental Research Associates, Inc. has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 14, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–5577 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100166; FRL–6770–2]

Science Applications International Corporation (SAIC); Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Science Applications International Corporation (SAIC) in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). SAIC has been awarded a contract to perform work for OPP, and access to this information will enable SAIC to fulfill the obligations of the contract.

DATES: SAIC will be given access to this information on or before March 12, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. Contractor Requirements

Under contract number 68–W9–0060/000, the contractor will perform the following:

The Contractor shall provide technical expertise necessary to conduct analyses of samples of pesticide products, particularly aluminum phosphide fumigants, to support possible enforcement actions and provide expert testimony regarding the manner in which the analyses were conducted. The analyses may require testing for both the active ingredient and certain inert ingredients. The analyses of individual samples will not be routinely scheduled but will be conducted as necessary as products are found entering the marketplace. The analyses will determine if the product contains the amount of active ingredient as expressed on the product labeling and whether the active ingredient or specified inert ingredients are within the certified limits contained in the Confidential Statement of Formula (CSF) accepted in connection with the pesticide's registration. The analytical method will generally be specified by EPA and and ingredient may be required to be analyzed by more than one method, using both wet and dry chemical techniques. Analyses will be conducted in accordance with EPA quality assurance procedures, chain of custody procedures, and procedures for maintaining the security of CBI.

This contract involves no subcontractors.

The OPP has determined that the contract described in this document involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The

information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with SAIC, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, SAIC is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to SAIC until the requirements in this document have been fully satisfied. Records of information provided to SAIC will be maintained by EPA Project Officers for the contract. All information supplied to SAIC by EPA for use in connection with the contract will be returned to EPA when SAIC has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 14, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–5578 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–5]

Notice of Request for Proposals for Projects to be Funded from the Water Quality Cooperative Agreement Allocation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA Region 4 (Atlanta) is soliciting proposals from state water pollution control agencies, interstate agencies, tribes, and other public or nonprofit private agencies, institutions and organizations interested in applying for Federal assistance for Water Quality Cooperative Agreements under the Clean Water Act section 104(b)(3) in the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. EPA Region 4 will award an estimated $300,000 to eligible applicants through assistance agreements ranging in size from $25,000 to $150,000 for innovative projects/demonstrations/studies that have maximum transferability or can be used as models relating to the prevention, reduction, and elimination of water pollution. Priority will be given to proposals that relate to Total Maximum Daily Load (TMDL) activities which support the development of TMDLs. TMDL support includes the rotating basin approach and water quality monitoring.

DATES: EPA Region 4 will consider all proposals postmarked or received on or before 5 p.m. Eastern Time April 23, 2001. Proposals received after this date will not be accepted.

ADDRESSES: It is preferred that three copies of the proposal be mailed through the postal service or other means to: Dorothy Rayfield, Chief, Grants & Technical Assistance Section, Water Management Division, U.S. Environmental Protection Agency, 61 Forsyth St., SW., Atlanta, Georgia 30303. Proposals may also be electronically mailed to *rayfield.dorothy@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Dorothy Rayfield by telephone at 404–562–9278 or by E-mail at *rayfield.dorothy@epa.gov.*

SUPPLEMENTARY INFORMATION:

What is the Purpose of This Request for Proposals?

EPA Region 4, Water Management Division is requesting proposals from state water pollution control agencies, interstate agencies, tribes, and other public or nonprofit private agencies, institutions, and organizations under the Clean Water Act Section 104(b)(3) for unique and innovative projects.

An organization whose proposal is selected for Federal assistance must complete an EPA Application for Assistance, including the SF–424 form (Application for Federal Assistance, see 40 CFR 30.12 and 31.10).

Has EPA Region 4, Water Management Division Identified High Priority Areas for Consideration?

The Water Management Division, EPA Region 4 has identified project areas for priority consideration to the extent they are for proposals that are related to Total Maximum Daily Load (TMDL) activities which support the development of TMDLs. TMDL support includes the rotating basin approach and water quality monitoring. Further priority will be given to projects that are located within watersheds that have the following characteristics:

- Monitoring activities that support TMDL development on 303(d) listed waters.
- Modeling activities that support TMDL development on 303(d) listed waters.
- Other activities (e.g., watershed characterization, source identification, etc.) that support TMDL development on 303(d) listed waters

Additional consideration will be given to proposed projects that are consistent with the States's TMDL development schedules, with priority given to TMDL development processes, procedures or tools that can be transferred to other waters.

Statutory Authority, Applicable Regulations, and Funding Level

Funding is authorized under the provisions of the Clean Water Act section 104(b)(3), 33 U.S.C. 1254(b)(3).

The regulations governing the award and administration of Water Quality Cooperative Agreements are 40 CFR part 30 (for institutions of higher learning, hospitals, and other non-profit organizations) and 40 CFR part 31 (for States, Tribes, local governments, intertribal consortia, and interstate agencies). In addition, EPA expects to promulgate final rules in the near future that will include program specific regulations for Water Quality Cooperative Agreements to States, Tribes, local governments, interstate agencies and Intertribal consortia. When the rules are finalized, they will be codified at 40 CFR part 35, subparts A and B.

Total funding available for award will depend on EPA Region 4's appropriation for Fiscal Year 2001; however, it is estimated that $300,000 will be available for funding approved projects. Projects may range in size from $25,000 to $150,000.

Proposal Format and Contents

(A) The following format should be used for all proposals.

Name of Project:

Applicant Point of Contact: (Individual and Organization Name, Address, Phone Number, Fax Number, E-mail address)

Is this a Continuation of a Previously Funded Project? (If so, please provide its name, funding date, and expected final product with the date)

Proposed Award Amount:

Proposed Applicant Cost Share: (A 5% match is encouraged)

Expected Budget: Please include a budget by salary, fringe benefits, travel,

supplies, equipment, contractual and indirect costs and a budget by activity, such as water monitoring, modeling, watershed characterization, best management practices, etc. Identify all sources of funding.

Project Description: (Should not exceed two (2) pages of single spaced text)

Expected Accomplishments or Products(s) with Dates and Interim Milestones: Since eligible activities must be of a relatively short time frame with tangible results, the project and budget period should not exceed two (2) years.

Describe How the Project Meets the Evaluation Criteria: EPA will consider proposals based on the following criteria:

- The relationship of the proposed project to the priorities identified in this notice
- How well the project proposes to address a need
- How well the project is likely to increase water quality protection
- How reasonable the expectation of being successful and implementable
- Soundness of technical content
- Applicant's financial commitment
- Compliance with direction for submittal contained in this notice.

Eligible Applicants

Eligible applicants for assistance agreements under Section 104(b)(3) of the Clean Water Act are state water pollution control agencies, tribes, interstate agencies, other public or nonprofit private agencies, institutions, and organizations. This solicitation is limited to applicants within EPA Region 4.

Application Procedure

Please send three copies of the proposal if it is not electronically transmitted. The completed proposals should be limited to three pages. Full application packages should not be submitted at this time.

Schedule of Activities

This is the estimated schedule of activities for review of proposals and notification of selections:

Proposals due to EPA by April 23, 2001.

June 5, 2001—Initial approvals identified and sponsors of projects selected for funding will be requested to submit a formal application package.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–5573 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–3]

Clean Air Act Advisory Committee Notice of Meeting

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical scientific, and enforcement policy issues.

Open Meeting Notice: Pursuant to 5 U.S.C. App. 2 Section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Wednesday, March 28, 2001, from approximately 8:30 a.m. to 3:30 p.m. at the Renaissance Mayflower Hotel, 1127 Connecticut Ave., NW., Washington, DC. Seating will be available on a first come, first served basis. Three of the CAAAC's four Subcommittees (the Linking Energy, Land Use, Transportation, and Air Quality Concerns Subcommittee; the Permits/NSR/Toxics Integration Subcommittee; and the Economics Incentives and Regulatory Innovations Subcommittee) will hold meetings on Tuesday, March 27, 2001 from approximately 9:30 a.m. to 4:30 p.m. at the Mayflower Hotel, the same location as the full Committee. The Energy, Clean Air and Climate Change Subcommittee will not meet at this time. The Permits/NSR/Toxics Subcommittee is scheduled to meet from 9:30 a.m. to 11:30 a.m.; the Economic Incentives and Regulatory Innovations Subcommittee is scheduled to meet from 12 noon to 2 p.m.; and the Linking Energy, Land Use, Transportation, and Air Quality Concerns subcommittee is scheduled to meet from 2:30 p.m. to 4:30 p.m.

Inspection of Committee Documents: The Committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket item A–94–34 (CAAAC). The Docket office can be reached by telephoning 202–260–7548; FAX 202–260–4400.

For Further Information concerning this meeting of the full CAAAC, please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 564–1306, FAX (202) 564–1352 or by mail at US EPA, Office of Air and Radiation (Mail code 6102 A), 1200 Pennsylvania Avenue, NW., Washington, DC 20004. For information on the Subcommittee meetings, please contact the following individuals: (1) Permits/NSR/Toxics Integration—Debbie Stackhouse, 919–541–5354; and (2) Linking Transportation, Land Use and Air Quality Concerns—Lucie Audette, 734–668–4438; and (3) Economic Incentives and Regulatory Innovations—Carey Fitzmaurice, 202–564–1667. Additional information on these meetings and the CAAAC and its Subcommittees can be found on the CAAAC Web Site: *www.epa.gov/oar/caaac/*

Dated: February 21, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–5566 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–2]

National Advisory Council for Environmental Policy and Technology; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy and management issues.

NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing.

The NACEPT is addressing several policy issues associated with EPA's human resource planning, the integration of key Agency planning processes, and the identification of emerging issues and trends facing the Agency. The NACEPT Council will: Present its recommendations regarding EPA's Workforce Capacity efforts to the Agency; provide an update on the identification of emerging issues and trends facing EPA over the next five to ten years; and continue to help the Agency identify ways to integrate its

human resource planning, information and technology planning, and strategic planning processes.

DATES: The NACEPT will hold a 2-day public meeting on Wednesday, March 21, from 8:30 a.m. to 4:30 p.m. and Thursday, March 22, 2001 from 8:30 a.m. to 3:45 p.m.

ADDRESSES: The NACEPT 2-day public meeting will be held at the Latham Hotel, 3000 M Street, NW., Washington, DC. Materials or written comments may be transmitted to the Council through Gwendolyn Whitt, Designated Federal Officer/NACEPT, U.S. EPA, Office of Cooperative Environmental Management (1601A), 1200 Pennsylvania Avenue NW., Washington, DC 20460. The public will have an opportunity to make comments directly to the Council during the first day of the meeting. Oral comments will be limited to a total time of five minutes. Requests to make oral comments must be submitted no later than March 15, 2001 to Gwendolyn Whitt, at the address above or faxed to (202) 501–0661. Anyone who has not reserved time in advance, may make comments during the public comment period as time allows.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Whitt, Designated Federal Officer, NACEPT, at (202) 564–9741.

Dated: February 26, 2001.

Timothy O. Sherer,

Acting Deputy Director, Office of Cooperative Environmental Management.

[FR Doc. 01–5571 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–4]

Public Participation in Activities Relating to the 1998 Agreement on Global Technical Regulations; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: EPA is holding a public workshop and soliciting public comments with regard to the development of the Agency's policy concerning its participation in the United Nations/Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations (WP.29) and the development of regulations under the 1998 ''Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts.'' This notice is also soliciting comment on the involvement of the public in the Agency's participation in the development of global technical regulations under the 1998 Agreement. Finally, this notice sets forth the Agency's priorities in participating in the global regulatory harmonization process. The Agency intends to issue its policy following the receipt of comments solicited here.

The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop.

DATES: Written comments to the agency must be received by April 18, 2001. The public workshop will be held on March 19, 2001, from 9 a.m. to 1 p.m.

ADDRESSES: Comments must refer to docket number A–2001–08 and be submitted (preferably 2 copies) to EPA's Air Docket at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street SW., Washington, DC 20460. The Docket Office is open between 8 a.m. and 5:30 p.m., Monday through Friday except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548, and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR Part 2. *Public workshop:* The public workshop will be held in room 1332A of the EPA Headquarters, Ariel Rios Building North, 1300 Pennsylvania Avenue, NW, Washington DC. Those persons wishing to participate in the workshop should contact Mr. Kenneth Feith by telephone, (202) 564–1679, or email, ''feith.ken@epa.gov'' no later than March 15, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Feith, Office of Air and Radiation, Mail Code 6103A, U.S. Environmental Protection Agency, Washington, DC. 20460, Telephone: (202) 564–1679; Fax: (202) 564–1557; email ''feith.ken@epa.gov

SUPPLEMENTARY INFORMATION:

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I. Introduction

A. The 1998 Agreement

The U.S. became the first signatory to the United Nations/Economic Commission for Europe (UN/ECE) Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted And/or Be Used on Wheeled Vehicles (the ''Agreement''). The 1998 Agreement entered into force on August 28, 2000. The Agreement provides for the establishment of global technical regulations regarding wheeled vehicle safety, environmental performance, energy sources and theft prevention.

B. Purpose of and Need for 1998 Agreement

The decision of the U.S. to become a Contracting Party to the 1998 Agreement and participate in a global regulation development process is a critical step toward a cooperative worldwide identification of best safety, environmental and energy practices.

Becoming a Contracting Party to the 1998 Agreement accomplishes several purposes for the U.S. and the EPA in particular. It gives the U.S. a vote in the establishment of voluntary global environmental regulations for wheeled vehicles, equipment and parts under the United Nations. Such participation enables the U.S. to take a leading role in the design and development of globally harmonized mobile source environmental regulations that can be adopted worldwide. Further, the 1998 Agreement ensures that U.S. mobile source regulatory standards will be considered in any effort to develop such harmonized global technical regulations for mobile sources.

C. Purpose of this Notice

There are three main purposes of this notice. First, it announces the procedures that EPA intends to follow to ensure that its activities under the 1998 Agreement are open and transparent to the public. Second, it specifies the priorities that will guide the Agency during its participation in activities under the 1998 Agreement. One of these priorities is to promote and establish environmental standards for mobile sources that reflect the best environmental practices around the world. Lastly, the notice announces a public workshop on March 19, 2001 at which these issues will be discussed with interested stakeholders.

II. Highlights of 1998 Agreement

The key aspects of the 1998 Agreement are summarized below to aid persons unfamiliar with its provisions. The complete text of the Agreement can be found in docket A–2001–08 and on the Internet at the address provided herein.

- The Agreement establishes a global process under the United Nations, Economic Commission for Europe (UN/ECE), for developing and harmonizing global technical regulations ensuring high levels of environmental protection, safety, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. (Preamble, Art. 1).
- Members of the ECE, as well as members of the United Nations that participate in ECE activities, are eligible to become Contracting Parties. Specialized agencies and organizations that have been granted consultative status by the UN/ECE may participate in that capacity without voting privilege. (Art. 2)
- The Agreement was entered into force on August 28, 2000, when the required minimum of eight (8) countries or regional economic integration organizations became Contracting Parties. (Art. 11) The current list of Contracting Parties is: the United States, Canada, Japan, France, the United Kingdom, the European Community, Germany, the Russian Federation, the People's Republic of China, and the Republic of Korea.
- The Agreement explicitly recognizes the importance of continuously improving and seeking high levels of safety and the right of national and subnational authorities, (e.g., California's authority under the Clean Air Act to set separate emission standards), to adopt and maintain technical regulations that are more stringently protective of health and the environment than those established at the global level. (Preamble)
- The Agreement explicitly states that one of its purposes is to ensure that actions under the Agreement do not promote, or result in, a lowering of environmental protection or safety within the jurisdiction of the Contracting Parties, including the subnational level. (Art. 1)
- To the extent consistent with achieving high levels of environmental protection and vehicle safety, the Agreement also seeks to promote global harmonization of wheeled vehicle regulations. (Preamble)
- The Agreement emphasizes that the development of global technical regulations will be transparent. (Art. 1)
- To complement the Agreement's transparency provisions, EPA will take steps to ensure transparency in its consideration of global regulations being developed under the Agreement. EPA will ensure that key documents developed under the Agreement are placed in the established public docket for this activity and on the Internet as they become available. Further, EPA will accept public comments on such documents.
- The Agreement provides two different paths to the establishment of global technical regulations. The first is the harmonization of existing national regulatory standards or their improvement. The second is the development of new global technical regulations where there are no existing regulatory standards. (Article 6.2 and 6.3)
- The process for developing a harmonized global technical regulation includes a technical review of existing regulations of the Contracting Parties, relevant UN/ECE regulations and international voluntary standards. If available, comparative assessments of the benefits of these regulations (also known as functional equivalence assessments) will be reviewed. (Art. 1.1.2, Article 6.2)
- The process for developing a new global technical regulation includes the assessment of technical and economic feasibility and a comparative evaluation of the potential benefits and cost effectiveness of alternative regulatory requirements and test method(s) by which compliance is to be demonstrated. (Article 6.3)
- To establish any global technical regulation, there must be a consensus vote. Thus, if any Contracting Party votes against a recommended global technical regulation, it would *not* be established. (Annex B, Article 7.2)
- The establishment of a global technical regulation *does not* obligate Contracting Parties to adopt that regulation. Contracting Parties retain the right to choose whether or not to adopt any technical regulation established as a global technical regulation under the Agreement. (Preamble, Article 7)
- Consistent with the recognition of that right, Contracting Parties have only a limited obligation when a global technical regulation is established under the Agreement. Any Contracting Party that voted to establish the regulation must initiate those national procedures that are used to adopt any domestic regulation. (Article 7)
- For the U.S., this would mean initiating the rulemaking process either by issuing an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM). If the U.S. EPA were to adopt a global technical regulation into national law, it would do so in accordance with all applicable procedural and substantive statutory provisions, including the Administrative Procedure Act, the Clean Air Act, the Noise Control Act and comparable provisions of other relevant statutes.
- The Agreement allows for global technical regulations to contain a ''global'' level of stringency for most parties and ''alternative'' levels of stringency for developing countries. In this way, all countries can participate in the development, establishment and adoption of global technical regulations. The Agreement notes that a developing country may initially adopt one of the lower levels of stringency and later successively adopt higher levels of stringency. (Article 4)

III. Notice of EPA Participation Under the Global Agreement and Mechanisms for Public Involvement

The Agency believes that it must have flexibility so that its activities and procedures attendant to the 1998 Global Agreement can evolve easily and quickly as the U.S. gains experience in implementing the Agreement in a manner that advances environmental protection and involves the public.

EPA recognizes that its activities under the 1998 Agreement could lead to the modification of its existing regulations or the possible adoption of new globally harmonized regulations. Accordingly, EPA plans to provide the public with access to pertinent information developed under the global process. The EPA will also provide the public with adequate time to review and comment on any potential international regulatory activity that the US is considering for adoption. To this end, the Agency intends to provide:

A. Access to Information

The agency intends to publish an annual calendar of meetings and listing of global technical regulations under consideration by Working Party—29. As documents generated under the Global Agreement become available in English to EPA, the agency intends to place them in a docket and, whenever possible, make them Internet accessible as well.

B. Notice of Participation in Regulatory Activity Under the 1998 Global Agreement

The EPA intends to publish in the **Federal Register** a list of those regulatory activities under the Global

Agreement where the U.S. intends to participate in their development. The Agency will provide in the notice a description of the issues and the basis for U.S. participation.

Many or all of these documents are currently available on the website of the UNECE World Forum for the Harmonization of Vehicle Regulations: *http://www.unece.org/trans/main/welcwp29.htm*

C. Opportunity to Comment

The agency proposes to seek public comment at key points during the development of global technical regulations. In the case of a proposal submitted by the U.S. for a new global technical regulation or the harmonization of existing regulations, the EPA will give notice, as stated above, and request comment.

However, if the contemplated international regulation concerns a top environmental priority which needs to be addressed by the issuance of a regulation in the U.S., then the Agency will publish a **Federal Register** notice under the appropriate environmental statute.

When the administrative body (Working Party 29) determines that a draft global regulation is suitable for submission to the Contracting Parties of the 1998 Agreement for their consideration, the EPA will seek public review and comment. The EPA will provide for adequate time for receipt and review of any comments before the U.S. exercises its vote on whether to adopt such regulation as a global regulation under the United Nations Agreement. It should be emphasized that a U.S. vote to adopt a regulation under the Agreement only obligates the U.S., or any other Contracting Party, to initiate its domestic regulatory process. The U.S., or any other Contracting Party, is not compelled to adopt the global regulation into domestic law.

D. Establishment of a Continuing Forum

The Agency seeks comment regarding the desirability of holding periodic public meetings to provide interested parties an opportunity to comment on any information they have gained from various sources including the **Federal Register** and the Internet.

IV. The Agency's Priorities in Participating in the Global Harmonization Process

The Agency reaffirms its commitment to the harmonization of environmental regulations for wheeled vehicles, equipment and components, including engines. However, it will, as a matter of U.S. policy, recognize the sovereign right of any country to set regulations that provide an appropriate level of protection for that country. To that end, the EPA is committed to the development or harmonization of global regulations that will provide overall public health protection. As a matter of policy, the U.S. will not consider the adoption of global regulations that would diminish the level of environmental protection of existing regulations in the United States solely to achieve harmonization.

The Agency is also developing a list of recommended regulations that it believes should be candidates for future harmonization actions. This list, which will be formally submitted to the United Nations under this Agreement and kept in a compendium of technical regulations, will include both final U.S. EPA regulations that we believe should be seriously considered for adoption by other countries as well as future technical regulations in areas where new requirements should be developed. Examples of regulations that could be included in the compendium include the Tier 2 program, the 2007 Heavy-duty diesel program, the On-board diagnostic program, the development of driving cycles for on-highway motorcycles, and the next phase of standards for compression-ignition nonroad engines. We are interested in receiving comments on the types of actions EPA should be including in the compendium of regulations that will be submitted under the guidelines of the Agreement.

V. Public Workshop

All interested persons and organizations are invited to attend a workshop on the issues raised in this notice. The agency intends to conduct the workshop informally. The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop. An EPA official will briefly describe the topics discussed in this notice and then open the floor for public comment.

Any person planning to participate should contact Mr. Kenneth Feith at the address and telephone number given at the beginning of this notice, no later than 10 calendar days before the workshop.

VI. Comments

The Agency invites all interested parties to submit written comments. The agency notes that participation in the public workshop is not a prerequisite for submission of written comments. Written comments should be sent to the address specified above and follow the requirements stated therein.

Dated: February 27, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–5569 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–3]

Good Neighbor Environmental Board Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Good Neighbor Environmental Board, a federal advisory committee that reports to the President and Congress on environmental and infrastructure projects along the U.S. border with Mexico, will take place March 21–22 in Yuma, Arizona. The meeting is open to the public. It is the first of three committee meetings that will take place along the border during 2001.

ADDRESSES: The meeting will take place at the Shilo Inn and Conference Center, 1550 Castle Dome Road, Yuma, Arizona.

Agenda: During the morning of March 21, the Board will hear from several invited speakers on the use of pesticides in the U.S.-Mexico border region; topics will include farmworker education, institutional responsibilities, the Colorado River toxics study, and others. These presentations will be followed by a public comment session during which attendees will be encouraged to speak about their own concerns and priorities for their communities as well as the wider border region.

Following lunch, the meeting will continue with report-outs from Board members on recent developments within their respective organizations and in other institutions in the United States and Mexico that have border-region programs. After these report-outs, the Board has invited a representative from the U.S.-Mexico Border Health Commission to give a status report on the Commission's activities and plans. The balance of the day, as well as the following day, primarily will be devoted to ongoing Board business such as strengthening outreach and preparations for its next advisory report. The meeting ends at noon on March 22.

Public Attendance: The public is welcome to attend all portions of the meeting. Members of the public who

plan to file written statements and/or make brief oral statements at the public comment session on the morning of March 21 are encouraged to contact the Designated Federal Officer for the Board prior to the meeting.

Background: The Good Neighbor Environmental Board was created by the Enterprise for the Americans Initiative Act of 1992. An Executive Order delegates implementing authority to the Administrator of EPA. The Board is responsible for providing advice to the President and the Congress on environmental and infrastructure issues and needs within the States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border. The statute calls for the Board to have representatives from U.S. Government agencies; the governments of the States of Arizona, California, New Mexico and Texas; and private organizations with expertise on environmental and infrastructure problems along the southwest border. The Board meets three times annually, primarily in various border locations. The U.S. Environmental Protection Agency gives notice of this meeting of the Good Neighbor Environmental Board pursuant to the Federal Advisory Committee Act (Public Law 92–463).

FOR FURTHER INFORMATION CONTACT: Elaine M. Koerner, Designated Federal Officer for the Good Neighbor Environmental Board, Office of Cooperative Environmental Management, Office of the Administrator, USEPA, MC1601A, 1200 Pennsylvania Ave. NW., Washington, DC 20004, (202) 564–1484, *koerner.elaine@epa.gov*.

Dated: February 26, 2001.

Timothy O. Sherer,

Acting Deputy Director, Office of Cooperative Environmental Management.

[FR Doc. 01–5572 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00439J; FRL–6768–6]

Pesticide Program Dialogue Committee (PPDC); Inert Disclosure Stakeholder Workgroup; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a conference call meeting of the Inert Disclosure Stakeholder Workgroup. The workgroup was established to advise the Pesticide Program Dialogue Committee on ways of making information on inert ingredients more available to the public while working within the mandates of the Federal Insecticide, Fungicide, and Rodenticide Act and related Confidential Business Information concerns.

DATES: The meeting will be held by conference call on Tuesday, March 10, 2001, from noon to 3 p.m. eastern standard time.

ADDRESSES: Members of the public may listen to the meeting discussions on site at: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; conference room 1123. Seating is limited and will be available on a first come, first serve basis.

FOR FURTHER INFORMATION CONTACT: By mail: Cameo Smoot, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone: (703) 305–5454. Office location: 11th floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; e-mail: smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general and to persons interested in the availability of public information regarding inert or ''other'' ingredients in pesticide products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The Inert Disclosure Stakeholder Workgroup was established to advise EPA, through the Pesticide Program Dialogue Committee (PPDC), on potential measures to increase the availability to the public of information about inert ingredients (also called ''other ingredients'') under FIFRA. Among the factors the workgroup has been asked to consider in preparing its recommendations are: existing law regarding inert ingredients and Confidential Business Information (CBI); current Agency processes and policies for disseminating inert ingredient information to the public, including procedures for the protection of CBI; informational needs for a variety of stakeholders; and business reasons for limiting the disclosure of inert ingredient information.

The Inert Disclosure Stakeholder Workgroup is composed of participants from the following sectors: Environmental/public interest and consumer groups; industry and pesticide users; Federal, State and local governments; the general public; academia and public health organizations.

The Inert Disclosure Stakeholder Workgroup meeting is open to the public. Written public statements are also welcome and should be submitted to the OPP administrative docket OPP–00439A. Any person who wishes to file a written statement can do so before or after the conference call. These statements will become part of the permanent file and will be provided to the workgroup members for their information. If you have any questions about the workgroup, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information or Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. For general background information about the Inert Disclosure Stakeholder Workgroup, its mission, and a list of its members, go to http://www.epa.gov/pesticides/ppdc/inert/.

2. *In person*. The Agency has established an administrative record for this workgroup under docket control number OPP-00439A. The administrative record consists of the workgroup documents including discussion papers, meeting agenda, as well as comments submitted to the workgroup by members of the public. This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00439A in the subject line on the first page of your correspondence.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments and/or data electronically by e-mail to: ''opp-docket@epa.gov,''or you can submit a computer disk as described in Units III.A.1. and 2. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00439A. Electronic comments may also be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Pesticides, Inerts, PPDC.

Dated: February 15, 2001.

Joseph J. Merenda,

Acting Director, Office of Pesticide Programs.

[FR Doc. 01–5575 Filed 3–6–01 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50871A; FRL–6765–1]

Amendment of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: By mail: Alan Reynolds, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Hwy., Rm. 910W46, Crystal Mall #2, Arlington, VA; (703) 605–0515; e-mail address: reynolds.alan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–50871A. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. EUP

EPA has issued the following EUP:

524–EUP–91. Amendment. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, Mo. 63198. The amendment to this EUP allows the use of the plant-pesticide *Bacillus thuringiensis* Cry1Ac protein and the genetic material necessary for its production (vectors PV-GMBT01 and PV-GMBT02) in soybean . Notice of the original issuance of the EUP was published in the **Federal Register** on June 22, 2000 (65 FR 38828) (FRL–6592–5). On June 2, 2000, the EUP was amended to modify the containment provisions. Notice of receipt of an amendment was published in the **Federal Register** on August 30, 2000 (65 FR 52730) (FRL–6739–5). On January 5, 2001, the EUP was amended to allow the planting of an additional 19 acres of soybean to evaluate control of velvetbean caterpillar, stem borer, and soybean looper; to preform phenotypic observations; maintain the lines through seed production; and to preform efficacy trials. Additional acreage under this amendment to the program is authorized only in the State of Puerto Rico. This amendment is effective from January 5, 2001 to May 31, 2001. This amendment is issued with the limitation that all treated crops will be genetically contained and destroyed or used for research purposes only. Twelve comments were received in reply to the **Federal Register** notice announcing receipt of this application. The **Federal Register** notice announcing receipt of this application indicated that 22.0 acres would be tested in the States of Hawaii and Puerto Rico. All comments encouraged EPA not to approve the amendment. One or more commentors offered the following comments: 1) Hawaii has a unique and isolated environment that needs to be protected from the introduction of foreign organisms; 2) rare and endangered species in Hawaii need to be protected, including the Kamehameha butterfly; 3) long-term effects on Hawaiian soils need to be addressed including competition

with native bacteria and soil insects; 4) any effects on non-target species including pollinators and native insects exposed to Bt crops need to be addressed; 5) biotech crops have not been adequately tested for food uses and there is no evidence biotech food is safe; 6) effects of biotech crops on children are unknown; 7) biotech products should be labeled (at the supermarket); 8) organic farmers adversely affected by biotech should be compensated; 9) butterfly populations harmed by biotech should be restored; 10) ecological concerns including outcrossing and genetic drift need to be addressed; 11) adequate containment provisions are needed for the program.

After the **Federal Register** notice announcing this application was issued, Monsanto revised the program to eliminate the proposed acreage in Hawaii. Therefore, all comments and issues raised for the Hawaiian acreage are no longer germane for this EUP.

Based on submitted information, no significant or irreversible hazards to endangered species or non-target organisms in Puerto Rico are anticipated for this limited acreage, contained, crop destruct program.

Because the EUP has crop destruct provisions and is for non-food use only, no human dietary exposure is expected. As such, food safety issues (including food labeling, effects on children, and allergenicity concerns) are not germane for this EUP. There is no evidence that organic growers have been adversely affected by any EPA-registered Bt crop.

Outcrossing and genetic drift are unlikely due to the genetic containment provisions of the EUP, the lack of wild soybean relatives in test areas, and the low rate of soybean cross-pollination (soybeans are self-pollinated). All Cry1Ac soybeans grown under this EUP are required to be isolated from non-transgenic soybeans (not part of the program) by at least 6 meters. In addition, the following containment procedures are part of the experimental program: 1) Seeds will be stored in color-coded, marked bags in a secure location; 2) leftover seed will be destroyed or returned to Monsanto; 3) seeds will be double packaged for transport; 4) no plant material will be removed from the experimental sites without authorization; 5) field equipment and machinery will be throughly cleaned of any plant material and leftover seeds on-site before leaving the field; 6) soybeans are self-pollinating and have low potential for outcrossing (no special pollen-containment is needed); 7) seeds may be harvested for further research and harvesting equipment will be thoroughly cleaned; 8) all remaining plant material after harvest will be destroyed; 9) trial sites will be planted with a different crop the following year or left fallow; 10) trial sites will be monitored for 1 year to ensure no soybean regrowth or volunteers (those found will be eliminated).

Persons wishing to review this EUP are referred to the designated contact person. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 6, 2001.

Janet L.Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–5574 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50880; FRL–6770–4]

Experimental Use Permits; Receipt of Applications Bt Corn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications 68467–EUP–G, 68467–EUP–L, 29964–EUP–R, and 29964–EUP–G from Mycogen Seeds c/o Dow AgroSciences and Pioneer Hi-Bred International requesting experimental use permits (EUPs) for the plant-pesticides *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn and *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP14352) in corn. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket control number OPP–50880, must be received on or before April 23, 2001.

ADDRESSES: Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50880 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons interested in plant-pesticides or those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–50880. The official record consists of the documents specifically referenced

in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50880 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–50880. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Mycogen Seeds c/o Dow AgroSciences (9330 Zionsville Road, Indianapolis, IN 46268) and Pioneer Hi-Bred International (7250 NW 62nd Avenue, Johnston, IA 50131) have requested EUPs for the plant-pesticides *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn and *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP14352) in corn. Both active ingredients are for control of corn rootworm.

Pioneer Hi-Bred has requested to test 191.6 acres in Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Texas, and Wisconsin.

Mycogen Seeds has requested to test 612.5 acres in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, and Wisconsin.

All EUPs are to be genetically contained. Corn grown during the EUPs is not to be used for food or feed.

III. What Action is the Agency Taking?

Following the review of the Mycogen Seeds and Pioneer Hi-Bred applications and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP requests for these EUP programs, and if issued, the conditions under which they are to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 16, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–5579 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50881; FRL–6770–5]

Experimental Use Permits; Receipt of Applications Bt Corn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications 68467–EUP–U and 29964–EUP–E from Mycogen Seeds c/o Dow AgroSciences and Pioneer Hi-Bred International requesting experimental use permits (EUPs) for the plant-pesticide *Bacillus thuringiensis*

moCry1F protein and the genetic material necessary for its production (plasmid insert PHP 12537) in corn. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket control number OPP–50881, must be received on or before April 23, 2001.

ADDRESSES: Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50881 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons interested in plant-pesticides or those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–50881. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50881 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–50881. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Mycogen Seeds c/o Dow AgroSciences (9330 Zionsville Road,

Indianapolis, IN 46268) and Pioneer Hi-Bred International (7250 NW 62nd Avenue, Johnston, IA 50131) have requested EUPs for the plant-pesticide *Bacillus thuringiensis* moCry1F protein and the genetic material necessary for its production (plasmid insert PHP 12537) in corn.

Pioneer Hi-Bred has requested to test 154.01 acres in Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, and Wisconsin.

Mycogen Seeds has requested to test 564 acres in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, and Wisconsin.

Both EUPs are to be genetically contained. Corn grown during the EUPs is not to be used for food or feed. However both Mycogen Seeds and Pioneer Hi-Bred have indicated that they intend to apply to amend the EUPs in the future and link them to the pending temporary tolerance petition (OG6112) submitted and pending for Mycogen Seeds currently approved crop destruct Cry1F Bt corn EUP, 68467–EUP–2. The pending temporary tolerance petition (OG6112) published in the **Federal Register** on June 15, 2000 (65 FR 37545) (FRL–6558–6).

III. What Action is the Agency Taking?

Following the review of the Mycogen Seeds and Pioneer Hi-Bred applications and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP requests for these EUP programs, and if issued, the conditions under which they are to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 16, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–5580 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–9]

Stressor Identification Guidance Document; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is announcing the availability of the *Stressor Identification Guidance Document* (EPA 822–B–00–025) published under the authority of Section 304(a)(2) of the Clean Water Act (CWA). This technical guidance document is designed to assist water quality managers in identifying unknown causes of biological impairments in any type of water body. Section 101(a) of the Clean Water Act states that it is the objective of the Act to restore and maintain the chemical, physical and *biological integrity* of the Nation's waters. To achieve this objective, numerous States and Tribes are using biological assessments and biocriteria to help protect the Nation's waters. Using these tools, State and Tribal water quality experts are finding water bodies where the fish, invertebrate, algae or plant communities (or other aquatic life) have been detrimentally impacted by different singular or multiple causes. In many cases, the cause, or causes, of these biological impairments have not yet been identified. The *Stressor Identification Guidance Document* provides a logical, scientific process by which State, Tribal, and other water quality experts can evaluate available information to identify the stressor(s) causing the biological impairments. The process has three main steps: (1) List candidate causes of impairment, (2) analyze the evidence, and (3) characterize the causes. When evidence is adequate, using this guidance, investigators should be able to successfully identify the likely cause, or causes. This guidance will also help investigators identify where evidence is weak or lacking and needs to be developed to be able to successfully identify the stressor(s). Once the causes of the biological impairments are identified, water resource managers will be better able to locate the sources of the stressor, or stressors, and take management actions aimed at improving the biological condition of the water body.

This guidance is advisory in nature and its use is not mandatory. As such this guidance does not impose legally-binding requirements on EPA, the States, Tribes, industry, the public or any other entity.

Availability of Documents: The guidance document is being published by EPA with the title and document number; *Stressor Identification Guidance Document* (EPA–822–B–00–025), dated December 2000. Paper copies can be obtained from the U.S. EPA, Water Resource Center by phone at: (202) 260–7786, or by sending an e-mail to the Center at center.water-resource@epa.gov, or through conventional mail by sending a letter of request to U.S. EPA Water Resource Center, Ariel Rios Building, 1200 Pennsylvania Ave., Washington, DC 20460. Copies of the document may also be obtained from the U.S. EPA National Center for Environmental Publications and Information (NCEPI), 11029 Kenwood Road, Cincinnati, OH 45242 or (513) 489–8190. The document and fact sheet are also available on the EPA website at www.epa.gov/OST/biocriteria.

FOR FURTHER INFORMATION CONTACT: Susan Cormier at (513) 569–7995 or email at cormier.susan@epa.gov; Glenn Suter at (513) 569–7808 or by email at *suter.glenn@epa.gov;* Sue Norton at (202) 564–3246 or by email at *norton.susan@epa.gov;* or William Swietlik at (202) 260–9569 or by e-mail at *swietlik.william@epa.gov.*

Dated: January 17, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–5563 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–9]

Metalex Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed agreement.

SUMMARY: The Environmental Protection Agency is proposing to enter into an agreement with Libby Corporation pursuant to 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Metalex Superfund Site located in Lexington County, Lexington, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the

proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD–CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of the publication.

Dated: February 15, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–5564 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–1]

Reeves Southeastern Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: Under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), the Environmental Protection Agency (''EPA'') proposes to enter into a Prospective Purchaser Agreement (''PPA'') regarding a portion of the Reeves Southeastern Superfund Site in Tampa, Hillsborough County, Florida. EPA proposes to enter into the PPA with Master-Halco, Inc. (MH). The PPA obligates MH to fully cooperate with any response actions EPA may take on the property. Further, the PPA provides MH with a covenant not to sue from the United States for Existing Contamination on the property. The covenant is conditioned upon MH's fulfilling its obligations under the PPA. EPA will consider comments on the proposed PPA for thirty (30) days.

EPA may withdraw from or modify the proposed PPA should such comments disclose facts or considerations which indicate the proposed PPA is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Waste Management Division, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, 404/562–8887.

Written comments may be submitted to Ms. Batchelor at the above address within 30 days of the date of publication.

Dated: February 15, 2001.

Franklin E. Hill,

Chief, Cercla Program Services Branch, Waste Management Division.

[FR Doc. 01–5568 Filed 3–6–01; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Export-Import Bank)

SUMMARY: The Advisory Committee was established by Pub. L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

Time and Place: Tuesday, March 27, 2001, at 9:30 a.m. to 12:30 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: This meeting will include a discussion on the 2001 Advisory Committee Theme and a discussion of exporter need for support in new industries, sectors, and countries of destination.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to November 3, 2000, Nichole Westin, Room 1257, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3542 or TDD (202) 565–3377.

FURTHER INFORMATION CONTACT: For further information, contact Nichole Westin, Room 1257, 811 Vermont Ave., NW., Washington, DC 20571, (202) 565–3542.

John M. Niehuss,

General Counsel.

[FR Doc. 01–5549 Filed 3–6–01; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–58]

Public Safety 700 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On January 10, 2001, the Commission's Wireless Telecommunications Bureau (WTB) released a public notice announcing that July 2, 2001, is the deadline by which states must indicate their decision to ''opt out'' of existing (800 MHz) planning regions for Public Safety 700 MHz band regional planning. This action is necessary because the Commission directed the WTB to issue a public notice that addresses regional planning committee implementation matters including the deadline date for reporting the exercise of ''opt out'' decisions. The intended effect of this action is to make all interested persons aware of the deadline date.

DATES: Opt out decisions must be reported to the WTB by July 2, 2001.

ADDRESS: Opt out decisions must be reported in letter format addressed to Chief, Public Safety and Private Wireless Division, WTB, and must be signed by the convener or elected chairperson of the RPC. Opt out letters should be submitted to: Federal Communications Commission, WTB/Public Safety and Private Wireless Division, 445 12th Street, SW., Room 4–C330, Washington, DC 20554 (Re: 700 MHz RPC).

FOR FURTHER INFORMATION CONTACT: For additional information, contact Joy Alford, Public Safety and Private Wireless Division at (202) 418–0680 or by e-mail: publicsafety@fcc.gov.

SUPPLEMENTARY INFORMATION: Following is a summary of Public Notice, DA 01–58 (rel. Jan 10, 2001). In 1998, the FCC decided that the 700 MHz regional planning committees (RPCs) would be based on the same fifty-five 800 MHz planning regions. However, the FCC also decided to allow states or territories not in regions defined by state boundaries to opt out of their existing regions to form or join a planning region that follows their state's boundaries. Prior to taking advantage of this option, the 800 MHz RPC chair must appoint a local convener who is responsible for organizing and publicizing the first 700 MHz RPC meeting. At the first meeting, RPC members from a state seeking to opt out must reach a consensus decision to opt out of the region and form a new RPC that would correlate to its state's

geographic boundaries. States that do not file an opt out report by the deadline date will continue to be included in their existing planning regions. No report is necessary for planning regions that are unchanged. After WTB's receipt and review of opt out reports, it will issue a public notice(s) to confirm timely-filed opt out decisions. After an opt out decision is confirmed, the new or modified RPC is authorized to begin the planning process, absent further action by WTB. The full text of the Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 12th Street, SW., Washington, DC; it may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037. The full text of the Public Notice, including a list and map of the 55 planning regions and an attachment entitled ''Opt Out'' Decisions—By State, is available online at www.fcc.gov/Bureaus/Wireless/Public_Notices/2001/da010058.doc. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Federal Communications Commission.

D'wana R. Terry,

Chief, Public Safety and Private Wireless Division.

[FR Doc. 01–5515 Filed 3–6–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2468]

Petition for Reconsideration of Action in Rulemaking Proceeding

February 27, 2001.

Petition for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC., or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by March 22, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz For Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems (ET Docket No. 00–258, RM–9920, RM–9911).

Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Implementation of WRC–2000: Review of Spectrum and Regulatory Requirements for IMT–2000.

Amendment of the U.S. Table of Frequency Allocations to Designate the 2500–2520/2670–2690 MHz Frequency Bands for the Mobile Satellite Service.

Number of Petitions filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5490 Filed 3–6–01; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Planning and Evaluation: Notice Inviting Abstracts for Policy Research and Studies on Welfare Reform Outcomes for Fiscal Year 2001

AGENCY: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

ACTION: Announcement of the request for abstracts and the availability of funds for welfare reform policy research and studies.

SUMMARY: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) invites abstracts for policy research and studies related to welfare reform.

Closing Date: The closing date for submitting abstracts under this announcement is April 6, 2001. Only abstracts, not full proposals, will be accepted under this announcement. Please email Audrey Mirsky-Ashby at *amirsky@osaspe.dhhs.gov* by March 27, 2001 to inform the government of your intent to submit an abstract. Please include the proposed title of the research project and please put ''intent to submit'' in the subject line of your email. Providing notice of intent to submit is not a requirement for submitting an abstract. However, a notice of intent to submit will help the federal government in the planning for the review process. Please email Evvie Becker at *ebecker@osaspe.dhhs.gov* April 18, 2001 to confirm receipt of any abstracts submitted. Please include the researcher's name, the name of the organization submitting the abstract, the amount of federal funds requested, and the title of the research project. Please put ''confirm receipt'' in the subject line of your email.

Mailing Address: Abstracts should be submitted to: Adrienne Little, Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW., Room 405F, Hubert H. Humphrey Building, Washington, DC 20201, Telephone: (202) 690–8794. Administrative questions will be accepted and responded to up to ten working days prior to closing date of receipt of abstracts.

The printed **Federal Register** notice is the only official program announcement. Any corrections to this announcement will be published in the **Federal Register** as well as published on the ASPE World Wide Web Pages. The web site is *http://aspe.hhs.gov/funding.htm.* Although reasonable efforts are taken to assure that the files on the ASPE World Wide Web Page containing electronic copies of this Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

FOR FURTHER INFORMATION CONTACT: Administrative questions should be directed to the Grants Officer at the address or phone number listed above. Technical questions should be directed to Audrey Mirsky-Ashby, DHHS, ASPE, telephone, 202–401–6640 or e-mail, *amirsky@osaspe.dhhs.gov.* Technical questions may also be directed in writing to Evvie Becker, DHHS, ASPE, at *ebecker@osaspe.dhhs.gov.* In addition, written technical questions may be faxed to Audrey Mirsky-Ashby or Evvie Becker at 202–690–6562 or may be addressed to either Audrey Mirsky-Ashby or Evvie Becker at the following address, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW., Room 404E, Hubert H. Humphrey Building, Washington, DC 20201. Please call to confirm receipt. Technical questions will be accepted and responded to up to ten working days prior to the closing date of receipt of abstracts.

Part I. Supplementary Information

Legislative Authority

This announcement is authorized by Section 1110 of the Social Security Act (42 U.S.C. 1310) and awards will be

made from funds appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as enacted by section 1000(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554).

Eligible Applicants

Pursuant to section 1110 of the Social Security Act, any public organization, including state and local governments, and private nonprofit organizations, including universities and other institutions of higher education, may apply. Applications may also be submitted by private for-profit organizations, although no funds may be paid as profit to grantees or subgrantees.

Available Funds

ASPE is engaging in a two-part process. The first part of the process will be the submission of six page research abstracts. After the abstracts are reviewed by an independent review panel, a subset of the applicants who submitted abstracts will be invited by ASPE to submit full applications. These will be reviewed competitively. Financial awards will be made only in the second part of the process; no awards will be made based on abstracts submitted. An invitation to submit an application is not a guarantee of funding. The following information on fund availability is provided for planning purposes for applicants.

Approximately $1,000,000 is expected to be available from ASPE funds appropriated for fiscal year 2001. We estimate that this level of funding will support between 8 and 12 ASPE awards with *total* budgets ranging from $75,000 to $150,000 for most of these short-term policy analyses (to be completed within about 12 months of award). These figures are provided as guidance but do not constitute minimum or maximum limits. If additional funding becomes available in fiscal years 2001 or 2002, a greater number of projects may be funded.

No federal funds received as a result of this announcement can be used to purchase computer equipment and no funds may be paid as profit to grantees or subgrantees, i.e., any amount in excess of allowable direct and indirect costs of the recipient (45 CFR 74.81). Our intent is to sponsor research and analytic work and not to fund the provision of services. Grant funds awarded in the full-proposal phase of this initiative may not be used to pay for programs or services.

Grantees must provide at least 5 percent of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, a researcher with a project with a total budget (both direct and indirect costs) of $150,000 may request up to $142,500 in federal funds under the announcement.

If a proposed project activity has approved funding support from other funding sources, the amount, duration, purpose, and source of the funds should be indicated in materials submitted under this announcement. If completion of the proposed project activity is contingent upon approval of funding from other sources, the relationship between the funds being sought elsewhere and from ASPE should be discussed in the budget information submitted as a part of the abstract. In both cases, the contribution that ASPE funds will make to the project should be clearly presented.

Background

''The Personal Responsibility and Work Opportunity Reconciliation Act of 1996'' (PRWORA), a comprehensive bipartisan welfare reform plan that dramatically changed the nation's welfare system into one that requires work in exchange for time-limited assistance, was signed into law in August 1996. The Temporary Assistance for Needy Families (TANF) program was created to replace the Aid to Families with Dependent Children (AFDC) and Job Opportunities and Basic Skills Training (JOBS) programs, ending the federal entitlement to assistance and providing funds to states to operate time-limited, work-oriented welfare programs. PRWORA also effected changes in child support enforcement, child care, food stamps, disability benefits for children, and immigrant eligibility for federal, state, and local benefits.

The purpose of TANF, as articulated in the law, is to increase the flexibility of states in operating a program that is designed to (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) encourage the formation and maintenance of two-parent families.

Given the sweeping changes in the welfare system and the dramatic caseload declines since PRWORA was enacted, for the past three years the Department has received policy research funds targeted by Congressional appropriators to support studies of the outcomes of welfare reform. Additional funds were also included in the FY 2001 appropriation. The Department has used these funds to help create an integrated picture of the low-income population by complementing other public and private efforts to assess the outcome of welfare reform, with a particular focus on low-income families with children. Projects funded in fiscal years 1998, 1999, and 2000 include studies that measure outcomes for a broad population of low-income families, examine diversion practices, and measure family hardship and well-being, including the utilization of other support programs. Projects are in place to assess the outcomes of welfare reform on current, former and potential welfare recipients and other special populations affected by TANF policies. ASPE is also studying the workings of the low-wage labor markets, where current and former welfare recipients are most likely to be employed. A large portion of the welfare outcome funds have been spent on competitive grants to states and large counties to study families leaving welfare, as well as those who have been diverted (formally or informally) from welfare receipt. These projects have provided, and continue to provide, valuable data on welfare outcomes from a variety of perspectives. New data are becoming available to analyze the issues above and there is still more we need to learn about how low-income, disadvantaged children and families are faring under PRWORA. We are interested in the areas of economic outcomes for poor families (e.g., family hardship and well-being); child outcomes (including the children of teen parents); youth outcomes (including teen parents and teen children); the formation of families (e.g., marriage, fatherhood, child support, medical child support); and special populations (e.g., cases that involve domestic violence, mental health or substance abuse problems, homeless TANF families, incarcerated parents, cultural or language barriers, learning disabilities, low educational skills, chronic health problems).

Part II. Purpose

ASPE is again interested in soliciting ideas for studies on various aspects of welfare reform outcomes from the research community. ASPE is announcing this funding opportunity as

part of our strategy to encourage field-initiated research on the outcomes of welfare reform and the impacts of policy changes on low-income children and families. These studies should focus on outcomes for the broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by TANF policies. We will support short-term research and data analyses designed to be completed within 12 months. This funding is intended for research and analytical work, not for the provision of services. Thus, grant funds awarded under this initiative may not be used to pay for programs or services.

ASPE is interested in analyses of the economic conditions, health and well-being, socio-demographic characteristics, and social service needs of low-income individuals, families and children affected by TANF policies. We want to cover a wide spectrum of policy interests related to welfare reform outcomes, focusing on poverty; working poor families; supports for low-income populations; special populations, including those with barriers to full participation in the work force or those who were made ineligible for federal TANF assistance (such as recent legal immigrants); and programs and policies related to low-income children and youth. Data from a variety of sources can be used, including state and county administrative records or survey data or data from a research project already underway. We also encourage the use of national surveys (e.g., the Panel Survey of Income Dynamics, the National Longitudinal Survey of Youth-79, National Longitudinal Survey of Youth-97, the Survey of Income and Participation Dynamics, the Survey of Program Dynamics, the National Longitudinal Study of Adolescent Health, and the Youth Risk Behavior Surveillance System) and comprehensive state level administrative and survey databases which allow for detailed analytic work on a variety of outcomes of welfare reform and the broader policy and economic environment. For example, we are interested in determining relationships between welfare policies and successful versus unsuccessful transitions to work. (Note: Despite the positive aspects of using national surveys, researchers must acknowledge and address the limitation that such data may represent periods that precede passage of welfare reform legislation or implementation of its major provisions.) We also welcome multidisciplinary approaches to research questions.

With this announcement, we are seeking abstracts that propose studies of welfare reform outcomes, including:

1. *Researcher-nominated projects:* Topics that are identified by the researcher as most important for our understanding of welfare reform outcomes, but that do not fall into one of the topic categories listed below.

2. *Economic Support for Poor Families:* We are interested in (1) understanding the characteristics and needs of working poor families and the low-wage labor market, including supports for families transitioning from welfare such as child care, food stamps, Medicaid, and EITC, and how these affect their transition from welfare to self-sufficiency; (2) understanding how the emphasis on work for welfare families is affecting adults and their children, and how they are faring; (3) identifying state-specific policies for welfare-to-work, such as state flexibility in the use of TANF funds for non-traditional service providers, and understanding how this is related to successful outcomes for families; (4) more fully understanding the economic status of low-income families (e.g., credit and debt, recent trends in poverty and employment, trends in income mobility); and; (5) understanding the interaction between welfare reform and housing; in particular, the effect of housing subsidies on the outcomes of welfare reform policies. (Note that the Department of Housing and Urban Development has helped researchers identify the recipients of housing subsidies in the past).

3. *Children and Youth:* We are interested in adolescents affected by welfare reform, teen parents on welfare and the children of these teen parents, youth who reside in low-income families transitioning from welfare, or sub-populations of youth affected by TANF policies. We would like to improve our understanding of the impact of welfare reform policies and of state TANF/Maintenance of Effort (MOE) funding on (1) policies and outcomes for low-income pregnant women and families with infants and toddlers; (2) child care and early childhood education for low-income populations, including child care for children with disabilities; (3) youth development programs for high-risk youth; (4) the prevention of teen risk behaviors; (5) the child protection and child welfare service systems and their caseloads (for example, is there an increasing overlap between child protective caseloads and TANF participants, divertees, and leavers, which may influence welfare outcomes?).

4. *Family Formation:* We are interested in projects that will increase our knowledge of the effect of TANF policies on family structure and functioning, including family composition, poverty, health insurance status, how resources are shared in cohabiting households before or after leaving welfare, and fertility issues, such as teen pregnancy and out-of-wedlock births. We are also interested in understanding the impact of welfare reform on marriage and on the living arrangements of children, and in examining how parents are fulfilling their economic and emotional responsibilities to their children. Issues of fatherhood, fragile families and cohabiting households, medical child support and other health care coverage for child support-eligible children, and how children are parented are also included in this topical area. There may also be issues related to how families with immigrant parents and citizen children are faring.

5. *Special Populations:* We are interested in (1) examining the welfare-eligible populations with serious barriers to succeeding in employment, including substance abuse, mental health problems, domestic violence, low educational skills, and those with multiple problems; (2) examining services for adults and children, including substance abuse and mental health treatment, domestic violence services, and programs for incarcerated adults and their families; (3) identifying supportive services and work strategies, as well as barriers of location, culture, language, and eligibility issues for specific low-income groups, such as immigrants and Native Americans; (4) understanding how the use of outcome-based performance systems, including incentives and penalties, affect these populations; (5) examining whether welfare caseloads have become more disadvantaged over time; and (6) understanding how newly ineligible populations, such as recent legal immigrants and their children and family members, have been affected.

6. *Cross-Cutting Topics.* We are interested in cross-generational issues affecting the low-income population, such as kinship networks, cohabitation, housing, intergenerational transmission of poverty, and the impact of welfare reform on teen parents and their children (e.g., living arrangements, prenatal and other medical care), child care, child outcomes, and the child-only caseload. We are interested in understanding the impact of local service delivery issues, such as privatization of services, integrated service delivery, performance-based

contracting, and faith- and community-based service delivery. We are also interested in issues of place (e.g., rural, inner-city).

Part III. Abstract Application Guidelines and Evaluation Criteria

As noted previously, ASPE is engaging in a two-part process. Applicants must first submit an abstract as described in the application section below. Please read this section carefully. Abstracts must comply with the application guidelines. Abstracts that do not comply with the application guidelines will not be considered.

Abstracts must be received in the following format: 12 point font size; Single spaced; 1 inch top, bottom, left, and right margins.

The deadline for receipt of abstracts is April 6, 2001. An abstract will be considered as having met the deadline if it is either received at, or hand-delivered to, the mailing address on or before April 6, 2001, or postmarked before midnight three days prior to April 6, 2001 and received in time to be considered during the competitive review process (within two weeks of the deadline).

Hand-delivered applications will be accepted Monday through Friday, excluding Federal holidays, during the working hours of 9 a.m. to 4:30 p.m. in the lobby of the Hubert H. Humphrey building, located at 200 Independence Avenue, SW in Washington, DC. When hand-delivering an application, call (202) 690–8794 from the lobby for pick up. A staff person will be available to receive applications.

An original and two copies are required, but applicants are encouraged to send an additional 4 copies to ease processing, although applicants will not be penalized if these extra copies are not included. The original and copies of the abstract must be mailed to: Adrienne Little, Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, SW, Room 405F, Hubert H. Humphrey Building, Washington, DC 20201, Telephone: (202) 690–8794.

Abstracts must include the material indicated below and in the order indicated. The information provided in items 1 through 4 *must not exceed 6 pages.* The title page MUST be the first page in any submission. Do not include a transmittal memo.

1. *Title page.* This page should include a reference to this program announcement: Policy Research and Studies on Welfare Reform Outcomes; proposed project title; name of researcher(s); organizational affiliation; and the address, telephone number, and e-mail address of the lead investigator. (This will be the mailing address and the email address used by ASPE to request full proposals from selected applicants.) The title page must include an indication of the research question(s) being addressed. A description of the proposed data set to be used must also be included. The title page must include the total number of months needed for completion of the project and the project's proposed start and end date. This should be the ONLY information on page one.

2. *Statement of research question.* The statement should briefly discuss the relevance of the proposed work to the purposes of this announcement. The statement will be reviewed for policy relevance and the importance of the research question. Please indicate clearly which research question(s) you are addressing.

3. *Statement of proposed methods.* This section should describe the conceptual model, the data source and the analytic methods. This description should explicitly relate data sources and analytic methods to the research issues to be addressed. This section must also contain information regarding the researcher's ability to obtain the data and information on when data will be available, if they are not already. Note that in the final proposal the researcher will have to provide assurances that the data are available. If the use of pre-TANF data is proposed, the limitation that such data may represent periods that precede passage of welfare reform legislation or implementation of its major provisions must be addressed.

4. *Experience.* The principal investigator's relevant research experience must be described. Other key staff must be identified with a brief description of their relevant experience and an indication of the tasks or activities for which they will be primarily responsible.

5. *Estimated budget.* This section must include an estimate of staff time and other direct costs. Information about other funding sources and the contribution that the ASPE funds will make must be discussed. Only a total project budget need be submitted at this time. Funding from other sources (non-federal) should also be identified and briefly described.

Part IV. The Review Process

An independent review panel will review and score all abstracts that are submitted by the deadline date and which meet the screening criteria (all information and in formats required by this announcement). The panel will review the abstracts using the evaluation criteria listed below to score each abstract. The panel review results will be the primary elements, along with the goal of funding research on a variety of topics, that will be used by the Assistant Secretary for Planning and Evaluation in making decisions regarding full application submission. The Department also reserves the option to discuss abstracts with other Federal or State staff, specialists, experts, and the general public. Comments from these sources, along with those of the reviewers, will be kept from inappropriate disclosure and may be considered in determining which applicants will be requested to submit a competitive application for review.

1. *Research Question(s):* The research must address important unanswered questions of local or national policy significance. The proposed research must contribute significantly to understanding the outcomes of welfare reform. (8 points)

2. *Methodology/Merits of the Research Design:* The research design must identify the study population, indicate data sources and demonstrate the availability and reliability of proposed data sources and the appropriateness and reliability of data collection instruments or observational techniques, as well as the validity of analytic methods proposed for addressing the research questions and hypotheses. The conceptual model and the analysis plan must be clearly explained. It is important to explain the time frame for the proposed work and that explanation must be clear and reasonable. If the use of pre-TANF data is proposed, the limitation that such data may represent periods that precede passage of welfare reform legislation or implementation of its major provisions must be addressed. (4 points)

3. *Experience.* The abstract must provide information on the principal investigator's relevant research experience and demonstrate capability to use the proposed data and methods. The relevant experience and proposed roles of other key staff must be presented. (6 points)

4. *Budget.* Applicants must provide an estimate of the total proposed budget, including information about other funding sources. The contribution of ASPE funding must be presented. The budget must be reasonable for the proposed scope of work. (2 points)

Estimate of Schedule

ASPE anticipates that abstracts will be reviewed and selected applicants notified to submit full proposals approximately 30 days following the

deadline for submission of abstracts. We expect that full proposals will be required to be submitted within 45 days of the date of the notification letter.

The Catalogue of Federal Domestic Assistance Numbers is 93.239.

Dated: March 1, 2001.

William F. Raub,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 01–5516 Filed 3–6–01; 8:45 am]

BILLING CODE 4151–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–25]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluating HIV Prevention Programs in Community-Based Organizations (CBOs)—New—The National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC) proposes to evaluate HIV prevention programs in community-based organizations (CBOs) through a quarterly and annual reporting system. This evaluation is necessary to understand the impact of CDC's expenditures and efforts to support CBOs, and for modifying and improving the prevention efforts of CBOs. This data collection will provide CDC with standardized data which will allow CDC to (a) determine the extent to which HIV prevention efforts have contributed to a reduction in HIV transmission nationally; (b) improve programs to better meet the goal of reducing HIV transmission; (c) help focus technical assistance and support; and (d) be accountable to stakeholders by informing them of progress made in HIV prevention nationwide. CDC currently funds 181 CBOs.

Each CBO will be asked to report on the following types of interventions that it has implemented (a) individual level interventions; (b) group level interventions; (c) street and community outreach; (d) prevention case management; (e) partner counseling and referral services; (f) health communications/public information; (g) community level interventions; and (h) HIV antibody counseling and testing.

The total annual cost to respondents is estimated at $30,770 based on an average salary of $35,000 for program managers.

Respondents	Number of respondents	Number of responses	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Intervention Plan	181	1	2	362
Process Monitoring	181	4	2	1,448
Total				1,810

Dated: February 28, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention.

[FR Doc. 01–5494 Filed 3–6–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking a CRADA partner for collaboration to examine the use of CD40L as a molecular adjuvant to enhance the humoral and cellular immune responses to Respiratory Syncytial Virus (RSV) and other viral vaccines. The methods comprise expression of the immune-enhancing CD40L molecule with viral antigens in vaccines or addition of CD40L to viral antigens in vaccines to augment the antibody and cellular immune responses to the vaccine antigens. RSV is one example of a viral agent for which vaccines are sought and for which CD40L might prove to be a safe and effective adjuvant.

Because CRADAs are designed to facilitate the development of scientific and technological knowledge into useful, marketable products, a great deal of freedom is given to Federal agencies in implementing collaborative research. The CDC may accept staff, facilities, equipment, supplies, and money from the other participants in a CRADA; CDC may provide staff, facilities, equipment, and supplies to the project. There is a single restriction in this exchange: CDC MAY NOT PROVIDE FUNDS to the other participants in a CRADA. This opportunity is available until 30 days after publication of this notice. Respondents may be provided a longer period of time to furnish additional information if CDC finds this necessary.

FOR FURTHER INFORMATION CONTACT:

Technical: Ralph A. Tripp, Ph.D., Respiratory and Enteric Viruses, Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop G–09, Atlanta, GA 30333, telephone (404) 639–3427.

Business: Lisa Blake-DiSpigna, Technology Development Coordinator, National Center for Infectious Diseases, Centers for Disease Control and

Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333, telephone (404) 639–3227 or by E-Mail at LCB3@CDC.GOV.

SUPPLEMENTARY INFORMATION: The goal of this CRADA is to seek a partner for collaboration to examine development of research animal models (particularly for non-human primates) to study both the safety and efficacy of CD40L as a vaccine adjuvant. These animal model systems and vaccines will be used to study the ability of CD40L to enhance the immune response to (RSV) vaccine antigens. These studies will focus on humoral immune responses (eg. viral titers), cellular immune responses (eg. cytotoxicity), cytokines and chemokine expression, quantification of cell subsets at the site of infection (i.e. the pulmonary cell infiltrate) and quantification of viral replication in the lungs. Respondents should provide evidence of expertise in the development and evaluation of anti-viral vaccines and vaccine agents, evidence of experience in animal models systems including non-human primate models, commercialization of vaccines and vaccine agents, and supporting data (e.g., publications, proficiency testing, certifications, resumes, etc.) of qualifications for the principal investigator who would be involved in the CRADA. The respondent will develop the final research plan in collaboration with CDC.

Applicant submissions will be judged according to the following criteria:

1. Expertise in development and evaluation of anti-viral (RSV) vaccines;
2. Expertise in evaluation of anti-viral (RSV) vaccines in animal model systems including non-human primates;
3. Evidence of scientific credibility;
4. Evidence of commitment and ability to anti-viral (RSV) vaccines and;
5. Evidence of an existing infrastructure to commercialize successful technologies.

With respect to Government Intellectual Property (IP) rights to any invention not made solely by a CRADA partner's employees for which a patent or other IP application is filed, CDC has the authority to grant to the CRADA partner an exclusive option to elect an exclusive or nonexclusive commercialization license. This option does not apply to inventions conceived prior to the effective date of a CRADA that are reduced to practice under the CRADA, if prior to that reduction to practice, CDC has filed a patent application on the invention and has licensed it or offered to license it to a third party. This CRADA is proposed and implemented under the 1986 Federal Technology Transfer Act: Public Law 99–502, as amended.

The responses must be made to: Lisa Blake-DiSpigna, Technology Development Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333.

Dated: March 1, 2001.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 01–5503 Filed 3–6–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for HIV, STD and TB Prevention of the Centers for Disease Control and Prevention (CDC) Announces the Following External Consultant Meeting

Name: External Consultant Meeting on Nonoccupational Antiretroviral Postexposure Prophylaxis (nPEP).

Times and Dates: 8 a.m.–5 p.m., May 10, 2001. 8:30 a.m.–3:15 p.m., May 11, 2001.

Place: Atlanta Hilton and Towers-Downtown, 255 Courtland Street, NE, Atlanta, GA 30303.

Status: Open to the public, limited only by the space available.

Purpose: Attendees at this meeting will discuss and make recommendations *as individuals* to the Division of HIV/AIDS Prevention-Surveillance and Epidemiology on matters related to the potential use of antiretroviral medications and other interventions following sexual, injection drug use, and other non-occupational exposures to human immunodeficiency virus with a resulting risk of infection.

Matters To Be Discussed: Agenda items will include: a review of data on the potential efficacy of antiretroviral prophylaxis in occupational, perinatal, and non-human primate retroviral exposures; information on the extent of, and situations leading to requests for, and provision of, nPEP in the United States; whether and how additional data to determine nPEP efficacy in humans can be collected; and whether and how the CDC and the Public Health Service should amend its 1998 statement on nPEP considerations.

Contact Person for More Information: Dr. Dawn K. Smith, Medical Epidemiologist, NCHSTP, CDC, 1600 Clifton Road, NE, M/S E–45, Atlanta, Georgia 30333, telephone 404–639–6165. 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: March 1, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–5504 Filed 3–6–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Notice of Program Announcement No. ACF/ACYF/HS 2001–05]

Fiscal Year 2001 Discretionary Announcement for Nationwide Expansion Competition of Early Head Start; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), DHHS

ACTION: Notice of Fiscal Year 2001 Early Head Start availability of financial assistance for nationwide expansion and request for applications.

SUMMARY: The Administration on Children, Youth and Families announces approximately $47 million in financial assistance to be competitively awarded to local public and private non-profit and for-profit entities—including Early Head Start and Head Start grantees—to provide child and family development services for low-income families with children under age three and pregnant women. Early Head Start programs provide early, continuous, intensive and comprehensive child development and family support services on a year-round basis to low-income families. The purpose of the Early Head Start program is to enhance children's physical, social, emotional, and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency.

Funds will be competitively awarded under this Notice to increase the number of children and families served by the Early Head Start program. There

are a number of benefits that accrue to communities when new Early Head Start services are initiated and ACYF wishes to reach as many different communities as possible. Therefore, in selecting successful applicants, ACYF will give priority to agencies that are proposing to provide services in communities that are not currently served by Early Head Start.

Current Early Head Start grantees may apply to provide services in communities that are not currently served by Early Head Start and may also apply to increase the number of children served within their current EHS service area. Any other applicants may apply to establish an Early Head Start program in an area which is currently unserved (see Appendix A for the list of geographic areas currently being served and unavailable for new grantees).

DATES: The closing date and time for receipt of applications is 5 p.m. EDT on May 7, 2001.

Note: Applications should be submitted to the ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209. However, prior to preparing and submitting an application, in order to satisfactorily compete under this announcement, it will be necessary for potential applicants to read the full announcement which is available through the addresses listed below.

ADDRESSES: A copy of the program announcement, necessary application forms, and appendices can be obtained by contacting: Early Head Start, ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, Virginia 22209. The telephone number is 1–800–351–2293 or email to: *ehs@lcgnet.com*.

Copies of the program announcement and necessary application forms can be downloaded from the Head Start web site at: *www.acf.dhhs.gov/programs/hsb*.

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209 or telephone: 1–800–351–2293 or email to: *ehs@lcgnet.com*.

SUPPLEMENTARY INFORMATION:

Eligible Applicants: Applicants eligible to apply to become an Early Head Start program are local public and private non-profit and for-profit entities. Early Head Start and Head Start grantees are eligible to apply. Applicants are reminded that eligibility to apply for a grant under this Notice is limited to local agencies, as defined in Section 641(a) and (b) of the Head Start Act.

Project Duration: For new Early Head Start grantees, the competitive awards made through this announcement will be for one-year budget periods and an indefinite project period. Subsequent year budget awards will be made non-competitively, subject to availability of funds and the continued satisfactory performance of the applicant. However, any current Early Head Start grantee that is successful in this competition will not be funded for an indefinite project period, but rather will be given a supplement to its current, time limited grant. A grantee, for example, currently funded for $200,000 with a project period ending September 30, 2002, that is awarded another $100,000 through this announcement will then be funded as a $300,000 Early Head Start grantee with a project period that still ends on September 30, 2002. This will be true regardless of whether the new funds are to expand services within the grantee's current service area or to expand into another currently unserved area. Prior to the end of an Early Head Start grantee's current project period (i.e., September 30, 2002, in the above example), ACF will announce a competition for those areas served by each EHS grantee whose project period is nearing an end. In such a competition, current EHS grantees in good standing, who submit acceptable applications, will be given priority in funding decisions.

Federal Share of Project Costs: In most cases, the Federal share will not be more than 80 percent of the total approved costs of the project.

Matching Requirements: Grantees that operate Early Head Start programs must, in most instances, provide a non-Federal contribution of at least 20 percent of the total approved costs of the project.

Available Funds: See Appendix B for the list of the approximate amount of funds available for States. These estimates have been developed based primarily on: (1) the statutory formula that determines the distribution of all Head Start program funds among the States, and (2) the existing distribution of funds. Applicants will compete against all other applicants proposing to provide EHS services in the same State or multi-State pool. Applicants that are Tribal Governments of federally recognized Indian Reservations (or their designees) will compete against each other.

Anticipated Number of Projects to be Funded: It is estimated that there will be 100–125 awards.

Statutory Authority: The Head Start Act, as amended, 42 U.S.C. 9831 et seq.

Evaluation Criteria

Competing applications for financial assistance will be reviewed and evaluated on the six criteria that are summarized below. The point values following each criterion indicate the numerical weight each criterion will be accorded in the review process.

Criterion 1. Objectives and Need for Assistance (15 Points)

The extent to which, based on community assessment information, the applicant identifies any relevant physical, economic (e.g., poverty in the community), social, financial, institutional, or other issues which demonstrate a need for the Early Head Start program.

The extent to which the applicant lists relevant program objectives that adequately address the strengths and needs of the community.

The extent to which the applicant describes the population to be served by the project and explains why this population is most in need of the services to be provided by the program.

The extent to which the applicant gives a precise location and rationale for the project site(s) and area(s) to be served by the proposed project. If the applicant is a current Early Head Start grantee planning to expand its program it needs to demonstrate that the geographic area is currently underserved or, where applicable, unserved by Early Head Start Programs. If the applicant does not currently have an Early Head Start grant, it needs to demonstrate that the proposed service area is currently unserved by Early Head Start programs.

Criterion 2 Results or Benefits Expected (10 Points)

The extent to which the applicant identifies the results and benefits to be derived from the project and links these to the stated objectives.

The extent to which the applicant describes the kinds of data to be collected and how they will be utilized to measure progress towards the stated results or benefits.

Criterion 3 Approach (25 Points)

The extent to which the applicant demonstrates a thorough knowledge and understanding of the Head Start Program Performance Standards.

The extent to which the applicant explains why the approach chosen is effective in light of the needs, objectives, results and benefits described above.

The extent to which the approach is grounded in recognized standards and/or guidelines for high quality service provision or is defensible from a current research or best practices standpoint.

Criterion 4 Staff and Position Data and Organization Profiles (15 Points)

The extent to which the proposed program director, proposed key project staff, the organization's experience, including experience in providing early, continuous, and comprehensive child and family development services, and the organization's history with the community demonstrate the ability to effectively and efficiently administer a project of this size, complexity and scope.

The extent to which the applicant's management plan demonstrates sufficient management capacity to implement a high quality Early Head Start program.

The extent to which the organization demonstrates an ability to carry out continuous improvement activities.

Criterion 5 Third Party Agreements/ Collaboration (15 Points)

The extent to which the applicant presents documentation of efforts (letters of commitment, interagency agreements, etc.) to establish and maintain ongoing collaborative relationships with community partners.

The extent and thoroughness of approaches to combining Early Head Start resources and capabilities with those of other local child care agencies and providers to provide high quality child care services to infants and toddlers which meet the Head Start Program Performance Standards.

Criterion 6 Budget and Budget Justification (20 Points)

The extent to which the program's costs are reasonable in view of the planning and activities to be carried out and the anticipated outcomes.

The extent to which the program has succeeded in garnering cash or in-kind resources, in excess of the required Federal match, from local, State, other Federal or private funding sources.

The extent to which costs for facilities are reasonable and cost effective.

The extent to which the salaries and fringe benefits reflect the level of compensation appropriate for the responsibilities of staff.

The extent to which assurances are provided that the applicant can and will contribute the non-Federal share of the total project cost.

Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these jurisdictions need not take action regarding Executive Order 12372.

Applications for projects to be administered by federally recognized Indian Tribes are also exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to the ACF, they should be addressed to: William Wilson, Head Start Bureau, Grants Officer, 330 C Street S.W., Room 2220, Washington, D.C. 20447. Attn: Early Head Start Nationwide Competition/Expansion.

A list of the Single Points of Contact for each State and Territory can be found on the following web site:

http://www.hhs.gov/progorg/grantsnet/laws-reg/spoc999.htm

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: March 1, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

Appendix A—Early Head Start

FY 2001 EXPANSION SERVICE AREAS MATRIX

State and county	Service area (Local community)
Alabama:	
Blount	The communities of Allgood, Locust Fork and all areas North of those communities.
	All communities south of Allgood and Locust Folk.
Lawrence	Entire County.
Morgan	Entire County.
Jefferson	Birmingham, Bessemer, Tarrant City, Centerpoint, Adamsville, Grayville, Brookville, Sayre, Roebuck, Ensley, Forrestdale, Gardendale, and other small unincorporated areas; and
	Referrals from the county welfare agency for teen mothers and mothers with chemical addictions and at risk of child abuse.
St. Claire	Entire County.
Walker	Jasper.
Shelby	Pell City.
	Entire county, except Pell City.
Elmore	Bradford.
Chilton	Entire County.
Autauga	Autaugaville.
Lee	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Russell	Entire County.
Tuscaloosa	Entire County.
Montgomery	Entire County.
Calhoun	Anniston.
Alaska:	
Lower Yukon	Villages of: Pilot Station and St. Mary's.
Kuskokwin	Villages of: Akiak, and Nunapitchuk.
Anchorage	Municipality of Anchorage.
Fairbanks North Star	Entire Borough.
Kenai Peninsula	Tyonek.
Arizona:	
Coconino	Flagstaff.
Navajo	Holbrook.
Yavapai	Cottonwood.
Navajo Nation	Navajo Reservation, Navajo School Board.
Maricopa	School Districts: Balsz, Creighton, Madison, Osborn, and Paradise Valley Unified.
Pima	School Districts: Amphitheater, Flowing Wells, Tucson and Sunnyside.
Graham,	Entire County.
Santa Cruz	Entire County.
Conchise	Entire County.
Greenlee	Entire County.
Pinal	Miami.
Gila	Entire County.
Arkansas:	
Arkansas	Entire County.
Logan	Entire County.
Lonoke	Entire County.
Conway	Entire County.
Franklin	Entire County.
Johnson	Entire County.
Yell	Entire County.
Polk	Entire County.
Pope	Entire County.
Calhoun	Cities of Hampton, Harrell and Thornton.
Clay	Cities of Rector, Piggott, and Corning.
Lawrence	City of Walnut Ridge.
Randolph	City of Pocahontas.
Newton	Entire County.
Ouachita	City of Bearden.
Mississippi	The townships of Leachville, Kaiser, Gosnell, Manila, and Luxora; Boundaries for city of Blytheville are the communities of Yarbo to the north, Dell to the South, Armore 1 to the east and Burdette to the south. Boundaries for the city of Osceola are Richard Prewitt Dr. to the south, Interstate 55 to the west, Jacksonville Rd. to the east and town of Luxora to the north.
Pulaski	Townships of College Station, Sweet Homes, Higgins, and Wrightsville to Oak Street. In the City of Little Rock: the township of Granite Mountain; in east Little Rock, east of Main Street to include West Broadway north and south; Interstate 30 South, Scott Hamilton Rd., Baseline Rd., and Geyer Springs Rd.
Sebastian	All of wards one and two on the north side of Fort Smith, joined and bordered by the Arkansas River on the north, east and west, ending to the south at Rogers Avenue, Dodson Avenue, and Euper Lane.
Union	Cities of: Calion, El Dorado, Huttig, Felthensal, Junction City, Norphlet, Smackover, Strong.
California:	
Alameda	Albany, Berkeley.
	San Leandro, Castro Valley, Union City, Fremont, San Lorenzo, Hayward Livermore, Dublin and Pleasanton (Cherryland), and Newark.
	West Oakland, Chinatown, Central Downtown, San Antonio, Fruitvale, Central East Oakland and Elmhurst.
Calaveras	San Andreas, Valley Springs and Angels Camp.
Colusa	Colusa, Grimes, Princeton, Williams, Arbuckle, Maxwell, Meridian.
Contra Costa	Concord, Pleasant Hill, Antioch, Brentwood, Oakley, Richmond, San Pablo, Pittsburg.
Del Norte	The cities of Crescent City, Fort Dick, Smith River and surrounding areas.
Humboldt	Entire County, excluding the Hoopa Valley Indian Reservation.
	Hoopa Valley Indian Reservation.
El Dorado	Shingle Springs, El Dorado, El Dorado Hills, Cameron Park, Placerville, Georgetown/Kelsey, Camino/Polock Pines, Tahoe Basin.
Fresno	West Fresno, Southeast Fresno and Fresno Unified School District.
Kern	Northeast Bakersfield, Arvin, Lamont;
	Metro Bakersfield—Central and Southeast.
Kings	Corcoran and Hanford.
Hanford	Avenal and Lemoore.
Lake	Lake, Mendocino.
Lassen	Entire County.
Modoc	Entire County.
Siskiyou	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Los Angeles	City of Los Angeles: (1) 3rd and Temple on the north, to Hoover, to Vermont, to 7th, to Wilshire, to Hoover and Central on the South border in the downtown L.A., (2) Baldwin Park USD North: Oak Ave. And Arrow Hwy, South: Farnell East: Azusa Canyon, La Serna, Willow, Ardilla, Mayland, West: San Gabriel River; (3) City of South El Monte: North: Garvey Ave, Fern St., Elliot Ave., and Schmidt Rd., South: Whittier Narrows Recreation Area, East: San Gabriel River, Fruitvale Ave., (4) El Monte City border; West to Whittier Narrows Recreation Area and Rio Hondo River; North: Century Blvd.; 104th Street; 103rd Street; South: Anderson Fwy (105); East: Prairie Ave.; West: La Cienega Blvd. (5) Gardena: North: El Segundo Blvd.; South: 182 St., Artesia Blvd. and Redondo Beach Blvd; East: Vermont Ave; West: Crenshaw Blvd. and Gramercy Blvd; (6) North: Century Blvd., 104th Street, 103rd Street, South: Anderson Freeway (105), East: Prairie Ave., and West: Crenshaw and Gramercy Blvds (7) Plaza De La Raza North: A.T.& S. F. Railroad and Washington Blvd. South: Lakeland Rd. and Imperial Hwy. East: Shoemaker, Carmenita and Mulberry West: San Gabriel River (605 Freeway); (8) Plaza De La Raza: North: Imperial Hwy; South: Excelsior Dr., Alondra Blvd. And Santa Ana Frwy; East: Valley View Ave., Marquardt Ave.; West: Shoemaker Ave., Bloomfield Ave., Best Ave. and Norwalk City border (9) Pomona USD: North: Foothill Blvd., Lewis Ave., Oak Dr., Parkwood Ln., Harrison Ave., Arrow Ave. and American Ave.; South: Pomona Frwy (60) and Riverside Dr.; East: San Bernardino County Line, Mountain Ave., Carnegie Ave., and Towne Ave.; West: Fulton Rd., L.A. County Fairplex, Fairplex Dr., San Bernardino Frwy (10), and Campus Dr; (10) North Hollywood service area: North: Saticoy St.; South: Universal City Border, Acama St. and Riverside Dr.; East: Clybourn Ave., Burbank Airport, and Burbank City border; West: Tujunga Ave., Fulton Ave., Coldwater Canyon Ave., and Hollywood Frwy. (170); (11) Harbor City service area: North: Sepulveda Blvd., Lomita Blvd.; South: Palo Verdes Dr., Anaheim St.; East: Harbor Frwy (110) and Normandie Ave.; West: Western Ave., City of Torrance border, and City of Lomita border; (12) North Hollywood, Sunland and harbor city, Wilmington, San Perdo, Lomita, Carson, portions of Torrence and Ranchos PalasVerde, Downey, South central, LA, Westwood, Pomano, Echo Park area, Pico Rivera, Antelope Valley (Lancaster, Palmdale). Bell, bell gardens, and Cudahy; (13) Greater Hollywood area: City of West Hollywood and Mid-Wilshire District. Koreatown, Echo Park, Pico/Union area, Mid-city area and Westlake area. City of Venice. City of Long Beach, central area. Inglewood/South Central LA: North: Slauson Avenue; South: Century Blvd.; East: Avalon Blvd.; West: Van Ness Avenue. The communities of West Adams, Jefferson Park, and University Park. Boundaries: 9th Street on the North, King Blvd. On the South, San Perdro Street on the East, and Crenshaw on the West. Compton. Cities of Santa Monica, West Los Angeles, Culver City, Ingelwood, Lennox, Westchester, Venice, Palms and Mar Vista. Bounded on the north by Wilshire Blvd. To Sepulveda to Olympic, East by Beverly Drive to Pico to Durango to La Cienega to Jeffereson to Sepulveda to Centinela to Prairie; South by Imperial Highway to Sepulveda to Lincoln to Admiralty Way to washington, West by the Pacific Ocean.
Marin	San Rafael, Novato, Corte Madera, Greenbrae, San Anselmo.
Mendocino	Ukiah, Willits.
Nevada	Entire County.
Placer	Entire County.
Sacramento	(1) The City of Sacramento: the communities of Del Paso Heights, North Sacramento/Gardenland, Midtown, Oak Park, South Sacramento, Meadowview, Natomas, Land Park and Arden/Howe; (2) the cities of Citrus Heights and Galt and; (3) the towns of Rio Linda/Everta, North Highlands, Foothill Farms, Orangevale, Carmichael, Fair Oaks, Rancho Cordova, South Sacramento, Franklin/Laguna, Elk Grove, and Antelope; and (4) Woodland, Winters, Davis and West Sacramento.
San Diego	Central San Diego, Peninsula, National City, Southeast San Diego, (2) Mid-City, Coastal Poway, Sweetwater, Chula Vista, and South Bay. Campo Reservation, Rincon Reservation, San Pasqual Reservation, Pauma Reservation, and Pala Reservation. San Bernardino County, City Of San Bernardino Oceanside, Vista, San Marcos, Fallbrook, Valley Center, Rincon, Pauma, and Pala.
San Francisco	Chinatown, Tenderloin, Visitation Valley; and parts of Northbeach, Civic Center, and Bayview Hunters Point.
San Joaquin	Lodi, Stockton, Manteca, Lathrop.
San Mateo	Half Moon Bay.
Santa Barbara	Santa Maria, Lompoc, Santa Barbara and Summerland.
Santa Clara	Northwest and central San Jose.
Santa Cruz	Watsonville and Santa Cruz.
Shasta	Entire County.
Trinity	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Stanislaus	Westside of county areas of Westley and Patterson.
Sutter	Entire County.
Yuba	Entire County.
Tulare	Entire County.
Ventura	Oxnard, Hueneme, Santa Paula, Fillmore and Piru.
Yolo	Entire County.
Riverside	Banning, Beaumont. Saboba Reservation, Morongo Reservation, and San Jacinto.
Sonoma	Sebastopol, Petaluma, Guernville, Sonoma, Rohnert Park, Windsor, Santa Rosa.
San Luis Obispo	Entire County.
San Benito	Entire County.
Monterey	Entire County. Seaside, Marina, E. Salinas, Pajaro, Casroville, Prunedale, Soledad, Gonzales, and surrounding rural areas.
Colorado:	
Adams	(1) City of Aurora: North to the city limits of Aurora; South to Mississippi St, East of Yosemite St, and West of Chambers Rd. (2) Beginning at north 54th Avenue and Peoria, go 54th east to Chambers; Chambers south to I–70, I–70 West to Peoria, Peoria north to 54th Avenue; (3) North Aurora bounded by Aurora and Dayton/Havana (West), I–225 (East) Mississippi Ave.(south and I–70(North).
Arapahoe	Colfax Avenue (county line) on the North, Mississippi Avenue on the South, Chambers Road on the East and Yosemite Street (county line) on the West.
Crowley	Entire County
Denver	City of Denver: (1) SW portion of the city, defined as within Federal Blvd to the East, Sheridan Blvd on the west, Hampden Ave to the south and Alameda Ave to the north; (2) NW Denver is bordered by Federal Blvd on the west, Interstate 25 on the east, 52nd Ave to the north and 38th Ave to the south; and (3) W Central Denver, defined by I -25 on the east, Sheridan Blvd on the west, 26th Ave on the north and 6th Ave to the South; (4) NE Denver: defined as 38th Ave. to the North, Park Ave. to the South, York Street to the East and I–25 to the West. (5) The area bounded by 52nd Avenue on the North, Alameda Boulevard on the South, Broadway Avenue on the East and Sheridan Boulevard on the West. (6) Beginning at north Broadway and 38th avenue, go east to Yosemite; Yosemite south to 11th Avenue, 11th Avenue west to Quebec; Quebec south to Hampden; Hampden west to Broadway; Broadway north to 35th Avenue (7) Beginning at North 54th Avenue and Peoria, go 54th East to Chambers Rd. Chambers South to I–70, I–70 West to Peoria, Peoria North to 54th Avenue. (8) Five Points, Cole, East Colfax, Whittier, Clayton, Northeast Park Hill, Cheeseman Park, Montbello, City Park, Globeville, Skyland and North Capitol Hill; bounded to the north by Broadway and 38th Ave., east to Yosemite, south to 11th Ave, west to Quebec; Quebec south to Hampden, Hampden west to Broadway, Broadway north to 35th Ave.
Eagle	Entire County.
El Paso	School Districts #2 and #11 boundaries.
Fremont	Entire County.
Otero	Entire County.
Larimer	Pourde School District boundary that includes the cities of Fort Collins, LaPorte, Timnath and Wellington, and the communities of Ft. Collins, Wellington, La Porte, Loreland and surrounding areas.
Navajo Nation	Navajo Reservation, Navajo School Board.
La Plata	Within the boundaries of the Southern Ute Reservation and the Ignacio School District.
Connecticut:	
Fairfield	(1) Neighborhoods of (1) The Hollow, (2) West End, (3) South End, (4) North End, (5) East End, (6) East Side; and the city of Bridgeport; and The City of Stamford.
Hartford	Cities of Manchester and Vernon.
Litchfield	Towns of Torrington, Winston, Canaan, & New Milford.
Middlesex	Towns of Middletown, Essex, Portland, Clinton, Westbrook, East Hampton and Deep River.
New Haven	City of Waterbury.
Windham	Towns of Brooklyn, Danielson and Willimantic.
Delaware:	
New Castle	Entire County.
Sussex	Georgetown.
Florida:	
Alachua	Communities of Majestic Oaks, Sugarfoot Oaks, Tower Oaks, Cedar Ridge, Clayton Estates, Magnolia Plantation.
Apalachicola	Entire County.
Bay	Panama City Beach.
Jackson	Graceville.
Baker	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Brevard	Entire County and Cities of Coca, Titusville, Palm Bay and Melbourne.
Broward	Pompano Beach, Hollywood.
Collier	Entire County.
DeSota	Entire County.
Glades	Entire County.
Hardy	Entire County.
Henry	Entire County.
Highlands	Entire County.
Columbia	Lake City.
Dade	City of Homestead and towns of Brownsville, Scott Carver, Liberty City, Winwood, Goulds, Leisure City, Carol City and OpaLocka.
Gadsden	Entire County.
Gulf	Wewahitchka, Port St. Joe.
Hillsboro	Tampa, Plant City.
Jefferson	Greenville.
Madison	Entire County.
Lake	Clermont, Eustis, Leesburg, Mount Dora, Montclair Village, Groveland.
Lee	Entire County.
Marion	Entire County.
Martin	Hobe Sound (Banner Lake, Pettway, Gomez), Port Salerno (Gomez, Jack Avenue, Rocky Point, New Monrovia), Stuart (Golden Gate, East Stuart).
Okaloosa	Crestview–20 mile radius.
Palm Beach	Pahokee, South Bay and Belle Glade-Western region of county, West Palm Beach, North-South West Palm Beach, S. Bay, Riviera Beach, Lake Worth, Boynton Beach, Delray Beach.
Sarasota	Sarasota, Cities of Newton, Venice and North Port.
Hillsborough	Tampa (Ybor City, North Tampa, Sulfhur Springs), Plant City.
St. Lucie	Entire County.
Santa Rosa	Milton, Santa Rosa Co.
Dixie	Cross City.
Gilchrist	Trenton.
Levy	Chiefland, Yankeetown, Williston, Bronson.
Volusia	Cities of Daytona Beach, Pierson, Deland, and New Smyrna.
Mantee	Entire County, including the Cities of Bradenton and Palmetto.
Georgia:	
Chatham	Savannah.
Chattooga	Entire County.
Catoosa	Entire County.
Dekalb	Decatur, City of Decatur, Ellenwood, Lithonia, Stone Mountain.
Emanuel	Swainsboro, Twin City, Summertown, Adrian, Oak Park, Lexsy, Garfield, Stillmore.
Fulton	East Point, Alpharetta, Roswell, Sandy Springs.
	Cabbagetown.
Clayton	Jonesboro.
Cobb	Marietta.
Douglas	Douglasville.
Gwinnett	Lawrenceville.
Dekalb	Decatur, City of Decatur, Elennwood, and Lithonia.
	South Dekalb bounded by Covinton Highway, Brown's Mill Road and Bouldercrest Road.
Hall	Entire County.
White	Entire County.
Forsyth	Entire County.
Hart	Entire County.
Sumter	Americus.
Whitfield	South of Tilton and North of Varnell.
Murray	North of Eton and South to North Georgia Speedway.
Carroll	City of Carrollton.
	Entire County., except City of Carrollton.
Troup	LaGrange.
Coweta	Newnan.
Clarke	Athens.
Greene	Entire County.
Morgan	Entire County.
Hawaii:	
Hawaii	South Kona & North Kona, South Kahala & North Kahala.
Maui	Lanai, Makawao/Upcountry, Hana/East Maui, Lahaina/West Maui Wailuku & Kahulu-Central Maui and Kihei-South Maui.
Oahu	Waipahu to Hawaii Kai;
	Honolulu vicinity defined by Hawaii Kai (Koolauloa): Kaaawa, Hau'ula, Laie, Kahuku, Pupukea (North Shore) Sunset, and Kahana Valley.
	Leeward Oahu: Waianae Coast, Windward Oahu: Kailua.
Idaho:	
Bonner	Community of Sand Point.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Kootenai	Cities of Coer d'Alene, Post Falls and surrounding areas.
Nez Perce	Entire county, except the Nez Perce Reservation and Asotin County, WA.
	Nez Perce Reservation.
Lewis	Nez Perce Reservation.
Clearwater	Nez Perce Reservation.
Illinois:	
Champaign	Entire County.
Clinton	Entire County.
Washington	Entire County.
Cook County	South Chicago / Lower West Side.
	Near South / Armour Square.
	New City/ West Englewood/ Englewood.
	Communities of: *Cicero:* Berwyn, and Cicero; *Maywood:* Broadview, Elmwood Park, Norridge, Franklin Park, Hillside, Maywood, North Riverside, River Grove, Schiller Park, Stone Park; *Bellwood:* Bellwood, Berkley, Brookfield, Forest Park, La Grange Park, Melrose Park, Northlake, North Riverside, Westchester, and Western Springs; *Robbins:* Blue Island, Harvey, Calumet Park, Riverdale, Dixmoor, and Robbins; *Summit:* Burbank, Hickory Hills, Worth, Hometown, Willow Springs, Oak Lawn, Justice, Nottingham Park, Chicago Ridge, Bridgeview, Summit, Hodgkins, Bedford Park, Palos Hills, Lyons, La Grang.
	Uptown Community.
	Rogers Park.
	West Humboldt Park Community and New City Community.
	Evanston Township;
	Community of Grand Boulevard;
	Communities of Oakland, Albany, Park, North Lawndale, Gage Park, Fuller Park, Near West Side, Roseland, West Town, Austin, Logan Square, West Pullman, Chatham, Woodlawn, Washington Heights, Near North Side, Garfield Park, and Douglas.
Edwards	Entire County.
Saline	Entire County.
Gallatin	Entire County.
Hamilton	Entire County.
Wabash	Entire County.
Wayne	Entire County.
White	Entire County.
Kane	Towns of Elgin, Aurora, and Carpentersville.
Sangamon	Sangamon.
St. Clair	District 1/East St. Louis; District 3/ Cahokia—Centreville.
Peoria	City of Peoria.
Madison	Towns of Alton, Granite City, Pontoon Beach, Venice, Collinsville and E. Alton.
Will	Town of Joliet.
Williamson	Entire County.
Franklin	Entire County.
DuPage	Towns of Bensenville & surrounding areas, Wheaton, West Chicago,Villa Park, and Lombard.
Lake	Entire County.
Hancock	Entire County.
McDonough	Entire County.
Pike	Entire County.
Indiana:	
Ada	Entire County.
Blackford	Entire County.
Grant	Entire County.
Clay	Entire County.
Owen	Entire County.
Putnam	Entire County.
DeKalb	Entire County.
Howard	Entire County.
Miami	Entire County.
Lawrence	Entire County.
Martin	Entire County.
Orange	Entire County.
Washington	Entire County.
Madison	Madison County.
Marshall	Entire County.
Starke	Entire County.
Marion	Pike, Washington, Lawrence, Wayne, Center, and Warren Townships.
Tippecanoe	Entire County.
Vanderburg	Town of Evansville.
Vigo	Entire County.
Knox	Entire County.
Sullivan	Entire County.
Koscinsko	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Iowa:	
Allamakee	Entire County.
Audubon	Entire County.
Blackhawk	City of Waterloo
Calhoun	Entire County.
Carroll	Entire County.
Cherokee	Entire County.
Clarke	Entire County.
Clay	Entire County.
Clayton	Entire County.
Dallas	Entire County.
Decatur	Entire County.
Des Moines	Entire County.
Greene	Entire County.
Guthrie	Entire County.
Hamilton	Entire County.
Hardin	Entire County.
Henry	Entire County.
Humboldt,	Entire County.
Lee	Entire County.
Linn	Entire County.
Louisa	Entire County.
Marshall	Entire County.
Plymouth	Entire County.
Polk	West—County Line from Raccoon River to 9400 N. North—9400 N to NW 58th to NW 110th Place to NE 22nd Street to NE 118th Street. East—NE 29th to I–80 to NE 120th Street to East University to NE 64th Street to SE 6th to SE 60th to the Des Moines River to I–65 to 80th SW. South—80th SW/County Line from Des Moines River to 9800 W.
Poweshiek	Entire County.
Sac	Entire County.
Scott	City of Davenport: West Boundary—an area bounded by the West side of I–280 on the west edge of Davenport continuing from the Mississippi River north to the north side of I–80 on the north edge of Davenport; North boundary: From a point where I–280 meets I–80 continuing east to the east side of I–74 on the east edge of Davenport; East boundary: From the north starting point of I–74 where it meets I–80, continuing south of I–74 to the Mississippi River; South boundary: East from the east side of I–74 west along the Mississippi River to the west edge of I–280 where I–280 meets the river.
Story	Entire County.
Tama	Entire County.
Webster	Entire County.
Woodbury	Entire County.
Wright	Entire County.
Kansas:	
Atchinson	Entire County.
Brown	Entire County.
Doniphan	Entire County.
Jefferson	Entire County.
Leavenworth	Entire County.
Marshall	Entire County.
Nemaha	Entire County.
Potawatomi	Entire County.
Jackson	Entire County, except the Potawatomi Reservation and the towns of Hoyt and Mayetta.
	Prairie Band of Potawatomi Reservation and two communities adjacent to the reservation, Hoyt and Mayetta.
Cherokee	Entire County.
Crawford	Entire County.
Labette	Entire County.
Montgomery	Entire County.
Clay	Entire County.
Cloud	Entire County.
Dickerson	Entire County.
Ellsworth	Entire County.
Saline	Entire County.
Ford	Entire County.
Johnson	City of Overland Park: North of I–435 to 47th Street, West of State Line Road to Lackman Road in Northeast Johnson County.
Lyon	Entire County.
Riley	Entire County.
Rush	Entire County.
Russell	Entire County.
Ellis	Entire County.
Sedgwick	*City of Wichita:* an area bounded by Murdock Street on the North. 47th South Street on the South. Woodlawn Street on the East and Main Street on the West.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Shawnee	Entire County.
Sumner	Entire County.
Washington	Entire County.
Wyandotte	Kansas City: bounded by: Wyandotte/Douglas County Line on the West. The Wyandotte/Johnson County Line on the South and the Kansas/Missouri State Line on the North and East.
Finney	Garden City.
Kentucky:	
Bourbon	Entire County.
Fayette	Entire County.
Harrison	Entire County.
Nicholas	Entire County.
Scott	Entire County.
Breckinridge	Entire County.
Grayson	Entire County.
Calloway	Entire County.
Carlisle	Entire County.
Fulton	Entire County.
Marshall	Entire County.
Hickman	Entire County.
Ballard	Entire County.
Graves	The towns of Mayfield, Fancy Farm, Lowes, Sedalia, Symsonia and Wingo.
Warren	Bowling Green, Rockville, Albaton, Rich Panel, Plano.
McCracken	Paducah, Concord, Farley, Heath, Hendron, Loneoak.
Christian	Hopkinsville.
Daviess	Owensburg.
Ohio	Entire County.
Lyon	Entire County.
Trigg	Entire County.
Harlan	Entire County.
Clay	Entire County.
Knox	Entire County.
Harrison	Entire County.
Jefferson	Entire County.
Knott	Hindman, West Caney.
Letcher	Jenkins, Fleming.
Lincoln	The towns of Paducah, Concord, Farley, Heath, Hendron and Loneoak.
Owsley	The towns of Bowling Green, Rockfield, Albaton, Rich Panel, and Plano.
Bullitt	Mt. Washington.
Casey	Entire County.
Cumberland	Entire County.
Green	Entire County.
Taylor	Entire County.
Bell	Communities of Pineville, Middlesboro and Yellow Creek.
Whitley	Communities of Williamsburg and Oak Grove.
Louisiana:	
East Baton Parish	City of Baton Rouge: 1. The area located in North Baton Rouge starting at the center of Airline Highway and the Louisiana and Arkansas Railroad; east and then south to the center of Winbourne Avenue; west to the center of North Foster; south to the center of Choctaw Drive; west to the center of the north bound lane of N. Acadian Thruway; north to the south side of Linden; west to the center of Plank Road; north to the north side of Hollywood; west to the west side of Scenic Highway; north to Monte Sano Bayou; west to the Louisiana & Arkansas Railroad; north to the point of beginning. 2. Beginning at the west side of Plank Road and the center of Hopper Road; east to the south side of Mickens; southeast to the west side of Lanier Drive; south to the north of Oak Apple Avenue; west to the west end of Oak Apple Avenue; south to the south of Maplewood Avenue; east to the west side of Lanier Drive; south to the south of Greenwell Street; west on the south side of Greenwell Street to the center of Airline Highway; west to the west side of Plank Road; north to the point of beginning. 3. An area beginning at Long Allen Bridge (US Highway 190 Bridge/Mississippi River Bridge); east and south on US Highway 190 to Florida Blvd.; south on US Highway 61 to Bayou Manchac (parish line); southwest along the center of Bayou Manchac to Mississippi; north to point of beginning.
Bossier Parish	Entire Parish.
Iberia Parish	Entire Parish.
Lafayette Parish	Entire Parish.
St. Martin Parish	Entire Parish.
Rapides Parish	Entire Parish.
St. Charles Parish	Entire Parish.
St. Helena Parish	Entire Parish.
St. Tammany Parish	The Northern portion of St. Tammany Parish bordered on the North by the St. Tammany/Washington Parish Line, bordered on the East by the Pearl River/Mississippi State Line, bordered on the South by US Highway 190, and bordered on the West by the St. Tammany-Tangipahoa Parish.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Tangipahoa Parish	South portion of Tangipahoa Parish bordered on the North by Louisiana State Highway 16, bordered on the East by the Tangipahoa-St. Tammany Parish Line, bordered on the South by State Highway 22, and bordered on the West by the Tangipahoa-Livingston Parish Line.
Washington Parish	Entire Parish.
West Feliciana Parish	Entire Parish.
Maine:	
Androscoggin	City of Lewiston.
Franklin	Entire County; Towns of Livermore, Livermore Falls.
Cumberland	Entire County.
Northern Kennebec	Entire County.
Somerset	Entire County.
Southern Oxford	South Paris, Buckfield, Summer, Hartford.
Maryland:	
Allegany	Entire County.
Baltimore	City of Baltimore:
	(1) The communities of Edmondson Village Sandtown/Winchester, Reservoir Hill, Park Heights (upper and lower), Washington Village/Pigtown, Mideast, Forest Heights, Mondawmin, Howard Park, Rosemount, Franklin Square/Poppletown, Penn/Druid/Uppertown, Green Mount East, Hopkins Middleast, Madison East End, Cherry Hill, Brooklyn/Curtis Bay, Claremount, Armstead, Beechfield/Irvington, Belair/Edison, Waverly, Govans, Hampden/Woodbury, and Barclay
	(2) The area bounded on the North by Monument Street, on the South by the Waterfront, on the East by the City Line and on the West by Broadway Street; Caroline County; and Southern Anne Arundel County, including the towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing.
	The area bounded on the North by Monument Street, on the South by the Waterfront, on the East by the City Line and on the West by Broadway Street; Caroline County; and Southern Anne Arundel County, including the towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing.
Caroline	Entire County.
Anne Arundel	The towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing.
Cecil	Entire County.
Dorchester	Entire County.
Garrett	Entire County.
Harford	Entire County.
Montgomery	(1) Gaithersburg and Germantown;
	(2) Rockville South of Route 28, Silver Spring and Takoma Park.
Prince Georges	Hyattsville, Riverdale and Langley Park.
Massachusetts:	
Bristol	City of Fall River, and the Towns of Somerset, Swansea, Rehoboth, Dighton, Freetown, Berkley, Lakeville, and Seekonk Towns of Raynham and Taunton.
Essex	Cities/Towns of Lawrence, Methuen, Andover and N. Andover.
Franklin	Towns of Greenfield, Orange and Turners Falls.
Hampden	Cities of Holyoke, Chicopee and Springfield.
Middlesex	City of Somerville.
	City of Lowell.
Suffolk	City of Boston: North Dorchester, South Dorchester, Mattapan-Franklin, Roslindale, West Roxbury, Hyde Park, East Boston, Charlestown, South Boston, Central, South end, Fenway-Kenmore, Allston-Brighton, Jamaica Plain, Roxbury, except Back Bay-Beacon Hill neighborhood.
	City of Boston: North Dorchester, South Dorchester, Mattapan-Franklin, Roslindale, West Roxbury, Hyde Park, East Boston, Charlestown, South Boston, Central, South end, Fenway-Kenmore, Allston-Brighton, Jamaica Plain, Roxbury, except Back Bay-Beacon Hill neighborhood.
Worcester	Towns of Southbridge, Webster and Oxford.
Norfolk	Quincy, Braintree, Weymouth, and Milton.
Plymouth	Hull.
Michigan:	
Alger	Entire County.
Marquette	Entire County.
Alpena	Entire County.
Bay	Entire County.
Iosco	Entire County.
Arenac	Entire County.
Cheboygan	Entire County.
Ogemaw	Entire County.
Antrim	Entire County.
Benzie	Entire County.
Charlevoix	Entire County.
Emmet	Entire County.
Grand Traverse	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Jackson	North of I–94 to Seymore Rd., South of I–94 to US–12, East of US–127 to Clear Lake Rd., West of US–127 to M–99. The cities and towns of Brooklyn, Cement City, Clarke Lake, Concord, Grass Lake, Horton, Jackson, Michigan Center, Napolean, Parma, Spring Harbor, and Springport.
Kalkaska	Entire County.
Leelanau	Entire County.
Missaukee	Entire County.
Roscommon	Entire County.
Wexford	Entire County.
Delta	Entire County.
Menominee	Entire County.
	Hannahville Reservation.
Schoolcraft	Entire County
Baraga	Entire County.
	Keweehaw Reservation.
Houghton	Entire County.
Keweenaw	Entire County.
Genesee	(1) Carman-Ainsworth School District and Bendel School District.
	(2) Eligible families enrolled in the Michigan Job Corps, Mott Community College, U of MI–Flint, and the Career Alliance Program (Sylvester Broome Training Center); Flint School District including service areas of Holmes and Whittier; and School Districts of Clio, Montrose, Mt. Morris, Genesee, Kearsley, West Wood Heights and Flushing.
Clare	Entire County.
Gladwin	Entire County.
Mecosta	Entire County.
Midland	Entire County.
Osceola	Entire County.
Luce	Entire County.
Mackinac	Entire County.
Ionia	Entire County.
Isabella	Entire County.
Gratiot	Entire County.
Montcalm	Entire County.
Gogebic	Entire County.
	Lac Vieux Desert Reservation.
Ontonagon	Entire County.
Kent	City of Grand Rapids.
	(1) North Boundary-3 Mile Road; East Boundary-East Beltline Ave (except East Grand Rapids); South Boundary-28th Street; West Boundary-Byron Center Road/Covell Avenue/Walker Avenue;
	(2) South of Grand Rapids in an area bounded by 28th Street to the north, Patterson Avenue to the East, 68th Street to the south, and Byron Center Avenue to the West.
Manistee	Entire County.
Lake	Entire County.
Newaygo	Entire County.
Mason	Entire County.
Huron	Entire County.
LaPeer	Entire County.
Sanilac	Entire County.
Tuscola	Entire County.
Ottawa	Town of Ferrysburg, Grand Haven Township, Spring Lake Township, Crockery Township, and Robinson Township within Ottawa County.
Wayne	The following neighborhoods are being served within the city of Detroit:
	(1) Woodland St. /Oakland St./Warren Av./Byron St.
	(2) Fullerton St./Byron St./W. Grand Blvd./Holmur St.
	(3) Puritan St./Thomas St./Fullerton St./Meyers Rd.
	(4) 8 Mile Rd./Southfield Fwy./Puritan St./Five Points St.
	(5) Puritan St./Southfield Fwy./Fullerton St./Telegraph Rd.
Calhoun	Entire County.
St. Joseph	Entire County.
Mackinac	Entire County.
Luce	Entire County.
Delta	Entire County.
Schoolcraft	Entire County.
Marquette	Entire County.
Elger	Entire County.
Chippewa	Entire County.
	Bay Mills Reservation.
	Sault Ste. Marie Tribe of Chippewa Reservation.
Delta	Little Traverse Bay Band Reservation.
Emmet	Little Traverse Bay Band Reservation.
Charlevoix	Pokagom Reservation.
Otsego	Pokagom Reservation.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Cass	Pokagom Reservation.
Berrien	Entire County.
Van Buren	Entire County.
Ingham	City of Lansing, Lansing School District.
Minnesota:	
Anoka	Entire County.
Becker	White Earth Reservation.
Hubbard	White Earth Reservation.
Mahnomen	White Earth Reservation.
Beltrami	Entire County.
Cass	Entire County.
Crow Wing	Entire County.
Morrison	Entire County.
Todd	Entire County.
Kittson	Entire County.
Lake of the Woods	Entire County.
Marshall	Entire County.
Roseau	Entire County.
Ramsey	Western half of county and school districts Moundview/ Roseville School District and North St. Paul-Maplewood-Oak Dale School District, and White Bear Lake School District. Boundaries: City of St. Paul, Interstate 35, Interstate 94 and Lafayette Road.
Benton	Entire County.
Sherburne	Entire County.
Stearns	Entire County.
Mille Lacs	Mille Lacs Reservation.
Hennapin	City of Minneapolis.
	City of Minneapolis; Brooklyn Park, Golden Valley, & Richfield.
Mississippi:	
Leflore	Greenwood.
Harrison	Biloxi.
Hinds	Entire County.
Holmes	Lexington, Ebenezer, Bowling Green.
Jones	City of Laurel and Towns of Ellisville and Soso.
Copiah	Job Corp site-Crystal Springs.
Leake	Walnut Grove.
Newton	Entire County.
Monroe	Entire County.
Lee	Entire County, except Tupelo.
	Tupelo.
Lafayette	Oxford.
Grenada	Grenada.
Marshall	Byhalia, Holly Springs.
Panola	Batesville.
Pontotoc	Entire County.
Tallahatchie	Glendoro.
Tate	Senatobia.
Tunica	Entire County.
Chickasaw	Houston.
Oktibbeha	Starkville.
Clay	West Point.
DeSota	Walls.
Lowndes	Columbus.
Noxubee	Macon.
Washington	Hollandale, Arcola, Tralake, Murphy.
Henry	Eminence.
Leake	Mississippi Band of Choctaw Indians Reservation: Community of Redwater.
Neshoba	Mississippi Band of Choctaw Indians Reservation: Communities of Pearl River, Boguechitto, and Tucker.
Missouri:	
Adair	Entire County.
Barry	Entire County.
Bates	Entire County.
Christian	Entire County.
Dade	Entire County.
Dallas	Entire County.
Lawrence	Entire County.
Greene	City of Springfield: *North Boundary*—by I–44. South Boundary—by Battlefield Road. East Boundary—by Hwy 65. West Boundary—by Haseltine Road.
Polk	Entire County.
Stone	Entire County.
Taney	Entire County.
Webster	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Cass	City of Peculiar.
Henry	City of Clinton.
St. Clair	City of Osceola.
Buchanan	Entire County.
Cape Girardeau	Entire County.
Lafayette	Entire County.
Chariton	Entire County.
Johnson	Entire County.
Ray	Entire County.
Saline	Entire County.
Jackson	City of Kansas City bounded to the North by Missouri River; to the West: by the State Line Road; to the South by 112th Street and to the East by Hillcrest Road.
Jasper	Entire County.
Newton	Entire County.
Knox	Entire County.
St. Charles	Entire County, including: (1) City of St. Charles: an area bordered from south, east and west city limit boundary to the Hunters Ridge cutoff to the north; and; (2) City of St. Peters: an area bordered from the south, west and north city limit to the Kimberly Street cut-off to the east.
Montgomery	Entire County.
Lincoln	Entire County.
Warren	Entire County.
Cooper	Entire County.
Moniteau	Entire County.
Morgan	Entire County.
Pettis	Entire County.
St. Louis	(1) St. Louis County—North—Missouri River. South: Meramec River. East—Mississippi River, except for St. Louis City which borders St. Louis County on the following streets: Riverview, Goodfellow, Skinker-McCausland, River Des Peres and Carondelet. West—Wild Horse Creek Road, Ossenfort Road, Boguett Road and Fox Creek Road. (2) St. Louis City—East—Mississippi River. North, South and West—Borders St. Louis County on the following streets: Riverview, Goodfellow, Skinker-McCausland, River Des Peres, and Carondelet. (3) St. Louis City—South—Forest Park Parkway and portions of Forest Park. West—Skinker Boulevard/Kienlen/Jennings Station Road. North—West Florissant Road. East Grand Boulevard. (4) St. Louis City: South—By Meramec Street. West—by Grand Avenue to Arsenal Avenue, Arsenal Avenue west to Kingshighway Blvd. North to Columbia Avenue west to Hampton, Hampton north to Highway 40(64) west to Skinker Avenue, north to Forest Park Parkway. North—by Forest Park Parkway to Grand Avenue, Grand Avenue north to St. Louis Avenue. St. Louis Avenue west to Clay Avenue. Clay Avenue north to Natural Bridge. Natural Bridge west to Clay Avenue. Clay Avenue north to West Florissant to Adelaide. Adelaide north to Highway 70. East—by Highway 70 to Chouteau Avenue. Chouteau Avenue east to the river and the river south to Meramec.
Marion	Entire County.
Boone	Entire County.
Montana:	
Beaverhead	Entire County.
Silver Bow	Entire County.
Lincoln	School District #4 boundary that includes the city of Libby.
Missoula	Entire County.
Yellowstone	City of Billings and School District #2 boundary that includes the city of Lockwood).
Glacier	Blackfeet Reservation.
Lake	Flathead Indian Reservation.
Nebraska:	
Adams	Entire County.
Clay	Entire County.
Franklin	Entire County.
Hall	Entire County.
Nuckolls	Entire County.
Webster	Entire County.
Box Butte	Entire County.
Dawes	Entire County.
Douglas	City of Omaha: an area bordered North—I–680. South—Harrison Street (Sarpy County Line). East—Missouri River. West by 72nd Street. City of Omaha: an area bordered North—I–680. South—Harrison Street (Sarpy County Line). East—Iowa State Line. West—72nd Street.
Gage	Entire County.
Garfield	Entire County.
Greeley	Entire County.
Holt	Entire County.
Howard	Entire County.
Colfax	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Platte	Entire County.
Sherman	Entire County.
Valley	Entire County.
Lancaster	City of Lincoln.
Saline	Entire County.
Scotts Bluff	Entire County.
Nevada:	
Clark	Las Vegas, North Las Vegas and Henderson.
Elko	Entire County.
Whitepine	Entire County.
Washoe	Cities of Reno and Sparks.
New Hampshire:	
Belknap	Entire County.
Hillsborough	City of Manchester.
Strafford	Entire County.
New Jersey:	
Atlantic	Entire County.
Camden	City of Camden.
Cape May	Entire County.
Cumberland	Cumberland County, Salem.
Essex	City of East Orange.
	Newark Central Ward; West Ward; North Ward (Verona Avenue to Orange Street and Lake Street to McCarter Highway); and Bakery Village.
	Cities of Montclair and Orange.
Glouster	Entire County.
Hudson	Union City. North Bergen, West N.Y., Weehawken, Guttenberg, Seacaucus.
Ocean	Lakewood Township.
Passaic	West Milford, Wayne, Ringwood, Bloomingdale, Little Falls, Haledon, Pompton Lakes, Hawthorne.
	Patterson, Prospect Park, and Clifton.
Sussex	Entire County.
Warren	Entire County.
Morris	Entire County.
New Mexico:	
Bernalillo	Entire County.
Doña Ana	City of Las Cruces.
Lea	Hobbs and Lovington.
Navajo Nation	Navajo Reservation, Navajo School Board.
San Juan	The Alamo Navajo Reservation.
	Entire County, except the Alamo Navajo Reservation.
Santa Fe	Entire County.
Torrance	Entire County.
Sandoval	Bernalillo, Cuba, and Rio Rancho.
Cibola	Pueblo Laguna Reservation.
New York:	
Bronx	(1) Spuyten Duyvil.
	(2) University Heights.
	(3) Fordham.
	(4) Riverdale.
	(5) Morris Heights.
	(6) Highbridge.
	(1) 3rd Ave. and Courtland Ave. through E. 161st Street; Grand Ave. through East Featherbed Lane; University Ave through West 182nd Street; East 146 Street through 156 Street; West on St Anns Ave and Union Ave;
	(2) Fulton Ave. to Park Ave.;
	(3) East 171st Street and Prospect Ave, through East 182nd;
	(4) East 183rd Street and East 187th St. to East Mosholu;
	(5) North on Longwood Ave. and Boston Rd and Jennings St.;
	(6) Charlotte St. and White Plains Rd;
	(7) Sedwick Ave. and Goulden Ave through West 242 St.;
	(8) West 183rd St. and Grand Concourse through Mosholu to Bruckner Blvd;
	(9) Mott Haven and Hunts Point (Community Board #1 & 2);
	(10) Spuyten Duyvil (Community Board #8) University Heights (Community Board #7).
Manhattan	(1) 125 St. to 218 St., Riverside Drive to Harlem River, Edgecomb Ave, St. Nicholas Ave; Washington Hgts: FDR Drive east, to Binery to the south; 14th Street to the West, North is bounded by East of Broad Street and South of 14th Street; and Lower East Side: East River across Delancey St. to Allen St., South on Allen St to Pike St to East River.
	(2) Lower East Side Manhattan bounded by 14th St., FDR Drive, and Bowery 125 St. to 218 St., Riverside Drive to Harlem River, Edgecomb Ave, St. Nicholas Ave; Washington Hgts: FDR Drive east, to Binery to the south; 14th Street to the West, North is bounded by East of Broad Street and South of 14th Street; and Lower East Side: East River across Delancey St. to Allen St., South on Allen St to Pike St to East River.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Kings	(1) Borough Park, Williamsburg, Crown Heights and Flatbush Staten Island : Park Hill, Clifton and Stapleton; Fort Green (Housing Projects Ingersol, Whitman, Farraget).
	(2) Teenage girls attending Board of Education LYFE program in Brooklyn; students live throughout the county.
Queens	Rockaway Peninsula.
Alleghany	Entire County.
Cattaraugus	Entire County.
Chautauqua	Entire County.
Chenango	Entire County.
Dutchess	Entire County.
Herkeimer	City of Herkeimer.
Monroe	City of Rochester.
Oneida	City of Rome.
Onondaga	City of Syracuse.
Rensselaer	Entire County.
Rockland	Spring Valley.
	The village of Haverstraw and outlying areas, the village of Nyak and outlying areas including Valley Cottage, Congeis, Piermont, and Sparkill.
Schenectady	City of Schenectady.
Seneca	Entire County.
Orange	Entire County.
Steuben	Entire County.
Yates	Entire County.
Sullivan	Entire County.
Wayne	Wolcott, Butller, Savannah, Huron, Rose Galen, Sodus, Lyons, Newark.
Westchester	Entire county, excluding the City of White Plains.
	City of White Plains.
Wyoming	Entire County.
Erie	In the City of Buffalo: Teen mothers and pregnant women attending the following High Schools: Bennett, Lafayette, Grover Cleveland, Emmerson Vocational, South Park, Riverside, Seneca, Kensington, Alternative, City of Schools, Performing Arts, Buffalo Traditional, Hutch Technical, McKinley, Burgard, and City Honors.
Orleans	Entire County.
Saratoga	Entire County.
Washington	Entire County.
Suffork/Nassau	Central Brookhaven, including Coram, Medford, No. Bellport, Seldon, and Ridge.
Madison	Entire County.
Otsego	Entire County.
North Carolina:	
Buncombe	City of Ashville; Towns of Woodson, Emma, and Johnstown.
Caswell	Yanceyville and entire county.
Guilford	Greensboro.
	Entire County outside of Greensboro.
Macon	Entire County.
McDowell	Entire County.
Orange	Entire County.
Pamlico	Entire County.
Cateret	Entire County.
Craven	Entire County.
Jones	Entire County.
Rowan	Entire County.
Davison	Entire County.
Montgomery	Entire County.
Moore	Entire County.
Stanley	Entire County.
Transylvannia	Entire County.
Henderson	Entire County.
Union	Monroe.
Wayne	Entire County.
Cumberland	Fayetteville.
Rutherford	Entire County.
Ohio:	
Adams	Entire County.
Brown	Entire County.
Clermont	Entire County.
Clark	Entire County.
Montgomery	City of Dayton.
Cuyahoga	City of Cleveland: Glenville, Hough, Detroit-Shoreway, Clark-Fulton; and City of East Cleveland.
Darke	Entire County.
Greene	Entire County.
Shelby	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Miami	Entire County.
Hamilton	City of Cincinnati: Communities of Over-the-Rhine, Mount Auburn, Price Hill, West End, Bond Hill, Roselawn, Avondale, Millvale, and Walnut Hills.
Lake	Entire County.
Lawrence	Entire County.
Lorain	Towns of Lorain, Elyria, Oberlin, Wellington, Columbia Station, and South Amherst.
Medina	Entire County.
Wayne	Entire County.
Morgan	Entire County.
Washington	Entire County.
Pike	Entire County.
Preble	Entire County.
Richland	Entire County.
Summit	City of Akron: Communities of N. Akron, S. Akron, W. Akron, E. Akron.
Guernsey	Entire County.
Monroe	Entire County.
Noble	Entire County.
Fairfield	Entire County.
Mahoning	Youngstown, Canfield, Austintown, Campbell, Struthers, Boardman.
Oklahoma:	
Choctaw	Entire County.
McCurtain	Entire County.
Pushmataha	Entire County.
Creek	Entire County.
Okmulgee	Entire County.
Tulsa	An area west of Peoria Avenue in Tulsa and the Arkansas River which parallels Highway 75.
	East Tulsa, Southwest Tulsa and North Tulsa.
Mays	Entire County.
Rogers	Entire County.
Wagner	Entire County.
Oklahoma	Oklahoma City: an area bounded by Meridian Avenue on the West, North 50th on the North, Bryant Avenue on the East, and South 44th on the South.
Payne	Entire County.
Seminole	Entire County.
Cleveland	Entire County.
Logan	Entire County.
Cherokee	Entire County.
Mayes	Entire County.
Craig	Entire County.
Potawatomi	The Sac, Fox and Absentee Shawnee Districts.
	Potawatomi Reservation, extending north to the North Canadian River, south to the South Canadian River, west to the Indian Meridian Line, and east to the county line.
Oregon:	
Hood River	Cities of Hood River, Pine Grove, Parkland and surrounding areas.
Wasco	The city of Dalles and surrounding areas.
Jackson	City of Medford and metropolitan area; and the Illinois Valley.
Josephine	Entire County.
Multnomah	City of Portland bounded by N.E. Skidmore to the North, N.E. Tillamook to the South, 82nd Street to the East and the Willamette River to the West.
	City of Portland: bounded by the Willamette River on the West, the Columbia River on the North, Holgate Blvd on the South and N.E. 122nd Ave to the East (excluding the Enterprise Zone between N.E. Skidmore and N.E. Tillamook Streets; Within South—Holgate Blvd, East—NE 122 Ave, West-Willamette River, North—Columbia River and at the Jobs corp site in Troutsdale, OR.
	City of Portland: bounded by: Holgate Ave on the North; the Multnomah County line to the South, S.E. 45th St. to the West and 122nd Ave., to the East. After 122nd, the service area extends North to Burnside and out to S.E. 162nd Avenue. (Lents Junction).
	East Multnomah County, including City of Gresham, Towns of Troutdale, Wood Village, Fairview, Corbert, and the eastern edge of Portland and surrounding areas.
Umatilla	The communities of Pendleton, Hermiston, Umatilla and Stanfield.
Washington	City of Hillsboro, OR.
Jefferson	Warm Springs Indian Reservation.
Pennsylvania:	
Allegheny	City of Pittsburgh including: Allentown, Arlington, Arlington Heights, Beltzhoover, Beechview, Brookline, Banksville, Carrick, Duquesne Heights, Glen Hazel, Greenfield, Hays, Hazelwood, Lincoln Place, Knoxville, Mt. Washington, Mt. Oliver, Overlook, St Clair Village, So. Side Flats, So. Side Slopes; and the *County communities:* Aspenwall, Blawnox, Cheswick, East Deer, Etna, Fox Chapel, Frazer, Harmar, Indiana, Millvale, Oakmont, O'Hara, Shaler, Sharpsburg, Springdale Borough, Springdale Township, Verona, West Deer.
	Towns of Terrace Village, Clairton, West Miflin, Elizabeth, McKees Rocks, and Stowe Township in the City of Pittsburgh.
Beaver	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Bedford	Entire County.
Bradford	Entire County.
Tioga	Entire County.
Butler.	Entire County.
Centre	Entire county, including the community of Snow Shoe, and the surrounding area; and community of Milheim (Penn's Valley) and surrounding areas.
Clearfield	Entire county, including the Clearfield Borough and the surrounding community.
Fayette	Entire county, including the towns of Uniontown, Connellsville, and Brownsville.
Fulton	Entire County.
Huntingdon	Entire County.
Indiana	Entire County.
Lackawanna	Entire County.
Wayne	Entire County.
Pike	Entire County.
Susquehanna	Entire County.
Lehigh	Entire County.
Luzerne	Entire County.
Mercer	Entire County.
Snyder	Entire County.
Union	Entire County.
Mifflin	Entire County, including Lewistown, Reedsville, and surrounding area.
Philadelphia	(1) City of Philadelphia: Area enclosed by the Schuylkill River north to Girard Avenue, west on Girard to Parkside Avenue, north on Parkside Avenue to Belmont Avenue, south on Belmont to Westminster Avenue, west on Westminster to 50th Street, south on 50th Street to Spruce Street, east on Spruce to 45th Street and south on 45th Street to the Schuykill River. (2) City of Philadelphia: Pine Street on the north; Broad Street on the east, Philadelphia Naval Base on the South, Schuykill River on the west. (3) City of Philadelphia North Central Philadelphia Empowerment Zone -6th Street to 23rd Street and from Montgomery Street to Poplar Street. (4) City of Philadelphia: The area bounded on the North by Allegheny Avenue, on the South by Norris Street, on the East by 5th Street and on the West by 17th Street, excluding the North Philadelphia Empowerment Zone area.
Venango	Entire County.
Washington	Washington City, and Bentleyville.
Greene	Entire County.
Westmoreland	Entire County.
Dauphin	City of Harrisburg.
Rhode Island:	
Bristol	Bristol, Warren and Barrington.
Newport	Entire County.
Providence	Town of E. Providence. 1. The City of Cranston. 2. City of Central Falls, South and Southwest Providence. 3. Towns of Burrillville, Johnston, N. Providence, Smithfield, N. Smithfield, Glocester, Scituate and Foster.
Kent	The City of Warwick and the towns of Coventry and W. Warwick.
South Carolina:	
Bamberg	Olar, Bamberg City, Denmark, Ehrhardt.
Charleston	West Ashley, Downtown Charleston, and Charleston Nech Area.
Greenville	City of Greenville: Communities of Nicholtown (including the Jesse Jackson Town Homes), Woodland-Pierce Homes, and Parker District (including Monaghan, San Souci).
Lancas	Entire County.
Sparta	Entire County.
Sumter	City of Sumter: Sumter School District, Maysville, Dalzell, Wedgefield, Shaw AFB, Pinewood, Rembert, within the eastern section of Sumter County.
Anderson	Honeapat.
Pickens	City of Pickens.
Greenville	Pleasant Valley.
Beauford	St. Helena.
Jasper	Robertville.
South Dakota:	
Brookings	Entire County.
Codington	Entire County.
Hamlin	Entire County.
Lake	Lake County.
Minnehaha	Entire County.
Moody	Entire County.
McCork	Entire County.
Clark	Entire County.
Deuel	Entire County.
Grant	Entire County.
Kingsbury	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Miner	Entire County.
Butte	Towns of Belle Fourche, Fruitdale, Newell, Nisland and Vale.
Harding	Towns of Buffalo and Reva.
Perkins	Towns of Bison and Lemmon.
Hughes	Hughes County.
Hyde	Hyde County.
Jones	Jones County.
Mellette	Mellette County.
Stanley	Stanley County.
Sully	Sully County.
Meade	Cities of Black Hawk and Sturgis.
Pennington	The cities of: Box Elder, Ellsworth Air Force Base, Rapid City, Rapid Valley, New Underwood & Hill City.
Custer	Hermosa.
Fall River	Edgemont, Hot Springs.
Haakon	Philip Midland.
Jackson	Kadoka.
Lawrence	Deadwood, Lead, Spearfish.
Jackson	Pine Ridge Reservation.
Shannon	Pine Ridge Reservation.
Roberts	Lake Traverse Reservation.
Day	Lake Traverse Reservation.
Marshall	Lake Traverse Reservation.
Pennington	Rapid City and the communities of Fox Elder and Rapid Valley within the incorporated limits of Rapid City.
Clay	Entire County.
Lincoln	Entire County.
Turner	Entire County.
Union	Entire County.
Tennessee:	
Anderson	Andersonville, Briceville, Claxton, Clinton, Dutch Valley, Fairview, Grand Oaks, Lake City, Norris, Norwood.
Carroll	Entire County.
Fayette	Entire County.
Lauderdale	Entire County.
Madison	Entire County.
Obion	Entire County.
Tipton	Entire County.
Bedford	Shelbyville city limits and 10 miles around Shelbyville.
Lawren	Lawrenceburg city limits and 10 miles around Lawrenceburg.
Giles	Pulaski city limits and 10 miles around Pulaski.
Hamilton	Communities of Soddy-Daisy, Cedar Hill, and the Avondale area of the City of Chattanooga.
Knox	North Knoxville.
Loudon	Entire County.
Roane	Entire County.
Shelby	Frayse, North Memphis, South Memphis, Midtown; Vincent, Alabaster, Columbiana.
Weakley	Entire County.
Gibson	Entire County.
Henry	Entire County.
Williamson	Franklin.
Wilson	Lebanon.
Cannon	Woodbury.
Cheatham	Ashland City.
Robertson	Springfield.
Rutherford	Murfresboro.
Sumner	Gallagin.
Trousdale	Hartsville.
Morgan	Entire County.
Texas:	
Bextar	The City of San Antonio, an area on the Westside bounded by Woodlawn on the North, U.S. Highway 90 on the South, by Interstate 35 on the East and by Callahan on the West. The communities of Fredericksburg II, Circle North, New Westwood, Terrell Plaza, Fort Sam and Mount Zion.
Brazos	City of Bryan: bounded by an area on the North by West 28th Street, on the South by Beck Bryan, Texas (Brazos Street, on the East by Sims Street and on the West by Palasota Street.
Brooks	Falfurrias: (1) bordered by San Saba Street to the South, West Garret Street to the North, North Center Street to the East and North Chester Street to the West. (2) area bordered by East Lamar on the North, East Forrest Street on the South, North Lincoln on the East and North Williams Street on the West.
Brown	Entire county.
Burnet	City of Burnet.
Cameron	City of Harlingen: an area bounded by Harrison Street on the South, by Expressway 77 on the West, by F.M. 507 on the North and by F.M. 509 on the East.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Willacy	Brownsville, San Benito, Port Isabel, and Raymoudville.
Collin	McKinney Independent School District.
Dallas	City of Dallas: the communities of: (1) Pleasant Grove—an area bounded by I–635 on the North and East, I–45 on the South and I–30 on the West); and (2) West Dallas—an area bounded by the Trinity River on the north, I–30 on the south, Jefferson Boulevard on the east, and Loop 12 on the west. City of Dallas: the communities of: (1) Irving—an area bounded by Walnut Hill Rd on the north, Hunter Ferrel St. on the south, Walton Walker (Loop 12) on the east and Beltline Rd on the west. (2) North Oak Cliff—an area bounded by I–30 on the north, Ledbetter (Loop 12) on the South, I–35 on the east and Westmoreland Rd. on the west.
Duval	City of San Diego.
El Paso	Rural communities of Fabens, San Elizario, Clint, Canitillo, and the following areas in the city limits of El Paso: (1) Socorro/Sparks: an area bounded by Horizon City on the north, I–10 on the South, Bufford Road on the east and Avenue of the Americas on the south. (2) Northeast: an area bounded by New Mexico state line on the north, Montana Avenue on the south, Loop 375 on the east and Patriot on the west. (3) Ysleta—an area bounded by I–10 on the north, Border Freeway on the south, Avenue of the Americas on the east and Delta Drive on the west. (4) Central Area—an area bounded by Montana Avenue on the north, Mexico border on the south, Alameda Avenue on the east and Paisano Avenue on the west.
Fort Bend	Cities of Richmond and Missouri City.
Garza	Entire County.
Gray	Entire County.
Harris	City of Houston, service areas bordered by: Tidwell on the North, Hardy and Maury on the East, Yale and Studewood on the West and IH–10 on the South; also known as Fifth Ward. City of Humble, service area bordered by: North to Montgomery County line, East to the middle of Lake Houston, South to Beltway 8, and West to McKay Boulevard up to Spring Creek where it intersects the Montgomery County line. Communities of Galena Park and Jacinto City & City of Houston, service area bordered by: North to East Fork of the San Jacinto River, East to Liberty County, South to the North side of Indian Shores and West to the middle of Lake Houston. City of Houston, service area bordered by: (1) Clinton Drive on the South, Lockwood on the East, Cavalcade on the North, and I–59 on the West; (2) North from the intersection of Green's Bayou and Highway 90 extending Eastward to Carpenter's Bayou, on the East by Carpenter's Bayou, on the South by the Houston Ship Channel, also known as Buffalo Bayou. West from the Houston Ship Channel Northward along Fidelity Road, turning Eastward to intersect with Oates Road, proceeding North on Oates Road to the T&NO Railroad line, then East along the T&NO Railroad parallel to Market Street, to Green's Bayou and Northward along Green's Bayou to intersect Highway 90. City of Houston, service area bordered by: Highway 59 to the North, Chimney Rock Road to the East, Bellaire Blvd. to the South and Hillcroft Street to the West.
Hays	Entire County.
Hood	Cities of: Granbury, Cresson, Lipan and Paluxy.
Erath	Entire County.
Palo Pinto	Entire County.
Hutchinson	Entire County.
Jim Hogg	City of Hebbronville.
Jim Wells	City of Alice: an area bordered by Loma Street on the North, on the East by Texas Blvd., on the South by Hill Street and on the West by Cameron Street; an area bounded by Sain Street on the North, Sea Breeze on the South, Texas Blvd. on the West and Stadium Road on the East.
Kleberg	City of Kingsville: (1) an area bordered by Corral Road on the South, Armstrong Road on the East, University Blvd. on the West and Avenue F on the North; (2) W. General Cavos on the South, Sixth Street to the West, Fourteen Street to the East and Aisle Avenue to the North.
Lubbock	City of Lubbock: The Cherry Point neighborhood bordered by Loop 289 and East Municipal Drive in the North, East Broadway on the South, East Idalou Road on the East, and Yellowhouse Canyon on the West.
Mclennan	Eligible residents of an empowerment zone in the City of Waco identified as East Waco, and nearby North and South sections of the city.
Houston	Entire County.
Nacogdoches	Entire County.
Nueces	Entire County.
Potter	Entire County. Amarillo School District Boundaries (teen parents within the School District).
Randall	Entire County. Amarillo School District Boundaries (teen parents within the School District).
Scurry	Entire County.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Starr	Rio Grande City.
Taylor	Abilene Independent School District.
Titus	Entire County.
Tom Green	Entire County.
Travis	Entire County.
Uvalde	Entire County.
Williamson	Cities of Taylor, Georgetown, and Leander.
Zapata	Zapata City.
Zavala	Entire County.
Grayson	Entire County.
Rockwall	Entire County.
Brazoria	Entire County.
Nolan	Entire County.
Utah:	
Carbon	City of Price.
Grand	City of Moab.
San Juan	City of Blanding.
Davis	Davis County School District Boundary.
Box Elder	Brighman City, Fielding, Garden City, Garland, Thatcher, and Tremonton.
Cache	College Ward, Hyde Park, Hyrum, Logan, Mendon, Millville, Nibley, North Logan, Richmond, River Heights, Smithfield, and Wellsville.
Navajo Nation	Navajo Reservation, Navajo School Board.
Utah	Entire County.
Vermont:	
Caledonia	Entire County.
Franklin	Entire County.
Essex	Entire County.
Orleans	Entire County.
Lamoille	Entire County.
Orange	Entire County.
Washington	Entire County.
Windham	Entire County.
Virginia:	
Buchanan	City of Bristol.
Dickerson	Entire County.
Russell	Entire County.
Washington	Entire County.
Fairfax	Cities of Fairfax , Falls Church, and South Fairfax County from I–495 to Prince William County.
Arlington	City of Alexandria: (Rt.1 Corridor).
Isle of Wight	City of Franklin.
York	City of Williamsburg and James City.
Prince William	Manassas and Manassas Park.
Roanoke	City of Roanoke.
Newport News	City of Newport News: from Jefferson Street east.
Wise	Towns of Esserville and Appalachia.
Washington:	
Chelan	Entire County.
Douglas	Entire County.
Clark	Clark County.
Ferry	The communities of: Metaline Falls, Newport, Loon Lake, Colville, Kettle Falls, Northport and Republic.
Pend Oreille	Entire County.
Steven	Entire County.
Grant	Entire County.
Island	Entire County.
Skagit	Entire County.
San Juan	Entire County.
King	City of Seattle: Ballard, and West Seattle; East: Lake Washington, West: Puget Sound, North: 145th Street, Southwest: Roxbury Street, Southeast: Juniper Street. This service area excludes the garden communities of Holly Park, Yesler Terrace, Rainer Vista and High Point. City of Seattle: Central District of Seattle bounded on the North by East Madison St and Lake Washington Blvd, on the South by Interstate 90, on the East by Lake Washington and on the West by Rainier Avenue South, South Main Street, Interstate 5, James Street and 12th Avenue. City of Seattle: Yesler Terrace, Holly Park, High Point, Rainer Vista PHD's. Communities of Kent, Renton, Auburn, Skyway, Tukwila, Southeast King County, and Federal Way.
Kitsap	South Kitsap School District (Discovery High School) and Olympic College.
Klickitat	Entire County
Pierce	School Districts: Clover Park School District; the Bethel School District; Pennisula School District; the Tacoma School District (Oakland Alternative High School) and the Woman's Correctional Center in Purdy, Washington.

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Snohomish	The City of Everett: 1. Area #1: north of 42nd Street, west of Marine View Drive, South of Highway 529 and east of Puget Sound; 2. Area #2: South of Casina Road, West of Mukulteo Speedway, east of Meridian Drive and North of Stickney Drive.
Spokane	The City of Spokane and surrounding metropolitan area; and students attending Community Colleges of Spokane.
Whatcom	Entire County.
Yakima	Towns of Grandview, Sunnyside, Mabtou, Granger, Toppenish, and White Swan.
Kitsap	Port Madison Indian Reservation and immediate surrounding area. Port Gamble S'Klallam Reservation and immediate surrounding area.
Jefferson	Entire County.
Clallam	Entire County.
Wyoming:	
Big Horn	Entire County.
Hot Springs	Entire County.
Washakie	Entire County.
Converse	Entire County.
Goshen	Entire County.
Natrona	Cities of Casper, Evansville, Mills and Paradise Valley.
Niobrara	Entire County.
Fremont	Wind River Indian Reservation and surrounding areas.
Platte	Entire County.
Campbell	Entire County.
Teton	Entire County.
Sublette	Entire County.
District of Columbia:	
	(1) Ward One an area enclosed by: Northeast—Spring Road, Northwest—Piney Branch Parkway, East—Michigan Avenue to Florida Avenue, Southeast—S Street, West—Rock Creek; (2) In Ward Two an area enclosed by: Northeast—New Jersey, Florida Avenue and S Street, Northwest—Florida Avenue, East—Florida Avenue and Southwest Freeway, Southeast—Anacostia River, West—Potomac River; (3) In Ward Four an area enclosed by: Northeast—Eastern Avenue, Northwest—Western Avenue, Southeast—Michigan Avenue, Southwest—Rock Creek; (4) In Ward Five an area enclosed by: Northeast—Eastern Avenue, Northwest—South Dakota, Southeast—Anacostia River, Southwest—Florida Avenue, West—Harewood Road; (1) Ward One an area enclosed by: Northeast—Spring Road, Northwest—Piney Branch Parkway, East—Michigan Avenue to Florida Avenue, Southeast—S Street, West—Rock Creek; (2) In Ward Two an area enclosed by: Northeast—New Jersey, Florida Avenue and S Street, Northwest—Florida Avenue, East—Florida Avenue and Southwest Freeway, Southeast—Anacostia River, West—Potomac River; (3) In Ward Four an area enclosed by: Northeast—Eastern Avenue, Northwest—Western Avenue, Southeast—Michigan Avenue, Southwest—Rock Creek; In Ward Five an area enclosed by: Northeast—Eastern Avenue, Northwest—South Dakota, Southeast—Anacostia River, Southwest—Florida Avenue, West—Harewood Road; Sections of Wards One, Two and Four, which include the areas of Shepherd Park, Upper Cordoza, Adams Morgan and Mount Pleasant.
Commonwealth of Puerto Rico:	
Municipality of Carolina	Carolina.
Municipality of Cayey	Cayey.
Municipality of Ceiba	Ceiba.
Municipality of Cidra	Cidra.
Municipality of Coamo	Las Flores.
Municipality of Humacao	Humacao.
Municipality of Junco	Juncos.
Municipality of Loiza	Loiza.
Municipality of Juncos	Entire Municipality.
Municipality of Canavanas	Barrio Cubny.
Municipality of Rio Grande	Entire Municipality.
Municipality of Ceiba	Entire Municipality.
Municipality of Naguabo	Entire Municipality.
Municipality of Luquillo	Luquillo.
Municipality of Ponce	Ponce.
Municipality of Rio Grande	Rio Grande.
Municipality of San Juan	San Juan (Cantera). Trujillo Alto, Cayey, Aibonito and surrounding areas. Barrios: Hato Rey Norte, Cupey, Caimito, and Tortuga; and the sub-barrios of Puerto Nuevo, Nemesio R. Canales Public Housing Project.
Municipality of Toa	Toa Baja.
Municipality of Trujillo Alto	Trujillo Alto.
Municipality of Vega Alta	Vega Alta (Muachauchal and Santa Ana).

FY 2001 EXPANSION SERVICE AREAS MATRIX—Continued

State and county	Service area (Local community)
Municipal Government of Santa Isabel.	Santa Isabel.
Municipality of Bayamon	Bayamon.
Municipality of Barceloneta	Barceloneta.
Municipality of Guaynabo	Guaynabo.
Municipality of Sabana Grande	Sabana Grande.
Municipality of Caguas	Caguas.
Municipality of Arecibo	Barrios of Hato Abajo, Obrero and Arecibo; sub-barrios of San Jose, Los Heides, La Puntilla, Vigia, Buenos Aires, Magallenos, and Santana.

Appendix B—Estimate of Funds Available in States

State	Allocation
Alabama	$863,000
Alaska	500,000
Arizona	1,541,000
Arkansas	500,000
California	5,470,000
Colorado	500,000
Connecticut	500,000
Delaware	500,000
Florida	1,436,000
Georgia	1,031,000
Hawaii	500,000
Idaho	500,000
Illinois	755,000
Indiana	758,000
Kansas	500,000
Kentucky	500,000
Louisiana	1,478,000
Maryland	927,000
Massachusetts	500,000
Michigan	500,000
Minnesota	745,000
Mississippi	500,000
Missouri	577,000
Montana	500,000
Nevada	500,000
New Hampshire	500,000
New Jersey	600,000
New Mexico	500,000
New York	3,222,000
North Carolina	1,104,000
Ohio	1,369,000
Oklahoma	592,000
Oregon	500,000
Pennsylvania	1,245,000
Puerto Rico	2,206,000
South Carolina	998,000
Tennessee	500,000
Texas	3,249,000
Utah	500,000
Virginia	1,296,000
Washington	573,000
West Virginia	500,000
Wisconsin	843,000
American Indian Program	1,200,000
The following States will compete in a multi-state pool of $2,600,000:	
District of Columbia, Iowa, Maine, Nebraska, North Dakota, Outer Pacific, Rhode Island, South Dakota, Vermont, Virgin Islands, and Wyoming.	
Total	46,678,000

[FR Doc. 01–5481 Filed 3–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

State Median Income Estimates for Four-Person Families (FY 2001); Notice of the Fiscal Year (FY) 2001 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program (LIHEAP) Administered by the Administration for Children and Families, Office of Community Services, Division of Energy Assistance

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice of estimated state median income for FY 2001.

SUMMARY: This notice announces the estimated median income for four-person families in each State and the District of Columbia for FY 2001 (October 1, 2000 to September 30, 2001). LIHEAP grantees may adopt the State median income estimates beginning with the date of this publication of the estimates in the **Federal Register** or at a later date as discussed below. This means that LIHEAP grantees could choose to implement this notice during the period between the heating and cooling seasons. However, by October 1, 2000, or by the beginning of a grantee's fiscal year, whichever is later, LIHEAP grantees using State median income estimates must adjust their income eligibility criteria to be in accord with the FY 2001 State median income estimates.

This listing of estimated State median incomes concerns maximum income levels for households to which LIHEAP grantees may make payments under LIHEAP.

EFFECTIVE DATE: The estimates are effective at any time between the date of this publication and October 1, 2000, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

FOR FURTHER INFORMATION CONTACT: Leon Litow, Administration for Children and Families, HHS, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone: (202) 401–5304, Internet E-Mail: llitow@acf.dhhs.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, as amended), we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for FY 2001 (the period of October 1, 2000, through September 30, 2001).

Section 2605(b)(2)(B)(ii) of the LIHEAP statute provides that 60 percent of the median income for each state, as annually established by the Secretary of the Department of Health and Human Services, is one of the income criteria that LIHEAP grantees may use in determining a household's eligibility for LIHEAP.

LIHEAP is currently authorized through the end of FY 2004 by the Coats Human Services Reauthorization Act of 1998, Pub. L. 105–285, which was enacted on October 27, 1998.

Estimates of the median income of four-person families for each State and the District of Columbia for FY 2001 have been developed by the Bureau of the Census of the U.S. Department of Commerce, using the most recently available income data. In developing the median income estimates for FY 2001, the Bureau of the Census used the following three sources of data: (1) The March 1999 Current Population Survey; (2) the 1990 Decennial Census of Population; and (3) 1998 per capita personal income estimates, by state, from the Bureau of Economic Analysis of the U.S. Department of Commerce.

Like the estimates for FY 2000, the FY 2001 estimates include income

estimates from the March Current Population Survey that are based on population controls from the 1990 Decennial Census of Population. Income estimates prior to FY 1996 from the March Current Population Survey had been based on population controls from the 1980 Decennial Census of Population. Generally, the use of 1990 population controls results in somewhat lower estimates of income.

For further information on the estimating method and data sources, contact the Housing and Household Economic Statistics Division, at the Bureau of the Census (301–457–3243).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FY 2001 follows. The listing describes the method for adjusting median income for families of different sizes as specified in regulations applicable to LIHEAP, at 45 CFR 96.85(b), which was published in the **Federal Register** on March 3, 1988 at 53 FR 6824.

Dated: March 1, 2001.

Robert Mott,

Acting Director, Office of Community Services.

ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE, FISCAL YEAR 2001 [1]

States	Estimated state median income 4-person families [2]	60 percent of estimated state median income 4-person families
Alabama	$51,156	$30,694
Alaska	59,726	35,836
Arizona	49,397	29,638
Arkansas	44,471	26,683
California	55,209	33,125
Colorado	63,428	38,057
Connecticut	75,534	45,320
Delaware	65,157	39,094
District of Col.	60,674	36,404
Florida	52,581	31,549
Georgia	55,989	33,593
Hawaii	61,838	37,103
Idaho	49,174	29,504
Illinois	61,672	37,003
Indiana	55,284	33,170
Iowa	53,230	31,938
Kansas	55,341	33,205
Kentucky	49,108	29,465
Louisiana	49,037	29,422
Maine	51,059	30,635
Maryland	71,404	42,842
Massachusetts	68,958	41,375
Michigan	59,019	35,411
Minnesota	67,140	40,284
Mississippi	43,907	26,344
Missouri	54,190	32,514
Montana	44,737	26,842
Nebraska	56,692	34,015
Nevada	53,054	31,832
New Hampshire	61,014	36,608
New Jersey	70,983	42,590
New Mexico	43,829	26,297
New York	57,142	34,285
North Carolina	54,331	32,599
North Dakota	51,002	30,601
Ohio	60,169	36,101
Oklahoma	47,436	28,462
Oregon	55,892	33,535
Pennsylvania	58,507	35,104
Rhode Island	62,339	37,403
South Carolina	52,111	31,267
South Dakota	49,702	29,821
Tennessee	50,310	30,186
Texas	51,148	30,689
Utah	54,946	32,968
Vermont	53,691	32,215
Virginia	60,860	36,516
Washington	61,059	36,635
West Virginia	43,239	25,943
Wisconsin	57,890	34,734
Wyoming	50,989	30,593

Note—FY 2001 covers the period of October 1, 2000 through September 30, 2001. The estimated median income for 4-person families living in the United States is $56,061 for FY 2001. The estimates are effective for the Low Income Home Energy Assistance Program (LIHEAP) at any time between the date of this publication and October 1, 2000, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

[1] In accordance with 45 CFR 96.85, each State's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for six persons. For family sizes greater than six persons, add 3% for each additional family member and multiply the new percentage by the State's estimated median income for a 4-person family.

[2] Prepared by the Bureau of the Census from the March 1999 Current Population Survey, 1990 Decennial Census of Population and Housing, and 1998 per capita personal income estimates, by state, from the Bureau of Economic Analysis (BEA). In 1999, BEA revised its methodology in estimating per capita personal income estimates. BEA's revised methodology is reflected in the FY 2002 state 4-person family median income estimates. For further information, contact the Housing and Household Economic Statistics Division at the Bureau of the Census (301–457–3242).

[FR Doc. 01–5536 Filed 3–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1599]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by April 6, 2001.

ADDRESSES: Submit written comment on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses (OMB Control Number 0910–0182)—Extension

Under section 519 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(i)), every manufacturer or importer of a device intended for human use shall establish and maintain records. This regulation is designed to protect the eyeglass and sunglass wearer from potential eye injury resulting from shattering of ordinary eyeglass lenses, and it requires that eyeglasses and sunglasses be fitted with impact-resistant lenses. The regulation in § 801.410(f) (21 CFR 801.410(f)) requires that the results of impact tests and description of the test method and apparatus also be kept for a period of 3 years. These records are valuable to FDA when investigating eye injury complaints.

The expected respondents to this collection are manufacturers of impact-resistant lenses.

In the **Federal Register** of November 28, 2000 (65 FR 70916), the agency requested comments on the proposed collection of information. One comment was received. The comment stated the estimate seems to include only the time for testing, but omitted the cost of the materials and their disposal. It stated that the estimate did not explicitly address whether this testing is destructive in nature. These costs are material.

FDA's attempt at addressing these issues was limited by the Vision Council of America's (VCA) reluctance to provide any more information than what had been included in FDA's original submission. VCA informed FDA that there was a restriction on information because VCA had promised their clients that they would not release certain data that was considered critical. Because of this limited amount of information from FDA's most reliable source (VCA), FDA was limited to the estimated burden that was included in the original submission (OMB control number 0910–0182).

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
801.410(f)	30	769,000	23,070,000	.0008	19,225

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] Due to an inadvertent error, the recordkeeping burden hours for § 801.410(f) that appeared in a notice issued in the FEDERAL REGISTER of November 28, 2000, were incorrect. Table 1 of this document contains the correct estimates.

VCA provided sales figures (www.visionsite.org) that were used in estimating the burden for this collection. Beginning in 1998, a growth rate of 2.6 percent for the distribution of lenses began, and it was assumed that this growth rate continued in 1999 and 2000. This resulted in an increase in the number of eyeglasses shipped annually to 89 million lenses shipped by year 2000.

By also assuming that the glass/plastic lenses-produced ratio remained as in previous years (22 percent glass and 78 percent plastic), that glass lenses must be tested individually, and only 5 percent of the plastic lenses must be tested, then 23,070,000 lenses should be tested. This figure was derived by taking 22 percent of 89 million glass lenses (19,600,000) and adding it to 5 percent of the remaining plastic lenses (5 percent x 69,400,000 = 3,470,000).

Next, divide the total tests (23,070,000) by 30 manufacturers to return the annual frequency of recordkeeping figure of 769,000. Previously, FDA and industry experts estimated that on average, each test could be completed and recorded in 3 seconds. Industry, therefore, could complete 1,200 tests per hour. Therefore, it is estimated that the total burden for this collection is 19,225 hours, which is calculated by taking the total records figure (23,070,000) and dividing it by tests per hour (1,200). The total hours was calculated by multiplying the total number of records

(23,070,000) and the hours per record (.0008).

There is no burden estimated for maintaining sale or distribution records under § 801.410(e) because firms are retaining their records as a normal and customary business practice for reasons of product liability.

Dated: March 1, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5472 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00E–1235]

Determination of Regulatory Review Period for Purposes of Patent Extension; Aciphex™

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Aciphex™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Regulatory Policy Staff (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Aciphex™ (rabeprazole sodium). Aciphex™ is indicated for healing of erosive or ulcerative gastroesophageal reflux disease (GERD), maintenance of healing of erosive or ulcerative GERD, healing of duodenal ulcer, and treatment of pathological hypersecretory conditions, including Zollinger-Ellison Syndrome. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Aciphex™ (U.S. Patent No. 5,045,552) from Eisai Co., Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated April 12, 2000, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Aciphex™ represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Aciphex™ is 2,922 days. Of this time, 2,415 days occurred during the testing phase of the regulatory review period, while 507 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective*: August 21, 1991. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 21, 1991.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act*: March 31, 1998. FDA has verified the applicant's claim that the new drug application (NDA) for Aciphex™ (NDA 20–973) was initially submitted on March 31, 1998.

3. *The date the application was approved*: August 19, 1999. FDA has verified the applicant's claim that NDA 20–973 was approved on August 19, 1999.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,713 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written comments and ask for a redetermination by May 7, 2001. Furthermore, any interested person may petition for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 4, 2001. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 2001.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 01–5513 Filed 3–6–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

Administration for Children and Families (ACF)

[Program Announcement CFDA Number 93.604]

Discretionary Funds for Assistance for Treatment of Torture Survivors

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS.

ACTION: Request for applications for services to victims of torture including medical, psychological, legal and social services; and research and training for health care providers outside of treatment centers to enable the provision of services to victims of torture.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), announces that competing applications will be accepted for ''Treatment and Services for Torture Survivors'' grants to provide assistance to victims of torture, including treatment for the physical and psychological effects of torture and social and legal services, and to provide research and training for health care providers outside of treatment centers to provide rehabilitation services.

DATES: The closing date for submission of applications is May 7, 2001. See Part III of this announcement for more information on submitting applications.

Announcement Availability: The program announcement and the application materials are available from Marta Brenden, Office of Refugee Resettlement (ORR) 370 L'Enfant Promenade, SW., Washington DC 20447 and from the ORR website at *www.acf.dhhs.gov/programs/orr*

FOR FURTHER INFORMATION CONTACT: Marta Brenden, Refugee Program Specialist, Division of Community Resettlement, Office of Refugee Resettlement, Tel (202) 205–3589, Fax (202) 401–5772, *MBrenden@ACF.DHHS.GOV.*

SUPPLEMENTARY INFORMATION: This program announcement consists of four parts:

Part I: Background and General Information—background, legislative authority, funding availability, CFDA Number, eligible applicants, project and budget periods, purpose and objectives, allowable activities, and review criteria.

Part II. The Review Process—intergovernmental review, initial ACF screening, and competitive review.

Part III: The Application—application development: application forms, application submission and deadlines, late applications, extension of deadlines, certifications, general instructions for preparing a full project description, and length of applications.

Part IV: Post-award—applicable regulations, treatment of program income and reporting requirements.

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The following information collections are included in the program announcement: OMB control number 0970–0139, ACF UNIFORM PROJECT DESCRIPTION (UPD) which expires 12/31/2003. 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.

Part I. Background and General Information

Background

Torture and Torture Victims

The psychosocial and health consequences of violence and traumatic stress have emerged as one of the public health problems of our time. Torture constitutes one of the most extreme forms of trauma, with the potential for long-term psychological and physical suffering. The term torture has been defined in different ways by various organizations for multiple purposes.

This program authorized by the ''Torture Victims Relief Act of 1998'' uses the definition of torture found in 18 U.S.C. 2340 (1) and ''includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.'' The definition of ''torture'' at 18 U.S.C. 2340 (1) provides that:

'torture' means an act committed by a person under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

This provision also defines the term ''severe mental pain or suffering'' as: the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

It should be emphasized that, for purposes of this announcement, the experience of torture may include specific characteristics of torture as documented in personal testimony or in clinical, medical, or detention settings. Some specific examples of physical and psychological types of torture are: systemic beating, sexual torture, electrical torture, suffocation, burning, bodily suspension, pharmacological torture, mutilations, dental assaults, deprivation and exhaustion, threats about the use of torture, witnessing the torture of others, humiliation, and isolation.

Estimates of the number of torture survivors have been established primarily by extrapolating from the major populations at risk—refugees and internally displaced persons. In 1997, there were estimated to be more that 13,600,000 refugees and asylum seekers in the world and 20 million internally displaced persons. The estimates of refugees, asylum seekers and displaced persons who have been tortured vary widely from 5% to 35%. This announcement, which focuses on health, social and legal services for torture survivors, as well as education and training of providers, recognizes that torture may have been an experience of many members of groups residing in the United States, including refugees, asylees, immigrants, other displaced persons, and U.S. citizens. Using data cited above, it has been estimated that there may be more than 400,000 torture survivors in the United States.

Consequences of Torture and Services for Torture Survivors

Physical consequences of torture may be extensive and severe. Specific neuropsychological symptoms are often difficult to diagnose because of head injuries and the multiplicity of symptoms. Post-traumatic stress disorder, depression, substance abuse, and other anxiety disorders are common diagnoses among torture survivors. Therefore, for many severely tortured individuals, access to medical

practitioners and sophisticated diagnostic instruments and testing (e.g., neuro-imaging, cognitive functions, etc.), for the purpose of differential diagnosis, is paramount.

A high percentage of torture survivors are in need of social and legal services. Access to legal and immigration services is usually a priority. Social services, such as employment assistance and training, are also extremely important and correlate with successful psychosocial adjustment and well-being. From the national experience with refugees and survivors of wartime violence, it has been demonstrated that early and adequate access to social and legal services may also preclude the need for more specialized psychological treatment services.

The torture rehabilitation and treatment center movement, which was established in Denmark in the 1970's, and adopted in the US, Canada, France and other countries, has led to the growth of specialized torture survivor treatment centers in select parts of the nation. Although the treatment center movement has created opportunities for treatment and training in specific urban areas, many torture survivors do not have access to these highly specialized programs. Medical, social and legal services for torture survivors are needed in areas and in settings and institutions wherever torture survivors will seek assistance. Thus there is also a national need for more broad-based training of medical and mental health practitioners in the identification, diagnosis and treatment of torture survivors.

Torture survivors, now in the United States, should be provided with the rehabilitation services which would enable them to become productive community members. The Torture Victims Relief Act of 1998 provides for services for the treatment of the psychological and physical effects of torture, social and legal services for torture survivors, and research and training for health care providers.

Legislative Authority

In October 1998, Congress enacted the ''Torture Victims Relief Act of 1998,'' Pub. Law 105–320 (22 U.S.C. 2152 note). Sec. 5 (a) of the law provides:

Assistance for Treatment of Torture Victims—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

(2) Social and legal services for victims of torture.

(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

In November 1999, Congress enacted the ''Torture Victims Relief Reauthorization Act of 1999,'' Pub. Law 106–87 (22 U.S.C. 2151 note).

Funding Availability

Congress appropriated $10,000,000 for carrying out section 5 of the Torture Victims Relief Act of 1998 for the second year of implementation of FY 2001 Consolidated Appropriations Act, 2001, as enacted into law by section 1 (a)(1) of Public Law 106–554.

ORR anticipates that this increase in funding will permit the award of 4–6 new grants during FY 2001 at a total amount of approximately $2,000,000. The Director will award the new awards as well as the continuation awards subject to availability of funds, satisfactory progress of the FY 2000 awards, and a determination that the awards are in the best interest of the Government.

The ORR Director reserves the right to award less, or more, than the funds described, in the absence of worthy applications, or under such other circumstances as may be deemed to be in the best interest of the government. It is important to make torture treatment available to the greatest number of victims of torture and for that reason, the ORR Director reserves the right to award applications that will cover the largest number of geographic areas.

Applications for subsequent year continuation grants funded under these awards will be entertained on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interest of the Government.

CFDA Number: 93.604

Eligible Applicants

Eligible applicants are public or private organizations and institutions.

Project and Budget Periods

This announcement invites applications for project periods up to three years. Awards, on a competitive basis, will be for a one-year budget period although project periods may be for three years. Applications for continuation grants funded under these awards, beyond the one-year budget period but within the three-year project period, will be entertained in subsequent years on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

Purpose and Objectives

Through this announcement, the Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF) intends to fund grant applications for 4–6 organizations to provide assistance to victims of torture.

The purpose of the torture treatment program is to provide services to persons who have experienced torture. It is also to conduct research and training for health care providers outside of treatment centers so that these providers may also provide rehabilitative services to victims of torture.

The persons who have been tortured may have one of several immigration statuses: they may be legally admitted as refugees or asylees, while others may be seeking asylum. Still other persons may be U.S. citizens. The services funded under this announcement should respond to the diversity of populations to be targeted in the project area whether they are immigrants, asylum seekers, asylees, refugees admitted under the U.S. refugee program, or citizens of the United States.

However, not all torture survivors have the same medical, psychological, social, or legal needs. It is encouraged that, within the clinical, social and legal service domains, proposals are encouraged that will address a broad menu of services for any of the torture victims in the project's specified geographic area. The applications may include several organizations in collaborative relationships in order to have all the services necessary for the clients. Partnerships are encouraged among organizations in order to reach all the torture victims in that area and to provide a comprehensive program of services. For example, an organization that currently provides legal advice to detained asylum seekers, who are torture survivors, might collaborate with a social service or treatment center organization to pool resources and expand their range of services for their clients.

Allowable Activities

Applicants may propose one or more of the following activities listed in the legislation: (1) services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture; (2) social and legal services for victims of torture; (3) research and training for health care providers outside of

treatment centers. For example, applications may propose programs in treatment centers to provide medical, psychological, social and legal services. Applications may also propose programs for the purpose of enabling health care providers outside the treatment centers to provide medical, psychological, social and legal services. Applications should provide the rationale for activities describing how these activities meet the needs of the victims of torture to be served in the geographic area to be served.

Review Criteria

1. *Objectives and Need for Assistance.* The application clearly demonstrates experience with and knowledge of victims of torture and an assessment of their presence in the proposed geographic area of service. There is a clear description of the process by which the client has access to treatment and to the other allowable services. Where research and training activities are proposed, applicant clearly demonstrates interest and willingness of service providers outside the treatment centers to attend training. (15 Points)

2. Approach. The application provides a clear and feasible strategy for assisting torture survivors that demonstrates knowledge of the clients, experience in serving these clients, and community resources and has planned with other collaborative organizations to assist the clients in an effective and efficient manner. The service plan and collaborative relationships are reasonable, substantiated with appropriate documents, have a likelihood of success and provide a feasible strategy to work with the torture survivor in becoming a productive member of the community. Where research and training activities are proposed, applicant provides a plan for research and training demonstrating interest in the service providers to attend the training activities. (25 points)

3. Organization Profiles. The application demonstrates the organization's capacity to provide assistance appropriate to torture survivors (and, if appropriate to the activities in the approach, the service providers to be trained) that includes: (a.) agency mission and organizational chart; (b.) resumes of project staff demonstrating linguistic and cultural access for clients; (c.) history of experience with torture survivors, such as experience as a treatment center or an organization that provides social and legal services to survivors of torture; (d.) management plan for the project contains systems of client records, program records, and financial management; and (e.) timeline for implementation of project activities. (25 points)

4. Results or Expected Benefits. The outcomes and benefits of the assistance and training are clearly explained and are reasonable. There are clear and understandable outcome measures for the services, and a reasonable plan for reporting the outcomes to ORR. (25 points)

5. Budget and Budget Justification. The budget is reasonable and clearly justified. The methodologies for estimating the number of client/patients to be served are reasonable. The plan for program income generated by fees, including, Medicaid, Refugee Medical Assistance (RMA), and private health coverage for client fees for treatment, when available, is appropriate, reasonable and viable. (10 points)

Part II. The Review Process

Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

Please Note: All States and Territories except Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, Wyoming, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-eight jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or indicate ''not applicable'' if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, OCSE Office of Grants Management, 370 L'Enfant Promenade, S.W., 4th floor East, Washington, D.C. 20447.

A list of the Single Points of Contact for each participating State and Territory can be found on the web at: http//www.whitehouse.gov/omb/grants/spoc.html

Initial ACF Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date and submitted in accordance with the instructions in this announcement and (2) the applicant is eligible for funding.

Competitive Review and Evaluation Criteria

The applications that pass the initial ACF screening will be evaluated and rated by an independent review panel on the basis of evaluation criteria specified in Part I. The evaluation criteria are designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications that are responsive to the evaluation criteria within the context of this program announcement.

Part III. Application

Application Development

In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ACF. Application materials including forms and instructions are available from the contact named under the ''Announcement Availability'' section in the preamble of this announcement. Selected elements of the ACF Uniform Project Description (UPD) relevant to this program announcement are attached as Appendix A.

Application Forms

Applicants for financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF 424A, Budget Information—Non-construction Programs; SF 424B, Assurances—Non-Construction Programs. The forms may be reproduced for use in submitting applications. Application materials including forms and instructions are also available from the Contact named in the ''Announcement Availability'' section of this announcement.

Application Submission and Deadlines

An application with an original signature and two clearly identified copies is required.

The closing date for submission of applications is May 7, 2001. Mailed applications postmarked after the closing date will be classified as late.

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Attention: Ms. Daphne Weeden.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

Applications hand-carried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, the Office of Refugee Resettlement, 6th Floor, Aerospace Building, 901 D Street, SW, Washington, DC 20447 between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note ''Attention: Ms. Daphne Weeden.'' (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late Applications

Applications that do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines

ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

For Further Information on Application Deadlines Contact: Ms. Daphne Weeden, Administration for Children and Families, Office of Refugee Resettlement, 370 L'Enfant Promenade SW, 6th Floor, Washington, DC 20447, Telephone: (202) 401–4577.

Certifications, Assurances, And Disclosure Required For Non Construction Programs

Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, ''Assurances: Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

Applicants must provide a signed certification regarding lobbying with their applications, when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form to report lobbying.

Applicants must make the appropriate certification of their compliance with the Drug Free Workplace Act of 1988. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for an award. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

General Instructions for Preparing a Full Project Description

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested. Please refer to the UPD sections in appendix A.

Length of Applications

Each application narrative portion should not exceed 25 double-spaced pages in a 12-pitch font. Attachments and appendices should not exceed 25 pages and should be used only to provide supporting documentation such as maps, administration charts, position descriptions, resumes, and letters of intent for partnership agreements. Please do not include books or video tapes as they are not easily reproduced and are therefore, inaccessible to the reviewers. Each page should be numbered sequentially, including the attachments or appendices.

Part IV. Post-award—Applicable Regulations and Reporting Requirements

Applicable Regulations

Applicable DHHS regulations can be found in 45 CFR Part 74 or Part 92.

Treatment of Program Income

Program income from activities funded under this program may be retained by the recipient and added to the funds committed to the project and used to further program objectives.

Reporting Requirements

Grantees are required to file the Financial status Report (SF–269) and

Program Performance Reports on a semi-annual basis. Funds issued under these awards must be accounted for and reported upon separately from all other grant activities. ORR does not expect the proposed components/projects to include evaluation activities, however, it does expect grantees to maintain adequate records to track and report on project outcomes. The official receipt point for all reports and correspondence is the ORR Grants Officer. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period directly to the Grants Officer. The mailing address is: Ms. Daphne Weeden, Administration for Children and Families, Office of Refugee Resettlement, 370 L'Enfant Promenade SW, 6th Floor, Washington, DC 20447. A final Financial and Program Report shall be due 90 days after the budget expiration date or termination of grant support.

Dated: February 28, 2001.

Carmel Clay-Thompson,

Acting Director, Office of Refugee Resettlement.

Appendix A—Uniform Project Description Overview OMB No. 0970–0139

The project description is approved under OMB control number 0970–0139 which expires 12/31/2003.

Part I The Project Description Overview

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

General Instructions

ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. Cross referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.

Pages should be numbered and a table of contents should be included for easy reference.

Part II General Instructions for Preparing a Full Project Description

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived. For example, the application would describe the torture victims to be treated, the number expected to use the service and the measures of improvement expected in the clients as a result of the treatment. Similarly, where research and training activities are proposed, the application would describe the training schedule and curriculum as well as the number expected to attend the training and the measures of information to be gained from the training.

Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. For example, applicants might project the number of torture victims to be enrolled for services with the number of clinical hours, social services and legal hours to be provided. Where the application proposes training, applicants might project frequency of training activities, the content of training, projected attendance and knowledge gained. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Geographic Location

Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Dissemination Plan

Provide a plan for distributing reports and other project outputs to colleagues and the public. Applicants must provide a description of the kind, volume and timing of distribution.

Third-Party Agreements

Include written agreements between grantees and subgrantees or subcontractors or other cooperating entities. These agreements must detail scope of work to be performed, work schedules, remuneration, and other

terms and conditions that structure or define the relationship.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application *OR* by application deadline.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, ''Federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) currently set at $100,000. Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

Total Direct Charges, Total Indirect Charges, Total Project Costs

Self-explanatory.

[FR Doc. 01–5510 Filed 3–6–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–07]

Notice of Proposed Information Collection: Comment Request; Multifamily Contractor's, Mortgagor's, Borrower's Cost Breakdown and Certification

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Michael McCullough, Director, Office of Multifamily Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, 12 amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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; (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 the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Multifamily Contractor's, Mortgagor's, Borrower's Cost Breakdowns and Certification.

OMB Control Number, if Applicable: 2502–0044.

Description of the Need for the Information and Proposed Use: Form HUD–2328 is used by contractors to establish a schedule of values of construction items on which the monthly advances or mortgage proceeds are based. HUD–92330–A is used by contractors to convey actual construction costs in a standardized format of cost certification. In addition to assuring that the mortgage proceeds have not been used for purposes other than construction cost, form HUD–92330–A further protects the interest of the Department by directly monitoring the accuracy of the itemized trades in form HUD–2328, and also serves as project data to keep field office cost data banks and cost estimates current and accurate. HUD–2205 is used to certify the actual construction and improvement costs of Section 220 and 234 projects. HUD–2205–A is used to certify the actual costs of acquisition or refinancing of projects insured under the Section 223(f) program.

Agency Form Numbers, if Applicable: HUD–2328, HUD–92330–A, HUD–2205, HUD–2205–A.

Estimation of the Total Numbers of Hours Needed to Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response: The estimated number of respondents for form HUD–2328 is 500, the frequency of responses is 1, the number of hours per response is 8, for a total of 4,000 annual burden hours. The estimated number of respondents for form HUD–92330–A is 350, the frequency of responses is 1, the number of hours per response is 16, for a total of 5,600 annual burden hours. The estimated number of respondents for form HUD–2205 is 10, the frequency of responses is 1, the hours per response is 8, for a total of 80 annual burden hours. The estimated number of respondents for form HUD–2205–A is 75, the frequency of responses is 1, the number of hours per response is 8, for a total of 600 annual burden hours.

Status of the Proposed Information Collection: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 26, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer

[FR Doc. 01–5546 Filed 3–6–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–08]

Notice of Proposed Information Collection: Comment Request; Application for Multifamily Housing Project

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Michael McCullough, Director, Office of Multifamily Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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; (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 the use of appropriate automated collection techniques or other forms of

information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Application for Multifamily Housing Project.

OMB Control Number, if applicable: 2502–0029.

Description of the need for the information and proposed use: Form HUD–92013 is the basic application form used in all HUD/FHA multifamily insurance programs. HUD–92013 and its related exhibits are needed by the Department to determine project feasibility, and mortgagor/contractor acceptability. The Department is required to analyze specific information including financial data, cost data, drawings, and specifications to determine whether the proposed project meets program requirements for mortgage insurance. Form HUD–92013–NHICF is the basic application used specifically to insured nursing homes, intermediate care facilities, and board and care homes. HUD–92013–NHICF is used to determine project feasibility and mortgagor/contractor acceptability when insuring health care facilities. Form HUD–92013–Supp is used to determine the creditworthiness of principal sponsors and the general contractor, the existence of any federal debt, judgments, or bankruptcy claims. The collection of this information is required to reduce the risk of project defaults and claims against the FHA insurance funds.

Agency form numbers, if applicable: HUD–92013, HUD–92013–NHICF, HUD–92013–Supp.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents for form HUD–92013 is 1500, the frequency of responses is 1, the number of burden hours is 68 hours, for a total of 102,000 annual burden hours. The estimated number of respondents for HUD–92013–NHICF is 1,000, the frequency of responses is 1, the number of burden hours is 64, for a total of 64,000 annual burden hours. The estimated number of respondents for HUD–92013–Supp is 3,800, the frequency of responses is 1, the number of burden hours is 0.6, for a total of 2,280 annual burden hours.

Status of the proposed information collection: Reinstatement without change or previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 26, 2001.

Wayne Eddins,

Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–5547 Filed 3–6–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–11]

Announcement of OMB Approval Number for Historically Black Colleges and Universities (HBCUs) Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Historically Black Colleges and Universities (HBCUs) Program.

FOR FURTHER INFORMATION CONTACT: Ms. Ophelia Wilson, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1590. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Historically Black Colleges and Universities (HBCUs) Program. The OMB approval number for this information collection is 2506–0122, which expires on February 29, 2004.

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.

Dated: February 28, 2001.

Donna M. Abbenante,

Acting, General Deputy Assistant Secretary.

[FR Doc. 01–5548 Filed 3–6–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Extension of Approved Information Collection, OMB Number 1018–0092, on Permit/License Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service is announcing its intention to request renewal of its existing approval to collect certain information from applicants who wish to obtain a permit or license to conduct activities under a number of wildlife conservation laws, treaties and regulations. We will submit the collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the 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 April 6, 2001.

ADDRESSES: Send your comments and suggestions on specific requirements to the Office of Management and Budget, Attention: Department of the Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503, and to Rebecca Mullin, Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ; 4401 N. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer at 703–358–2287, or electronically to: rmullin@fws.gov.

SUPPLEMENTARY INFORMATION: 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 record keeping activities [see 5 CFR 1320.8(d)]. The U.S. Fish and Wildlife Service (We) has submitted a request to OMB to renew its approval of the collection of information for the Service's license/permit application form number 3–200–1 through 3–200–3 and 3–200–26. We are requesting a 3-year term of approval for this information collection activity. A previous 60-day notice on this information collection requirement was published in the November 29, 2000 (65 FR 30246) **Federal Register** inviting public comment. No comments on the previous notice were received. This notice provides an additional 30 days in which to comment on the following information.

We invite comments concerning this renewal on: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. The information collections in this program are part of a system of record covered by the Privacy Act [5 U.S.C. 552(a)].

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. The OMB control number for this collection of information is 1018–0092.

The information collection requirements in this submission implement the regulatory requirements of the Endangered Species Act (16 U.S.C. 1539), the Migratory Bird Treaty Act (15 U.S.C. 704), the Lacey Act (18 U.S.C. 42–44), the Bald and Golden Eagle Protection Act (16 U.S.C. 668), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), (27 UST 108), the Marine Mammal Protection Act (16 U.S.C. 1361–1407), and Wild Bird Conservation Act (16 U.S.C. 4901–4916), and are contained in Service regulations in Chapter I, Subchapter B of Title 50 Code of Federal Regulations (CFR). Common permit application and record keeping requirements have been consolidated in 50 CFR 13, and unique requirements of the various statutes in the applicable Part.

OMB Control Number: 1018–0092.

Service Form Numbers: 3–200–1 through 3–200–3 and 3–200–26.

Frequency of Collection: On Occasion.

Description of Respondents: Individuals, biomedical companies, circuses, zoological parks, botanical gardens, nurseries, museums, universities, scientists, antique dealers, exotic pet industry, hunters, taxidermists, commercial importers/exporters of wildlife and plants, freight forwarders/brokers, local, State, tribal and Federal governments.

Total Annual Burden Hours: 8,232.64.

Total Annual Responses: 8,236.

Total Annual Non-Hour Cost Burden: $308,200 ($25 application fees and $50 license fee).

Dated: February 15, 2001.

Rebecca A. Mullin,

Information Collection Officer, U.S. Fish and Wildlife Service.

[FR Doc. 01–5551 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Reinstatement Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interiors.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service has submitted the collection of information listed below to 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 disprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must submit comments on or before April 6, 2001.

ADDRESSES: Comments and suggestions on the requirement should be sent directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Desk Officer for the Department of the Interior; 725 17th Street, N.W., Washington, DC 20503; and a copy of the comments should be sent to Rebecca A. Mullin, Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop 224–ARLSQ; 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 Endangered Species Act (ESA) provides for the protection of listed species through establishment of programs for their recovery and through prohibition of harmful activities. The ESA also provides for a number of exceptions to its prohibitions against ''take'' of listed species. Under sections 6 and 10 of the ESA, regulations have been promulgated at 50 CFR 17.22 (endangered wildlife species), 17.32 (threatened wildlife species), 17.62 (endangered plant species), and 17.72 (threatened plant species) to guide implementation of these exceptions to the ''take'' prohibitions through permitting programs. The U.S. Fish and Wildlife Service's general permit regulations can be found at 50 CFR 13. Take authorized under this permit program would otherwise be prohibited by the ESA. The permit issuance criteria are designed to ensure that the requirements of the ESA are met, i.e., that conduct of the requested actions and issuance of the permit will enhance the survival of the species.

The Office of Management and Budget (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)). The U.S. Fish and Wildlife Service (We) will submit a request to OMB to renew its existing approval of the collection of information for Native Endangered and Threatened Species Permit Applications, which expires on February 28, 2001. We are requesting a 3-year term of approval for this information collection activity.

A previous 60-day notice on this information collection requirement was published in the **Federal Register** on December 21, 2000 (65 FR 80449) inviting public comment. No comments on the previous notice were received as of February 20, 2001. This notice provides an additional 30 days in which to comment on the following information.

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. The current OMB control number for this collection of information is 1018–0094.

The information collection requirements in this submission implement the regulatory requirements of the Endangered Species Act (16 U.S.C. 1539), the Migratory Bird Treaty Act (16 U.S.C. 704), and the Bald Eagle Protection Act (16 U.S.C. 668) contained in Service regulations in Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations (CFR).

The information to be supplied on the application form and the attachments will be used to review the application and allow the Service to make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations on

the issuance, suspension, revocation, or denial of permits. The obligation to respond is, ''required to obtain a benefit.'' An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number. We have revised the following requirements, and they are included in this submission:

1. *Title:* Native Endangered and Threatened Species—Enhancement of Survival Permits associated with Safe Harbor Agreements, and Candidate Conservation Agreements with Assurances.

Approval Number: 1018–0094.

Service Form Number: 3–200–54.

Frequency of Collection: Annually.

Description of Respondents: Individuals, households, businesses, State agencies, private organizations.

Total Annual Burden Hours: The reporting burden is estimated to average 2.5 hours per respondent for the application and 5 hours per respondent for the annual report of permitted activities. The Total Annual Burden hours is 125 hours for the application and 750 hours for the annual report on the permitted activities.

Total Annual Responses: The number of respondents is estimated to average 50 respondents for the application and 150 for the annual report of the permitted activities.

Regulations have been promulgated at 17.22(c) and (d) for endangered wildlife species and 17.32(c) and (d) for threatened wildlife species to guide implementation of these permitting programs for Enhancement of Survival permits associated with Safe Harbor Agreements and with Candidate Conservation Agreements with Assurances under section 10(a)(1)(A) of the ESA. Service form 3–200–54 was developed to facilitate collection of information required by these regulations.

An Enhancement of Survival permit authorizes incidental take that may occur under the Safe Harbor Agreement or Candidate Conservation Agreement with Assurances. Under the Safe Harbor policy, non-Federal property owners who voluntarily enter into a Safe Harbor Agreement for implementation of conservation measures for listed species will receive assurances from the Service that additional regulatory restrictions will not be imposed beyond those existing at the time of the Agreement. Under the Candidate Conservation Agreements with Assurances policy, non-Federal property owners who voluntarily enter into such an Agreement for implementation of conservation measures for species proposed for listing, species that are candidates for listing, or species that are likely to become candidates in the near future will receive assurances from the Service that additional conservation measures will not be required and additional regulatory restrictions will not be imposed should the species become listed in the future.

2. *Title:* Native Endangered and Threatened Species—Permits for Scientific Purposes, Enhancement of Propagation or Survival (i.e., Recovery Permits) and Interstate Commerce

Approval Number: 1018–0094.

Service Form Number: 3–200–55.

Frequency of Collection: Annually.

Description of Respondents: Individuals, scientific and research institutions.

Total Annual Burden Hours: The reporting burden is estimated to average 2 hours per respondent for the application and 2 hours per respondent for the annual report on the permitted activities. The Total Annual Burden hours is 1,050 hours for the application and 200 hours for the annual report on the permitted activities.

Total Annual Responses: The number of respondents is estimated to average 525 respondents for the application and 100 respondents for the annual report of the permitted activities.

Regulations have been promulgated at 17.22(a) for endangered wildlife species, 17.32(a) for threatened wildlife species, 17.62 for endangered plant species, and 17.72 for threatened plant species to guide implementation of these permitting programs for Recovery and Interstate Commerce permits under section 10(a)(1)(A) of the ESA. Service form 3–200–55 was developed to facilitate collection of information required by these regulations. Recovery permits allow ''take'' of listed species as part of scientific research and management actions, enhancement of propagation or survival, zoological exhibition, educational purposes, or special purposes consistent with the ESA designed to benefit the species involved. Interstate Commerce permits allow transport and sale of listed species across State lines as part of breeding programs enhancing the survival of the species. Detailed descriptions of the proposed taking, its necessities for success of the proposed action, and benefits to the species resulting from the proposed action are required under the implementing regulations cited above.

3. *Title:* Native Endangered and Threatened Species—Incidental Take Permits Associated With a Habitat Conservation Plan

Approval Number: 1018–0094.

Service Form Number: 3–200–56.

Frequency of Collection: Annually.

Description of Respondents: Individuals, households, businesses, local and State agencies.

Total Annual Burden Hours: The reporting burden is estimated to average 2.5 hours per respondent for the application and 5 hours per respondent for the annual report on the permitted activities. The Total Annual Burden hours is 250 hours for the application and 1,750 hours for the annual report on the permitted activities.

Total Annual Responses: The number of respondents is estimated to be 100 respondents for the application and 350 respondents for the annual report of the permitted activities.

Regulations have been promulgated at 17.22(b) for endangered wildlife species and 17.32(b) for threatened wildlife species to guide implementation of these permitting programs for Incidental Take permits associated with a Habitat Conservation Plan under section 10(a)(1)(B) of the ESA. Form number 3–200–56 was developed to facilitate collection of information required by these regulations. These permits allow ''take'' of listed species that is incidental to otherwise lawful non-Federal actions. The Service's Incidental Take permit program provides a flexible process for addressing situations in which a property owner's otherwise lawful activities might result in incidental take of a listed species. The Incidental Take permit program's major strength is that it provides a process that readily allows the development of local solutions to wildlife conservation as an alternative to comprehensive federal regulation. Local entities and private landowners are given assurances that they will not be required to make additional commitments of land, water, or money; or be subject to additional restrictions on the use of land, water, or other natural resources for species adequately covered by a properly implemented Habitat Conservation Plan.

We invite comments concerning this renewal on: (1) whether the collection of information is necessary for the proper performance of our endangered and threatened species management functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on respondents. The information collections in this program are part of a system of records covered by the Privacy Act (5 U.S.C. 552(a)).

Dated: February 23, 2001

Jack Kraus,

Chief, Division of Policy and Directives, Management.

[FR Doc. 01–5552 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: U.S. Fish and Wildlife Service–DOI.

ACTION: Notice of issuance of a Letter of Authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that a Letter of Authorization to take polar bears incidental to oil and gas industry exploration activities has been issued to the following company:

Company	Activity	Location	Date issued
Phillips Alaska, Inc.	Exploration	Cronus #1	February 8, 2001.

CONTACT: Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

SUPPLEMENTARY INFORMATION: The Letters of Authorization are issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations ''Marine Mammals; Incidental Take During Specified Activities (65 FR 16828; March 30, 2000).''

Dated: February 20, 2001.

David B. Allen,

Regional Director.

[FR Doc. 01–5514 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Alaska

[AK–962–1410–HY–P]

Notice for Publication; F–14870–A; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Kaktovik Inupiat Corporation, notice of which was published in the **Federal Register**, Volume 66, Number 11, Pages 4038 and 4039, on January 17, 2001, is hereby modified in part.

Notice of the modified decision will be published once a week, for four (4) consecutive weeks, in the *Arctic Sounder.* Copies of the modified decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until April 6, 2001 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given January 17, 2001, is final.

Ronald E. Royer,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 01–5475 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–$$–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Dakotas Advisory Council Meeting; Notice of Meeting

AGENCY: Bureau of Land Management, North Dakota Field Office, Interior.

SUMMARY: A meeting of the Dakotas Resource Advisory Council will be held March 26 & 27, 2001, at the Spearfish Canyon Resort, Savoy, South Dakota. The session will convene at 8 a.m. on March 26th and resume at 8 a.m. on the 27th. Agenda items will include Off Highway Vehicles, Homestake Exchange, Endangered Species (sage grouse and prairie dogs), Outfitting by FS and BLM, Fire and Fuel Reductions and Native American Consultation.

The meeting is open to the public and a public comment period is set for 8 a.m. on March 27th. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per-person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying.

The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the Dakotas.

FOR FURTHER INFORMATION CONTACT: Patrick Gubbins, Field Office Manager, South Dakota Field Office, 310 Roundup St., Belle Fourche, South Dakota. Telephone (605) 892–7000.

Dated: February 1, 2001.

Patrick Gubbins,

Field Office Manager.

[FR Doc. 01–5476 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA920–1310–FI: CAS 019727B]

California: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease CAS 019272B for lands in Kern County, California, was timely filed and was accompanied by all the required rentals and royalties accruing from November 1, 2000, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to amend lease terms for rentals and royalties at the rate of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease CAS 019272B effective November 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

FOR FURTHER INFORMATION CONTACT: Bonnie Edgerly, Land Law Examiner, California State Office (916) 978–4370.

Dated: February 15, 2001.

Leroy M. Mohorich,

Chief, Branch of Energy, Mineral Science, and Adjudication.

[FR Doc. 01–5477 Filed 3–6–01; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Clean Air Act

Notice is hereby given that the United States, on behalf of the United States Environmental Protection Agency lodged a proposed Consent Decree in the United States District Court for the District of Hawaii, in *United States* v. *Chevron U.S.A.,* Civil Action No. 01–00117 HG/KSC, on February 19, 2001. This Consent Decree resolves the claims of the United States against Chevron U.S.A. (''Chevron''), pursuant to the Clean Air Act (''CAA''), 42 U.S.C. 7611. The Consent Decree concerns Chevron's ownership and operation of two bulk gas terminals on the islands of Hawaii and Maui, Hawaii, and a refinery on the island of Oahu, Hawaii.

The Consent Decree provides that Chevron will pay $650,000 as a penalty to the United States, will undertake a Supplemental Environmental Project of at least $150,000 at its Port Allen bulk gas Terminal on the island of Kauai, Hawaii, and will undertake injunctive work at its Kahului bulk gas terminal on the island of Maui, Hawaii. The Consent Decree further provides that the United States covenants not to bring a civil action or take administrative action against Chevron pursuant to the CAA, 42 U.S.C. 7611, for violations of the Act alleged in the Complaint which was simultaneously filed with 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 Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Chevron U.S.A.,* DOJ #90–90–5–2–1–2187.

The proposed Consent Decree may be examined at the United States Attorney's Office, District of Hawaii, PJKK Federal Building, 300 Ala Mona Blvd., Honolulu, Hawaii 96850. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please refer to the reference number given above and enclose a check in the amount of $7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–5483 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 5, 2001, a proposed consent decree in *United States* v. *Reland Mark Johnson,* Civ. Action No. 01–CV–005 (D. WY) was lodged with the United States District Court for the District of Wyoming.

In this action, the United States is recovering past response costs, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.* in connection with the R.J. Refinery Site located in La Barge, Wyoming. The consent decree that was lodged would resolve the United States' claims against Reland Mark Johnson (''Johnson''). Johnson will pay to the United States $5,000 to resolve claims against him and the settlement is based on Johnson's limited financial resources. The consent decree includes covenants not to sue by the United States under Section 107 of CERCLA.

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, PO Box 7611, U.S. Department of Justice, Washington, D.C. 20044, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Johnson,* D.J. Ref. 90–11–3–07235. The proposed consent decree may be examined at the Office of the United States Attorney, 2120 Capitol Ave. Cheyenne, WY, and at U.S. EPA Region VIII, 999 18th Street, Denver, CO 80202–2405. A copy of the consent decree may also be obtained by mail from the Consent Decree Library PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $4.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bob Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–5482 Filed 3–6–01; 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—Petroleum Environmental Research Forum (''PERF'') Project No. 99–05

Notice is hereby given that, on December 4, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petroleum Environmental Research Forum (''PERF'') Project No. 99–05 has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are BP Amoco Chemical Company, Alvin, TX; Berwanger, Inc., Houston, TX; Anderson Greenwood Crosby, Stafford, TX; Dresser Equipment Group, Inc., Alexandria, LA; ExxonMobil Research and Engineering, Fairfax, VA; Shell Oil Company, Houston, TX; and Texaco Inc., Bellaire, TX.

The nature and objectives of the venture are to conduct a joint research project to evaluate the stability of pressure relief devices.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5484 Filed 3–6–01; 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—Petroleum Environmental Research Forum (''PERF'')

Notice is hereby given that, on June 6, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petroleum Environmental Research Forum (''PERF'') 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, Petrozyme Technologies Inc., Guelph, Ontario, CANADA 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 in this group research project remains open, and Petroleum Environmental Research Forum (''PERF'') intends to file additional written notification disclosing all changes in membership.

On February 10, 1986, Petroleum Environmental Research Forum (''PERF'') 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 14, 1986 (51 FR 8903).

The last notification was filed with the Department on August 18, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 6, 2000 (65 FR 59875).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5487 Filed 3–6–01; 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—Southwest Research Institute: Fuels, and Lubricants for Clean Heavy Duty Diesel Engines

Notice is hereby given that, on November 15, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute: Fuels and Lubricants for Clean Heavy Duty Diesel Engines (''SwRI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status and project 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, Equilon, Houston, TX has been added as a party to this venture and Texaco, Inc., Glenham, NY is no longer a member. Additionally, the parties to the cooperative research project have agreed to extend performance to April 1, 2001.

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 Southwest Research Institute: Fuels and Lubricants for Clean Heavy Duty Diesel Engines (''SwRI'') intends to file additional written notification disclosing all changes in membership.

On September 1, 1994, Southwest Research Institute: Fuels and Lubricants for Clean Heavy Diesel Engines (''SwRI'') 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 November 7, 1994 (59 FR 55489). A Correction Notice to the notice of November 7, 1994 was published on February 1, 1995 at 60 FR 6295.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5485 Filed 3–6–01; 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—the TRAAMS Venture Team

Notice is hereby given that, on May 19, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the TRAAMS Venture Team (the ''TRAAMS Team'') has filed 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, Eastman Kodak Company, Rochester, NY; and Honeywell, Minneapolis, MN have been added as parties to this venture. In addition, Motorola Corporation, Tempe, AZ; Polaroid Corporation, Cambridge, MA; Terabank Systems, Inc., Santa Clara, CA; and Xerox Corporation, El Segundo, CA have been dropped as parties to the venture.

No other changes have been made in either the membership or planned activity of the group research project.

On May 13, 1996, the TRAAMS Venture Team 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 12, 1996 (61 FR 29770).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5486 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Notice of Charter Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2), and Title 41, Code of Federal Regulations, Section 101–6.1015, the Director, FBI, with the concurrence of the Attorney General, has determined that the continuance of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) is in the public interest, in connection with the performance of duties imposed upon the FBI by law, and hereby gives notice of the renewal of its charter, effective January 4, 2001.

The APB recommends to the Director, FBI, general policy with respect to the philosophy, concept, and operational principles of the various criminal justice information systems managed by the FBI's CJIS Division.

The APB includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations (i.e., the American Probation and Parole Association American Society of Crime Laboratory Directors, International Association of Chiefs of Police, National District Attorneys Association, National

Sheriffs' Association, Major Cities Chiefs Association, Major County Sheriffs' Association, and a representative from a national professional association representing the courts or court administrators nominated by the Conference of Chief Justices). All members of the APB are appointed by the FBI Director.

The APB functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. The charter has been filed in accordance with the provisions of the Act.

Dated: February 20, 2001.

Louis J. Freeh,

Director.

[FR Doc. 01–5562 Filed 3–6–01; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act Allotments and Wagner-Peyser Act Preliminary Planning Estimates for Program Year (PY) 2001

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces States' Workforce Investment Act (WIA) allotments for Program Year (PY) 2001 (July 1, 2001-June 30, 2002) for WIA title I Youth, Adults and Dislocated Worker programs; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 2001. This is the second year in which allotments are made to States and outlying areas under WIA. The allotments for States are based on formulas defined in the Act. The allotments for the outlying areas are based on formula at the Secretary's discretion under WIA Title I. As required by WIA section 182(d), on February 17, 2000, a Notice of the discretionary formula for allocating PY 2000 funds for the outlying areas was published in the **Federal Register** at 65 FR 8236 (February 17, 2000). The rationale for the formula and methodology was fully explained in the February 17, 2000 Notice. The formula for PY 2001 is the same as PY 2000 and is described in detail in the section on Youth allotments.

Comments are invited upon the formula used to allot funds to the outlying areas.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit written comments to the Employment and Training Administration, Office of Financial and Administrative Management, 200 Constitution Ave, NW., Room N–4702, Washington, DC 20210, Attention: Ms. Sherryl Bailey, 202–693–2813, 202–693–2859 (fax), e-mail: sbailey@doleta.gov.

FOR FURTHER INFORMATION CONTACT: For WIA Title I allotments, contact: Youth Activities Allotments: Lorenzo Harrison at 202–693–3528; Adult and Dislocated Worker Employment and Training Activities Allotments: John Beverly at 202–693–3502; and Wagner-Peyser preliminary planning estimates: Gay Gilbert at 202–693–3428. (These are not toll-free numbers.) Information may also be found at the website—http://usworkforce.org.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing Workforce Investment Act (WIA) allotments for Program Year (PY) 2001 (July 1, 2001-June 30, 2002) for WIA title I Youth Activities, Adults and Dislocated Workers Activities; and, in accordance with Section 6 (b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 2001. This document provides information on the amount of funds available during PY 2001 to States with an approved WIA title I and Wagner-Peyser 5-Year Strategic Plan and information regarding allotments to the outlying areas. The allotments and estimates are based on the funds appropriated by the Department of Labor Appropriations Act, 2001, part of the Consolidated Appropriations Act, 2001, Public Law 106–554.

Attached is a listing of the allotments for PY 2001 for programs under WIA title I Youth Activities, Adults and Dislocated Workers Employment and Training Activities; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. Final Wagner-Peyser Act planning estimates will be published in the **Federal Register**.

Youth Activities Allotments

PY 2001 Youth Activities funds under WIA total $1,377,965,000 (including $275 million for Youth Opportunity grants). Attachment I contains a breakdown of the $1,102,965,000 in WIA title I Youth Activities program allotments by State for PY 2001 and provides a comparison of these allotments to PY 2000 Youth Activities allotments for all States, outlying areas, Puerto Rico and the District of Columbia.

Before determining the amount available for States, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Youth Activities, in accordance with WIA provisions, resulting in $3,444,913, an increase of $317,500, or 10.2 percent, over the PY 2000 level. From the total funds for outlying areas for the WIA Youth Activities program, WIA section 127(b)(1)(B) requires that competitive grants be awarded to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States, and further provides that the amount for such grants is not to exceed the amount reserved for the Freely Associated States for the JTPA II–B Summer Youth and the JTPA II–C Youth Training for PY 1997. WIA has corresponding requirements for competitive grants for the Adult Activities and Dislocated Worker Activities programs. The Secretary determined that a total of $1,000,000 would be reserved for the required competitive grants for all three programs for PY 2001, the same level as PY 2000. For the WIA Youth Activities program, the amount of competitive grants was set at $222,535, the maximum allowed by WIA which is the amount of JTPA PY 1997 total Youth allotments for the Freely Associated States, the same level as PY 2000. The method of distribution of the remaining WIA Youth Activities non-competitive funds to all outlying areas, including the Virgin Islands, is not specified by WIA, but is at the Secretary's discretion. The methodology used is the same as used for PY 2000, *i.e.,* distributed among the areas by formula based on relative share of number of unemployed, a 90 percent hold-harmless of the prior year share, a $75,000 minimum, and a 130 percent stop gain of the prior year share. Data used for the relative share calculation in the formula were the same as used for PY 2000 for all outlying areas. These data were obtained from the Bureau of the Census for American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of Palau, and the U.S. Virgin Islands, based on mid-decade surveys for those areas conducted with the assistance of the Bureau. For Guam, data from a similar survey were not available from the Bureau, so data from the Guam June 1995 labor force survey were used. For the Republic of the Marshall Islands, where 1995 unemployment data were not available, 1988 survey data in combination with 1995 population

estimates were used as the basis of the formula. Updated 2000 special Census data are expected to be available for next year's allotment calculations.

The total amount available for Native Americans is 1.5 percent of the total amount for Youth Activities excluding Youth Opportunity Grants, in accordance with WIA section 127. This total is $16,544,475, up $1,530,000, or 10.19 percent, from the PY 2000 Youth Activities level for Native Americans.

After determining the amount for the outlying areas and Native Americans, the amount available for allotment to the States for PY 2001 is $1,082,975,612, more than PY 2000 by $100,152,500, or an increase of 10.19 percent. This total amount was above the required $1 billion threshold specified in Section 127(b)(1)(C)(iv)(IV); therefore, for the first time, the WIA additional minimum provisions were triggered: (1) Minimum 1998 dollar (not percentage) (JTPA II–B and II–C combined) allotment, and (2) 2-tier small State minimum allotment (.3 percent of first $1 billion and .4 percent of amount over $1 billion), rather than .25 percent. These provisions were in addition to the traditional provision of a 90 percent hold-harmless from the prior year allotment percentage. Also, as required by WIA, the provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors required in WIA use the following data for the PY 2001 allotments:

(1) The number of unemployed for areas of substantial unemployment (ASU's) are averages for the 12-month period, July 1999 through preliminary June 2000;

(2) The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for the same 12-month period used for ASU unemployed data; and

(3) The number of economically disadvantaged youth (age 16 to 21, excluding college students and military) are from the 1990 Census. (2000 Census data are not expected to be available for use until PY 2003 allotment calculations.)

Adult Employment and Training Activities Allotments

The total Adult Employment and Training Activities appropriation is $950,000,000, the same level as PY 2000. Attachment II shows the PY 2001 Adult Employment and Training Activities allotments and comparison to PY 2000 allotments by State.

Similarly to the Youth Activities program, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Adults, or $2,375,000, the same level as PY 2000. The Adult Activities program portion of the $1,000,000 total for competitive grants for all three programs (described above in Youth Activities) required for the outlying areas (Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States) was set at $290,780. This amount is less than the maximum allowed by WIA (PY 1997 Adult allotments for the Freely Associated States). The amount represents a 12.2 percent share of the total Adult Activities program funds for all outlying areas and is calculated to be the same share as for the Dislocated Worker Activities program, after subtracting the Youth Activities program portion from the $1,000,000 total described above. The remaining non-competitive WIA title I Adult Activities funds for grants to all outlying areas, including the Virgin Islands, for which the methodology is at the Secretary's discretion (described in the Youth Activities section), were distributed among the areas by the same principles, formula and data as used for outlying areas for Youth Activities.

After determining the amount for the outlying areas, the amount available for allotments to the States is $947,625,000, the same as PY 2000. Unlike the Youth Activities program, the WIA minimum provisions were not triggered for the PY 2001 allotments because the total amount available for the States was below the $960 million threshold required for Adults in section 132(b)(1)(B)(iv)(IV). Instead, as required by WIA, the minimum allotments were calculated using the JTPA section 202(a)(3) (as amended by section 701 of the Job Training Reform Amendments of 1992) minimums of 90 percent hold-harmless of the prior year allotment percentage and 0.25 percent State minimum floor. Also, like the Youth Activities program, a provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors use the same data as used for the Youth Activities formula, except that data for the number of economically disadvantaged adults (age 22 to 72, excluding college students and military) from the 1990 Census were used. (2000 Census data are not expected to be available for use until PY 2003 allotment calculations.)

Dislocated Worker Employment and Training Activities Allotments

The total Dislocated Worker appropriation is $1,590,040,000, an increase of $1,015,000, or .06 percent from the PY 2000 level. The total appropriation includes 80 percent allotted by formula to the States, while 20 percent is retained for National Emergency Grants, technical assistance and training, demonstration projects, and for the outlying areas Dislocated Worker allotments. Attachment III shows the PY 2001 Dislocated Worker Activities fund allotments by State.

Similarly to the Youth and Adults programs, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Dislocated Workers Activities, resulting in $3,975,100, an increase of $2,537 from PY 2000. The Dislocated Worker Activities program portion of the $1,000,000 total for competitive grants for all three programs (described above in Youth Activities) required for the outlying areas (Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States) was set at $486,685. This amount is less than the maximum allowed by WIA (PY 1997 Dislocated Worker allotments for the Freely Associated States). The amount represents a 12.2 percent share of the total Dislocated Worker Activities program funds for all outlying areas and is calculated to be the same share as for the Adult Activities program, after subtracting the Youth Activities program portion from the $1,000,000 total described above. The remaining non-competitive WIA Title I Dislocated Worker Activities funds for grants to all outlying areas, including the Virgin Islands, for which the methodology is at the Secretary's discretion, were distributed among the areas by the same pro rata share as the areas received for the PY 2001 WIA Adult Activities program, the same methodology used in PY 2000.

The amount available for allotments to the States is eighty percent of the Dislocated Workers appropriation, or $1,272,032,000, a gain of .06 percent over PY 2000. Since the Dislocated Worker Activities formula has no floor amount or hold-harmless provisions, funding changes for States directly reflect the impact of changes in number of unemployed. The three formula factors required in WIA use the following data for the PY 2001 allotments:

(1) The number of unemployed are averages for the 12-month period, October 1999 through September 2000;

(2) The number of excess unemployed are averages for the 12-month period, October 1999 through September 2000; and

(3) The number of long-term unemployed are averages for calendar year 1999.

Wagner-Peyser Act Preliminary Planning Estimates

The public employment service program involves a Federal-State partnership between the U.S. Department of Labor and the State Employment Security Agencies. Under the Wagner-Peyser Act, funds are allotted to each State to administer a labor exchange program responding to the needs of the State's employers and workers through a system of local employment services offices that are part of the One-Stop service delivery system established by the State. Total funding for Wagner-Peyser remained the same as PY 2000, but due to reduced reserves for postage, available funds for the States and outlying areas increased by $2 million. Attachment IV shows the Wagner-Peyser Act preliminary planning estimates for PY 2001. These preliminary planning estimates have been produced using the formula set forth at Section 6 of the Wagner-Peyser Act, 29 U.S.C. 49e. They are based on monthly averages for each State's share of the civilian labor force (CLF) and unemployment for the 12 months ending September 2000. Final planning estimates will be published in the **Federal Register**, based on calendar year 2000 data, as required by the Wagner-Peyser Act.

State planning estimates reflect $16,000,000, or 2.1 percent of the total amount appropriated, which is being withheld from distribution to States to finance postage costs associated with the conduct of Wagner-Peyser Act labor exchange services for PY 2001.

The Secretary of Labor is required to set aside up to three percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment service (ES) activities, as required under section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, the three percent set-aside funds, or $22,372,050, are included in the total planning estimate. The set-aside funds are distributed in two steps to States which have lost in relative share of resources from the previous year. In Step 1, States which have a Civilian Labor Force (CLF) below one million and are also below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro-rata basis in Step 2 to all other States losing in relative share from the prior year but not meeting the size and density criteria for Step 1.

Under Wagner-Peyser Act section 7, ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public ES offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Signed at Washington, DC, this 2nd day of March, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary for Employment and Training.

BILLING CODE 4510–30–P

Attachment I

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
WIA PY 2000 vs PY 2001 Youth Activities

	WIA PY 2000	WIA PY 2001	Difference	% Change
Total	$1,000,965,000	$1,102,965,000	$102,000,000	10.19%
Alabama	14,066,303	18,759,175	4,692,872	33.36%
Alaska	3,215,719	4,064,241	848,522	26.39%
Arizona	16,578,123	19,506,301	2,928,178	17.66%
Arkansas	10,429,385	10,614,970	185,585	1.78%
California	171,424,027	176,044,587	4,620,560	2.70%
Colorado	6,550,692	7,246,178	695,486	10.62%
Connecticut	7,700,441	9,511,625	1,811,184	23.52%
Delaware	2,457,058	3,331,902	874,844	35.61%
District of Columbia	4,528,781	4,491,249	(37,532)	-0.83%
Florida	39,070,163	40,269,848	1,199,685	3.07%
Georgia	20,496,219	22,425,496	1,929,277	9.41%
Hawaii	6,045,743	5,995,639	(50,104)	-0.83%
Idaho	4,095,248	4,171,399	76,151	1.86%
Illinois	40,030,985	48,556,867	8,525,882	21.30%
Indiana	11,014,284	13,604,901	2,590,617	23.52%
Iowa	3,259,920	4,026,670	766,750	23.52%
Kansas	3,440,280	4,643,202	1,202,922	34.97%
Kentucky	15,511,193	17,117,753	1,606,560	10.36%
Louisiana	21,598,829	22,655,421	1,056,592	4.89%
Maine	3,720,413	3,835,799	115,386	3.10%
Maryland	13,787,590	13,673,327	(114,263)	-0.83%
Massachusetts	12,957,434	16,005,091	3,047,657	23.52%
Michigan	28,969,657	29,775,388	805,731	2.78%
Minnesota	8,048,735	9,941,839	1,893,104	23.52%
Mississippi	12,562,595	17,333,642	4,771,047	37.98%
Missouri	14,008,527	14,918,738	910,211	6.50%
Montana	4,149,252	4,154,205	4,953	0.12%
Nebraska	2,457,058	3,331,902	874,844	35.61%
Nevada	3,661,485	4,522,685	861,200	23.52%
New Hampshire	2,457,058	3,331,902	874,844	35.61%
New Jersey	23,699,434	29,273,666	5,574,232	23.52%
New Mexico	10,430,066	10,420,706	(9,360)	-0.09%
New York	81,034,703	84,458,703	3,424,000	4.23%
North Carolina	14,391,704	17,574,081	3,182,377	22.11%
North Dakota	2,457,058	3,331,902	874,844	35.61%
Ohio	41,633,629	49,106,758	7,473,129	17.95%
Oklahoma	10,326,811	10,241,228	(85,583)	-0.83%
Oregon	14,609,203	14,550,737	(58,466)	-0.40%
Pennsylvania	34,298,461	38,152,152	3,853,691	11.24%
Puerto Rico	54,369,986	57,574,911	3,204,925	5.89%
Rhode Island	2,490,640	3,331,902	841,262	33.78%
South Carolina	12,091,526	14,935,516	2,843,990	23.52%
South Dakota	2,457,058	3,331,902	874,844	35.61%
Tennessee	18,465,533	19,487,876	1,022,343	5.54%
Texas	88,620,250	98,498,412	9,878,162	11.15%
Utah	3,301,394	3,331,902	30,508	0.92%
Vermont	2,457,058	3,331,902	874,844	35.61%
Virginia	13,385,882	16,534,311	3,148,429	23.52%
Washington	21,370,932	23,156,595	1,785,663	8.36%
West Virginia	10,548,280	11,428,555	880,275	8.35%
Wisconsin	9,633,249	9,728,051	94,802	0.98%
Wyoming	2,457,058	3,331,902	874,844	35.61%
State Total	982,823,112	1,082,975,612	100,152,500	10.19%
American Samoa	134,797	139,502	4,705	3.49%
Guam	1,317,552	1,363,540	45,988	3.49%
Marshall Islands	152,810	220,366	67,556	44.21%
Micronesia	271,773	391,921	120,148	44.21%
Northern Marianas	106,153	153,082	46,929	44.21%
Palau	77,869	80,587	2,718	3.49%
Virgin Islands	843,924	873,380	29,456	3.49%
Outlying Areas Competitive	222,535	222,535	0	0.00%
Outlying Areas Total	3,127,413	3,444,913	317,500	10.15%
Native Americans	15,014,475	16,544,475	1,530,000	10.19%

Attachment II

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
WIA PY 2000 vs PY 2001 Adult Activities

	WIA PY 2000	WIA PY 2001	Difference	% Change
Total	$950,000,000	$950,000,000	$(0)	-0.00%
Alabama	13,600,837	17,044,406	3,443,569	25.32%
Alaska	3,089,722	3,728,842	639,120	20.69%
Arizona	15,648,932	17,399,189	1,750,257	11.18%
Arkansas	10,068,804	9,622,728	(446,076)	-4.43%
California	160,743,770	156,375,879	(4,367,891)	-2.72%
Colorado	6,409,369	5,768,432	(640,937)	-10.00%
Connecticut	7,486,306	6,737,675	(748,631)	-10.00%
Delaware	2,369,063	2,369,063	0	0.00%
District of Columbia	4,412,566	3,971,309	(441,257)	-10.00%
Florida	39,256,368	37,761,854	(1,494,514)	-3.81%
Georgia	19,518,990	20,011,763	492,773	2.52%
Hawaii	6,049,854	5,444,869	(604,985)	-10.00%
Idaho	3,872,663	3,712,935	(159,728)	-4.12%
Illinois	38,399,632	44,094,693	5,695,061	14.83%
Indiana	10,557,597	10,825,762	268,165	2.54%
Iowa	3,209,170	2,888,253	(320,917)	-10.00%
Kansas	3,434,681	4,279,240	844,559	24.59%
Kentucky	15,516,224	15,183,245	(332,979)	-2.15%
Louisiana	20,662,594	20,294,120	(368,474)	-1.78%
Maine	3,667,080	3,301,438	(365,642)	-9.97%
Maryland	13,552,128	12,196,915	(1,355,213)	-10.00%
Massachusetts	12,483,536	11,235,182	(1,248,354)	-10.00%
Michigan	27,277,938	24,550,144	(2,727,794)	-10.00%
Minnesota	7,782,432	7,827,789	45,357	0.58%
Mississippi	11,341,654	14,744,150	3,402,496	30.00%
Missouri	13,732,983	12,359,685	(1,373,298)	-10.00%
Montana	4,193,064	3,956,587	(236,477)	-5.64%
Nebraska	2,369,063	2,369,063	0	0.00%
Nevada	3,550,960	4,007,022	456,062	12.84%
New Hampshire	2,369,063	2,369,063	0	0.00%
New Jersey	23,265,426	20,938,883	(2,326,543)	-10.00%
New Mexico	9,968,030	9,393,723	(574,307)	-5.76%
New York	81,558,176	80,628,707	(929,469)	-1.14%
North Carolina	14,198,520	16,154,303	1,955,783	13.77%
North Dakota	2,369,063	2,369,063	0	0.00%
Ohio	40,353,010	45,060,208	4,707,198	11.67%
Oklahoma	10,261,832	9,235,649	(1,026,183)	-10.00%
Oregon	14,237,385	13,460,527	(776,858)	-5.46%
Pennsylvania	34,243,052	30,818,747	(3,424,305)	-10.00%
Puerto Rico	52,848,829	52,746,321	(102,508)	-0.19%
Rhode Island	2,478,859	2,369,063	(109,796)	-4.43%
South Carolina	11,664,248	12,698,373	1,034,125	8.87%
South Dakota	2,369,063	2,369,063	0	0.00%
Tennessee	18,118,821	16,306,939	(1,811,882)	-10.00%
Texas	82,451,236	86,576,669	4,125,433	5.00%
Utah	2,753,861	2,478,475	(275,386)	-10.00%
Vermont	2,369,063	2,369,063	0	0.00%
Virginia	12,992,562	12,478,418	(514,144)	-3.96%
Washington	20,455,166	21,031,292	576,126	2.82%
West Virginia	10,306,103	10,558,659	252,556	2.45%
Wisconsin	9,366,589	8,782,497	(584,092)	-6.24%
Wyoming	2,369,063	2,369,063	0	0.00%
State Total	947,625,000	947,625,000	0	0.00%
American Samoa	125,230	112,713	(12,517)	-10.00%
Guam	453,836	443,439	(10,397)	-2.29%
Marshall Islands	265,985	239,400	(26,585)	-9.99%
Micronesia	396,563	420,122	23,559	5.94%
Northern Marianas	153,481	199,536	46,055	30.01%
Palau	81,072	75,000	(6,072)	-7.49%
Virgin Islands	607,937	594,010	(13,927)	-2.29%
Outlying Areas Competitive	290,896	290,780	(116)	-0.04%
Outlying Areas Total	2,375,000	2,375,000	(0)	-0.00%

Attachment III

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
WIA PY 2000 vs PY 2001 Dislocated Workers Activities

	WIA PY 2000	WIA PY 2001	Difference	% Change
Total	$1,589,025,000	$1,590,040,000	$1,015,000	0.06%
Alabama	12,337,794	15,068,548	2,730,754	22.13%
Alaska	6,719,943	11,395,001	4,675,058	69.57%
Arizona	11,542,782	12,879,316	1,336,534	11.58%
Arkansas	12,375,366	7,103,656	(5,271,710)	-42.60%
California	297,723,349	273,391,437	(24,331,912)	-8.17%
Colorado	8,967,371	8,255,862	(711,509)	-7.93%
Connecticut	8,480,789	7,406,982	(1,073,807)	-12.66%
Delaware	1,664,457	2,184,617	520,160	31.25%
District of Columbia	10,174,200	8,433,959	(1,740,241)	-17.10%
Florida	41,053,379	39,311,417	(1,741,962)	-4.24%
Georgia	21,970,886	20,930,127	(1,040,759)	-4.74%
Hawaii	12,921,697	6,477,632	(6,444,065)	-49.87%
Idaho	6,033,643	3,898,217	(2,135,426)	-35.39%
Illinois	38,725,943	41,575,303	2,849,360	7.36%
Indiana	10,502,473	10,682,428	179,955	1.71%
Iowa	4,984,236	5,437,368	453,132	9.09%
Kansas	5,772,856	5,502,565	(270,291)	-4.68%
Kentucky	11,423,295	11,735,435	312,140	2.73%
Louisiana	24,339,414	23,158,418	(1,180,996)	-4.85%
Maine	3,854,255	3,214,945	(639,310)	-16.59%
Maryland	16,806,330	17,559,765	753,435	4.48%
Massachusetts	13,588,888	15,134,353	1,545,465	11.37%
Michigan	22,130,803	21,932,071	(198,732)	-0.90%
Minnesota	8,023,090	10,473,235	2,450,145	30.54%
Mississippi	13,390,794	30,701,477	17,310,683	129.27%
Missouri	15,326,715	12,374,521	(2,952,194)	-19.26%
Montana	6,417,081	7,084,638	667,557	10.40%
Nebraska	2,388,261	2,997,707	609,446	25.52%
Nevada	5,076,189	5,334,057	257,868	5.08%
New Hampshire	2,247,442	1,877,882	(369,560)	-16.44%
New Jersey	30,833,430	30,498,439	(334,991)	-1.09%
New Mexico	20,907,033	21,923,521	1,016,488	4.86%
New York	142,360,726	105,559,534	(36,801,192)	-25.85%
North Carolina	16,906,622	16,959,265	52,643	0.31%
North Dakota	1,421,909	1,279,725	(142,184)	-10.00%
Ohio	30,844,022	34,309,127	3,465,105	11.23%
Oklahoma	8,085,953	6,561,865	(1,524,088)	-18.85%
Oregon	30,420,464	28,811,913	(1,608,551)	-5.29%
Pennsylvania	38,179,716	38,706,830	527,114	1.38%
Puerto Rico	108,278,443	166,101,676	57,823,233	53.40%
Rhode Island	2,924,830	2,885,714	(39,116)	-1.34%
South Carolina	9,726,336	11,936,257	2,209,921	22.72%
South Dakota	1,477,871	1,283,809	(194,062)	-13.13%
Tennessee	14,194,628	12,771,543	(1,423,085)	-10.03%
Texas	74,756,662	63,747,179	(11,009,483)	-14.73%
Utah	4,343,544	4,430,131	86,587	1.99%
Vermont	1,220,468	1,240,882	20,414	1.67%
Virginia	12,359,788	12,424,713	64,925	0.53%
Washington	28,220,707	27,119,437	(1,101,270)	-3.90%
West Virginia	23,364,426	25,423,973	2,059,547	8.81%
Wisconsin	11,506,979	12,880,353	1,373,374	11.94%
Wyoming	1,921,722	1,663,175	(258,547)	-13.45%
State Total	1,271,220,000	1,272,032,000	812,000	0.06%
American Samoa	209,467	188,651	(20,816)	-9.94%
Guam	759,113	742,196	(16,917)	-2.23%
Marshall Islands	444,902	400,690	(44,212)	-9.94%
Micronesia	663,314	703,169	39,855	6.01%
Northern Marianas	256,721	333,969	77,248	30.09%
Palau	135,606	125,530	(10,076)	-7.43%
Virgin Islands	1,016,871	994,210	(22,661)	-2.23%
Outlying Area Competitive	486,569	486,685	116	0.02%
Outlying Area Total	3,972,563	3,975,100	2,537	0.06%
National Reserve	313,832,437	314,032,900	200,463	0.06%

Attachment IV

U. S. Department of Labor
Employment and Training Administration
Employment Service (Wagner-Peyser)
PY 2001 Preliminary vs PY 2000 Final Allotments

	Final PY 2000	Preliminary PY 2001	Difference	% Change
Total	$761,735,000	$761,735,000	$0	0.00%
Alabama	10,932,482	10,972,520	40,038	0.37%
Alaska	8,084,754	8,106,495	21,741	0.27%
Arizona	11,727,076	11,719,056	(8,020)	-0.07%
Arkansas	6,372,346	6,362,175	(10,171)	-0.16%
California	88,632,143	88,800,931	168,788	0.19%
Colorado	10,421,973	10,360,986	(60,987)	-0.59%
Connecticut	8,535,669	8,353,516	(182,153)	-2.13%
Delaware	2,077,382	2,082,968	5,586	0.27%
District of Columbia	3,481,968	3,407,662	(74,306)	-2.13%
Florida	35,215,846	36,044,113	828,267	2.35%
Georgia	19,635,506	19,645,449	9,943	0.05%
Hawaii	3,289,242	3,253,394	(35,848)	-1.09%
Idaho	6,736,039	6,754,153	18,114	0.27%
Illinois	31,410,419	31,942,342	531,923	1.69%
Indiana	14,363,969	14,335,356	(28,613)	-0.20%
Iowa	7,039,271	6,961,337	(77,934)	-1.11%
Kansas	6,564,128	6,620,269	56,141	0.86%
Kentucky	9,829,102	9,806,202	(22,900)	-0.23%
Louisiana	11,004,411	10,936,125	(68,286)	-0.62%
Maine	4,005,859	4,016,631	10,772	0.27%
Maryland	13,745,214	13,608,277	(136,937)	-1.00%
Massachusetts	15,683,634	15,485,131	(198,503)	-1.27%
Michigan	24,310,238	24,236,145	(74,093)	-0.30%
Minnesota	11,816,050	11,853,974	37,924	0.32%
Mississippi	6,659,019	7,084,697	425,678	6.39%
Missouri	13,675,963	13,515,219	(160,744)	-1.18%
Montana	5,504,726	5,519,529	14,803	0.27%
Nebraska	6,615,599	6,633,389	17,790	0.27%
Nevada	5,351,173	5,365,563	14,390	0.27%
New Hampshire	2,973,251	2,970,051	(3,200)	-0.11%
New Jersey	21,431,869	21,298,867	(133,002)	-0.62%
New Mexico	6,177,271	6,193,882	16,611	0.27%
New York	47,718,375	47,494,850	(223,525)	-0.47%
North Carolina	17,666,840	17,966,415	299,575	1.70%
North Dakota	5,605,458	5,620,532	15,074	0.27%
Ohio	28,254,643	28,755,451	500,808	1.77%
Oklahoma	8,326,514	8,169,208	(157,306)	-1.89%
Oregon	9,593,535	9,600,127	6,592	0.07%
Pennsylvania	30,262,541	30,126,443	(136,098)	-0.45%
Puerto Rico	10,536,279	10,430,630	(105,649)	-1.00%
Rhode Island	2,625,453	2,596,952	(28,501)	-1.09%
South Carolina	9,797,291	9,805,347	8,056	0.08%
South Dakota	5,180,731	5,194,663	13,932	0.27%
Tennessee	13,749,835	13,707,641	(42,194)	-0.31%
Texas	51,508,098	52,142,783	634,685	1.23%
Utah	10,486,819	10,263,027	(223,792)	-2.13%
Vermont	2,426,951	2,433,477	6,526	0.27%
Virginia	16,037,720	15,992,765	(44,955)	-0.28%
Washington	15,628,945	15,730,173	101,228	0.65%
West Virginia	5,929,859	5,945,805	15,946	0.27%
Wisconsin	13,263,090	13,664,192	401,102	3.02%
Wyoming	4,019,463	4,030,272	10,809	0.27%
State Total	741,922,032	743,917,157	1,995,125	0.27%
Guam	348,011	348,947	936	0.27%
Virgin Islands	1,464,957	1,468,896	3,939	0.27%
Postage	18,000,000	16,000,000	(2,000,000)	-11.11%

[FR Doc. 01–5537 Filed 3–6–01; 8:45 am]

BILLING CODE 4510–30–C

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, March 15, 2001, and Friday, March 16, 2001, at the Ronald Reagan Building, International Trade Center, 1300 Pennsylvania Avenue, NW, Washington, DC. The meeting is tentatively scheduled to begin at 10 a.m. on March 15, and at 9 a.m. on March 16.

Topics for discussion include: Market conditions and rates of health service use in rural areas; access to care in rural areas; payment provisions for inpatient hospital care in rural areas; rural quality of care; payment for outpatient hospital care in rural areas; payments for nursing and allied health programs; Medicare+Choice issues in rural areas; payment update for physician services; the need for a payment adjustment for skilled nursing facilities in Alaska and Hawaii; payment issues for home health in rural areas; and psychiatric facilities in rural areas.

Agendas will be mailed on March 7, 2001. The final agenda will be available on the Commission's website (www.MedPAC.gov).

ADDRESSES: MedPAC's address is: 1730 K Street, NW, Suite 800, Washington, DC 20006. The telephone number is (202) 653–7220.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, (202) 653–7220.

Murray N. Ross,

Executive Director.

[FR Doc. 01–5499 Filed 3–6–01; 8:45 am]

BILLING CODE 6820–BW–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–034)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Modern Machine & Tool Co. Inc., of Newport News, VA 23606–2587, has applied for an exclusive license to practice the invention disclosed in NASA Case No. LAR 16020–1 entitled ''Single Vector Force Balance Calibration System,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Ms. Helen M. Galus, Patent Attorney, Langley Research Center.

DATES: Responses to this notice must be received by May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Helen M. Galus, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199; telephone 757–864–3227.

Dated: March 1, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–5553 Filed 3–6–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences; 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: Special Emphasis Panel in Biological Sciences (1754).

Date/Time: March 28–30, 2001, 8am–5pm.

Place: Room 370, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Sylvia Spengler, Division of Biological Infrastructure, Rm 615, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Biological Database & Informatics proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5469 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; 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: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: Monday, April 2, 2001, 8:30 a.m. to 5 p.m.; Tuesday, April 3, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 360, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, National Science Foundation, 4201 Wilson Blvd., Rm. 545, Arlington, VA 22230, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5465 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; 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: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: Tuesday, March 27, 2001, 8:30 a.m. to 5 p.m. Wednesday, March 28, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 530, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, Surface Engineering and Materials Design, Division of Civil and Mechanical Systems, Room 545, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5470 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Economics, Decision and Management Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following five meetings:

Name: Advisory Panel for Economics, Decision, and Management Sciences.

Date/Time: April 20–21, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, Stafford II Conference Center Rooms 517 and 545.

Contact Person: Dr. Daniel H. Newlon, Program Director for Economics Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7276.

Agenda: To review and evaluate Economics proposals as part of the selection process for awards.

Date/Time: April 19–20, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, Rooms 920 and 970.

Type of Meeting: Closed.

Contact Person: Dr. Ann Bostrom, Program Director for Decision, Risk & Management Sciences (DRMS) Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7263.

Agenda: To review and evaluate DRMS proposals as part of the selection process for awards.

Dates/Time: March 22–23 and March 26–27, 2001; 9 a.m. to 5 p.m.

Place: Stafford II Conference Center, 4121 Wilson Blvd., Arlington, VA, Rm. 545.

Type of Meeting: Closed.

Contact Person: Dr. Mariann (Sam) Jelinek, Program Director for Innovation and Organizational Change (IOC) Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–7273.

Agenda: To review and evaluate IOC proposals as part of the selection process for awards.

Date/Time: April 2–3, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA. Rooms 920 and 970.

Type of Meeting: Closed.

Contact Person: Dr. Ann Bostrom & Dr. Sandra Schneider, Program Directors for Decision, Risk & Management Sciences Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–8761.

Agenda: To review and evaluate DMVEP proposals as part of the selection process for awards.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5463 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel In Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Geosciences. (1756).

Date/Time: March 26–28, 2001; 8:30 a.m. to 6 p.m.

Place: Southern California Earthquake Center (SCEC), California Institute of Technology.

Type of Meeting: Closed.

Contact Person: Dr. James H. Whitcomb, Acting Deputy Division Director, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA 22230 (703) 292–8553.

Purpose of Meeting: To review the SCEC proposal for earthquake-related science, evaluate the past activities of the Southern California Earthquake Center, and make a recommendation concerning future funding of these activities.

Agenda: To evaluate: (a) the research program; (b) educational and outreach activities; and (c) the knowledge transfer activities and the management of the Southern California Earthquake Center. And, to make a recommendation on the future funding of these activities.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5464 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; 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: Special Emphasis Panel in Human Resource Development (1199).

Date/Time: March 22–23, 2001; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Margrete S. Klein, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–4671.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to the Program for Gender Equity in SMET elementary, middle school, and informal education.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5467 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Human Resource Development; 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: Special Emphasis Panel in Human Resource Development (#1199).

Date/Time: March 14–15, 2001 from 8:30 a.m. to 5 p.m.

Place: National Science Foundation, Stafford Place II—Conference Center, 4121 Wilson Boulevard, Room 565, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. A. James Hicks, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone: (703) 292–4668.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the Louis Stokes Alliances for Minority Participation proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management.

[FR Doc. 01–5468 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Political Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, and amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Political Sciences (#1761).

Date/Time: March 23, 2001; 8 a.m. to 6 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970; Arlington, VA.

Contact Person: Dr. Frank Scioli and Dr. James Granato, Program Directors for Political Science, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the political science proposals as part of the selection process for awards.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These maters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 1, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5466 Filed 3–6–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meeting

DATE AND TIME: March 15, 2001: 12 Noon–12:30 p.m.: Closed Session; March 15, 2001: 1 p.m.–2 p.m.: Closed Session; March 15, 2001: 2 p.m.–5 p.m.: Open Session.

PLACE: The National Science Foundation, Room 1235, 4201 Wilson Boulevard, Arlington, VA 22230.

STATUS: Part of this meeting will be closed to the public; Part of this meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Thursday, March 15, 2001

Closed Session (12 Noon–12:30 p.m.)

—Closed Session Minutes, December 2000
—Personnel
—Vannevar Bush Award
—Alan T. Waterman Award
—NSB Member Proposal

Closed Session (1 p.m.–2 p.m.)

—Awards and Agreements
—FY 2002 and FY 2003 Budgets

Open Session (2 p.m.–5 p.m.)

—Swearing-in, Mark Wrighton
—Open Session Minutes, December 2000
—Closed Session Items for May 2001
—Chairman's Report
—Director's Report
—Polar Programs Recognition
—Report: Allocating Federal Resources for S&T
—Director's Merit Review Report
—Committee Reports
—Other Business

Marta Cehelsky,

Executive Officer.

[FR Doc. 01–5634 Filed 3–2–01; 4:43 pm]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

Nuclear Management Company, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–49, held by Nuclear Management Company, LLC (the licensee), for operation of the Duane Arnold Energy Center (the facility) located in Linn County, Iowa.

By letter dated November 17, 2000, as supplemented February 16, 2001, the licensee proposed an amendment to change the operating license. Specifically, the proposed amendment would change paragraph 2.B(2) of the license to allow refueling activities in accordance with a revised thermal-hydraulic analysis based upon use of advanced core designs employing General Electric-14 fuel, increased fuel burnup, increased cycle length, and increased reload batch size. The revised analysis also corrects several input parameter discrepancies in the existing analysis submitted to the Nuclear Regulatory Commission (NRC) by letter dated October 3, 1997.

The proposed change is related to a proposed increase in power level that is identified in the licensee's letter to the NRC dated September 19, 2000. The proposed increase in power will be addressed in a separate **Federal Register** notice.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 6, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike

(first floor), Rockville, Maryland 20855–2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855–2738, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Al Gutterman, Morgan, Lewis, & Bockius LLP, 1800 M Street, NW., Washington, DC 20036–5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated November 17, 2000, as supplemented by letter dated February 16, 2001, which 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 20855–2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 28th day of February 2001.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5508 Filed 3–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Intent To Prepare an Environmental Impact Statement for the Mixed Oxide Fuel Fabrication Facility

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Notice of Intent (NOI).

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) announces its intent to prepare an Environmental Impact Statement (EIS) for construction, operation and deactivation of a proposed Mixed Oxide (MOX) Fuel Fabrication Facility (Facility) to be constructed at the Department of Energy's (DOE) Savannah River Site (SRS) in South Carolina. The EIS is being prepared pursuant to the National Environmental Policy Act (NEPA) and will examine the potential environmental impacts of manufacturing MOX fuel from surplus weapons plutonium. The MOX fuel is eventually planned to be used in two existing domestic commercial reactors, thus helping to ensure that plutonium produced for nuclear weapons and declared excess to national security needs is converted to forms that are inaccessible and unattractive for nuclear weapons.

TENTATIVE DATES; FUTURE NOTICES OF OPPORTUNITY FOR HEARINGS: The public scoping process required by NEPA begins with publication of this NOI in the **Federal Register** and continues until May 21, 2001. Written comments submitted by mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practical. However, this May 21 date, and the proposed meeting dates listed below, are subject to change for the following reasons. The NRC is presently conducting its initial administrative acceptance review of the construction authorization request (CAR) regarding the MOX Facility.

Following the acceptance review (if the CAR is acceptable), a detailed technical review of the CAR begins. The CAR was submitted to the NRC on February 28, 2001, by DCS (a consortium formed by Duke Engineering & Services, COGEMA, Inc., and Stone and Webster), the engineering firm which, if NRC grants approval, would build the MOX Facility. The acceptance review of the CAR is expected to take 30 days to complete. If the CAR is accepted and formally docketed, the EIS scoping process will continue. If, for any reason, the CAR is not accepted and formally docketed, the scoping process will be suspended, and a notice postponing the meetings listed below will be published in the **Federal Register**. Additionally, if the CAR passes the acceptance review, a notice of opportunity for hearing regarding the CAR will be published in the **Federal Register**.

DCS plans to submit to the NRC a separate license application requesting authority to operate the MOX Facility. This DCS request, which would also be subject to the NRC's acceptance review procedures, is expected in the summer of 2002. If this request is accepted and formally docketed, another notice of opportunity for hearing regarding operating authority would then be published in the **Federal Register**.

NRC will conduct public scoping meetings to assist it in defining the appropriate scope of the EIS, including the significant environmental issues to be addressed. NRC plans to hold scoping meetings in April 2001. Please note that meeting attendees will be requested to participate in the scoping process through small working groups within the larger meeting setting. (See Section entitled Scoping Meeting Format, below, for more details.) To effectively plan for this type of meeting, NRC staff will need to know how many participants to expect. If you do plan to attend any or all of the meetings, please help us by registering ahead of time. Contact information for registration is provided below in the section ''Addresses.'' The meeting dates, times and locations are listed below. Prior to the Scoping Meetings, NRC staff will be available to informally discuss the MOX project and answer questions in an ''open house'' format.

April 17, 2001
North Augusta Community Center,
496 Brookside Drive,
North Augusta, SC
Scoping Meeting Time: 7 p.m. to 10 p.m.
Open House Time: 5:30 p.m. to 7 p.m.

April 18, 2001
Coastal Georgia Center,
305 Martin Luther King Boulevard,
Savannah, GA
Scoping Meeting Time: 7 p.m. to 10 p.m.
Open House Time: 5:30 p.m. to 7 p.m.

ADDRESSES: To register for a meeting, to provide comments or suggestions on the scope of the EIS, or to make requests for special arrangements to enable participation at scoping meetings (e.g., an interpreter for the hearing impaired), please contact: Tim Harris at (301) 415–6613 or Betty Garrett at (301) 415–5808.

FOR FURTHER INFORMATION CONTACT: For general or technical information associated with the license review of the MOX Facility, please contact: Tim Johnson at (301) 415–7299 or Drew Persinko at (301) 415–6522. For general information on the NRC NEPA process, please contact: Jennifer Davis at (301) 415–5874 or Tim Harris at (301) 415–6613.

Availability of Documents for Review: Information and documents associated with the MOX project, including the DCS Environmental Report submitted in December 2000, and the CAR, may be obtained from the Internet on NRC's MOX web page: *http://www.nrc.gov/NRC/NMSS/MOX/index.html* (case sensitive). In addition, documents are available for public review through our electronic reading room: *http://www.nrc.gov/NRC/ADAMS/index.html.* Documents may also be obtained from NRC's Public Document Room at U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555.

DCS states that some of the detailed technical material in the CAR is confidential information which should be withheld from public disclosure. DCS has submitted an affidavit with its CAR, in support of its confidentiality statement. Until the NRC makes a determination as to whether the information at issue can be properly withheld, the publicly available copy of the CAR will be an edited version.

SUPPLEMENTARY INFORMATION:

Background

In January 2000, the DOE issued its Record of Decision (ROD) for the Surplus Plutonium Disposition Final EIS [65 FR 1608]. The fundamental purpose of the DOE program is to ensure that plutonium produced for nuclear weapons and declared excess to national security needs is converted to forms that are inaccessible and unattractive for nuclear weapons. In its ROD, DOE announced that it had decided to use two approaches for the disposition of surplus weapons plutonium, and that the facilities would be located at its SRS. The first approach is immobilization of approximately 8.4 metric tons of surplus plutonium. The immobilization will consist of placing the weapons-grade plutonium into canisters that will be filled with vitrified glass from the SRS high-level waste tanks. The second approach will convert up to 25.6 metric tons of surplus plutonium into MOX nuclear reactor fuel. (The scoping process discussed in this notice is focused on this second approach.) A third facility to disassemble the plutonium pits (the current form) and convert the recovered plutonium into plutonium dioxide suitable for disposition will also be located at SRS, but will not be reviewed by NRC and is not included in this scoping meeting.

The DOE has selected DCS to provide the MOX fuel fabrication and reactor irradiation services. DCS submitted its Environmental Report for MOX fuel fabrication to NRC on December 19, 2000. DCS submitted its CAR to NRC on February 28, 2001. NRC will evaluate the potential environmental impacts associated with MOX fuel fabrication in parallel with the review of the CAR. This evaluation will be documented in draft and final Environmental Impact Statements in accordance with NEPA and NRC's implementing regulations at 10 CFR Part 51.

MOX Fuel Fabrication at SRS (New Construction)

The MOX Facility, if licensed, would produce completed MOX fuel assemblies for use in two domestic, commercial nuclear power reactors. Feed materials would be plutonium dioxide from the pit conversion facility at SRS, and uranium dioxide made from either the DOE stockpile of depleted uranium hexafluoride from another DOE site, or another source selected by DCS and approved by DOE. MOX fuel fabrication involves purification of the plutonium dioxide to remove other metals present in the weapons pit; blending the plutonium dioxide with depleted uranium dioxide; pressing the mixed oxide into pellets; sintering the pellets; loading the pellets into fuel rods; and assembling the fuel rods into fuel assemblies. Once assembled, the fuel assemblies would be transported to a domestic, commercial reactor for use. (The McGuire and/or the Catawba nuclear power plants near Charlotte, NC, have been tentatively selected.) Following irradiation to generate electric power, the MOX fuel would be removed from the reactor, and managed at the reactor site as spent nuclear fuel.

Final disposition would be at a geologic repository in accordance with the Nuclear Waste Policy Act.

Purpose and Need for Agency Action

On October 17, 1998, Congress amended Section 202 of the Energy Reorganization Act, giving licensing authority to the NRC regarding any MOX Facility to be built (42 U.S.C. 5842(5)). Accordingly, in order for DCS to construct and operate the MOX Facility, it must be licensed/authorized by the NRC. Such action would be a major federal action, thus requiring NRC, pursuant to NEPA, to prepare an EIS for construction, operation and deactivation of the MOX Facility. The EIS will consider facility-specific environmental impacts (an earlier EIS prepared by DOE addressed generic impacts) associated with constructing and operating the MOX Facility. The EIS prepared by NRC will also consider indirect effects from MOX fuel fabrication, such as transportation to the domestic, commercial reactors, MOX fuel use in those reactors, and eventual spent fuel disposal.

Alternatives To Be Evaluated

No Action—Do Not Issue Construction Authorization for MOX Fuel Fabrication Facility at SRS

Alternative 1—Issue Construction Authorization for MOX Fuel Fabrication Facility at SRS

Note that NRC is limited to issuing or denying the construction authorization and/or license to operate the MOX Facility at SRS. The DOE has already decided to pursue the two disposition approaches for surplus weapons plutonium, and has already decided to site the MOX Facility at SRS. These decisions will not be revisited by NRC. Other alternatives not listed here may be identified through the scoping process.

Environmental Impact Areas To Be Analyzed

The following areas have been tentatively identified for analysis in the EIS. This list is neither intended to be all inclusive, nor is it a predetermination of potential environmental impacts. The list is presented to facilitate comments on the scope of the EIS. Additions to, or deletions from this list may occur as a result of the public scoping process.

- Health and Safety: potential public and occupational consequences from construction, routine operation, transportation, and credible accident scenarios;
- Waste Management/Pollution Prevention: types of wastes expected to be generated, handled, and stored; pollution prevention opportunities and the potential consequences to public safety and the environment;
- Hazardous Materials: handling, storage and use; both present and future;
- Background Radiation: cosmic, rock, soil, water, and air and the potential addition of radiation;
- Water Resources: surface and groundwater hydrology, water use and quality, and the potential for degradation;
- Air Quality: meteorological conditions, ambient background, pollutant sources, and the potential for degradation;
- Earth Resources: physical geography, topography, geology and soil characteristics;
- Land Use: plans, policies and controls;
- Noise: ambient, sources, and sensitive receptors;
- Ecological Resources: wetlands, aquatic, terrestrial, economically and recreationally important species, and threatened and endangered species;
- Socioeconomic: demography, economic base, labor pool, housing, transportation, utilities, public services/facilities, education, recreation, and cultural resources;
- Natural Disasters: floods, hurricanes, tornadoes, and seismic events;
- Cumulative Effects: impacts from past, present and reasonably foreseeable actions at, and near the site(s);
- Indirect Effects: transportation to the domestic, commercial reactors, MOX fuel use in those reactors, and eventual spent fuel disposal;
- Unavoidable Adverse Impacts;
- Natural and Depletable Resources: requirements and conservation potential; and
- Environmental Justice: any potential disproportionately high and adverse impacts to minority and low-income populations.

Alternatives other than those presented in this document may warrant examination, and new issues may be identified for evaluation.

Scoping Meetings

One purpose of this NOI is to encourage public involvement in the EIS process, and to solicit public comments on the proposed scope and content of the EIS. NRC will hold public scoping meetings in the SRS vicinity to solicit both oral and written comments from interested parties.

Scoping is an early and open process designed to determine the range of actions, alternatives, and potential impacts to be considered in the EIS, and to identify the significant issues related to the proposed action. It is intended to solicit input from the public and other agencies so that the analysis can be more clearly focused on issues of genuine concern. The principal goals of the scoping process are to:

- Ensure that concerns are identified early and are properly studied;
- Identify alternatives that will be examined;
- Identify significant issues that need to be analyzed;
- Eliminate unimportant issues; and
- Identify public concerns.

Scoping Meeting Format

Traditionally, scoping meetings begin with agency speakers, then attendees make oral comments. The scoping meetings for the MOX Facility will follow a different structure, which was recommended by the Council on Environmental Quality in its ''Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping,'' dated April 30, 1981.

''* * * The first part of the meeting is devoted to a discussion of the proposal in general, covering its purpose, proposed location, design, and any other aspects that can be presented in a lecture format. A question and answer period concerning this information is often held at this time. Then . . . the next step is to break . . . into small groups for more intensive discussion. At this point, * * * numbers held by the participants are used to assign them to small groups by sequence, random drawing, or any other method. Each group should be no larger than 12, and 8–10 is better. The groups are informed that their task is to prepare a list of significant environmental issues and reasonable alternatives for analysis in the EIS. These lists will be presented to the main group and combined into a master list, after the discussion groups are finished.''

A member of the NRC staff, or NRC contractor staff will be part of each group to answer questions and listen to the participants' concerns. The agency person will *not* lead the group discussions, but will serve as the recording secretary for each group. This will ensure he/she is listening to group views. Each group will choose a member to lead the group discussions.

In addition to the group discussions, participants will be able to express their oral views to a recording secretary in five minute blocks. NRC encourages those providing oral comments to also submit them in writing. Comment cards will also be available for anyone who prefers to submit their comments in written form.

Scoping Comments

Written comments should be mailed to: Michael T. Lesar, Acting Chief, U.S. Nuclear Regulatory Commission, Rules & Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T6D59, Washington, DC 20555.

Comments will also be accepted by e-mail. Interested parties may e-mail their comments to teh@nrc.gov. Comments will be accepted by fax at 301–415–5398, Attention: Tim Harris.

NRC will make the scoping summaries and project-related materials available for public review through our electronic reading room: *http://www.nrc.gov/NRC/ADAMS/index.html.* The scoping meeting summaries and project-related materials will also be available on the NRC's MOX web page: *http://www.nrc.gov/NRC/NMSS/MOX/index.html* (case sensitive).

The NEPA Process

The EIS for the MOX Facility will be prepared according to the National Environmental Policy Act of 1969, the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NRC's NEPA Regulations (10 CFR Part 51).

The draft EIS is scheduled to be published in February 2002. A 45-day comment period on the draft EIS is planned, and public meetings to receive comments will be held approximately three weeks after distribution of the draft EIS. Availability of the draft EIS, the dates of the public comment period, and information about the public meetings will be announced in the **Federal Register**, on NRC's MOX web page, and in the local news media when the draft EIS is distributed. The final EIS, which will incorporate public comments received on the draft EIS, is expected in September 2002.

Signed in Rockville, MD, this 1st day of March 2001.

For the Nuclear Regulatory Commission.

Charlotte E. Abrams,

Acting Chief, Environmental and Performance Assessment Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–5509 Filed 3–6–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of March 5, 12, 19, 26, April 2, 9, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Weeks of March 5, 2001

There are no meetings scheduled for the Week of March 5, 2001.

Week of March 12, 2001—Tentative

Monday, March 12, 2001

1:25 p.m.

Affirmation Session (Public Meeting) (If needed).

1:30 p.m.

Discussion of Management Issues (Closed-Ex. 2)

Week of March 19, 2001—Tentative

Thursday, March 22, 2001

10:25 a.m.

Affirmation Session (Public Meeting) (If needed).

10:30 a.m.

Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360).

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html.*

Week of March 26, 2001—Tentative

There are no meetings scheduled for the Week of March 26, 2001.

Week of April 2, 2001—Tentative

There are no meetings scheduled for the Week of April 2, 2001.

Week of April 9, 2001—Tentative

Monday, April 9, 2001.

1:30 p.m.

Briefing on 10 CFR Part 71 Rulemaking (Public Meeting) (Contacts: Naiem Tanious, 301–415–6103; David Pstrak, 301–415–8486).

Tuesday, April 10, 2001

10:25 a.m.

Affirmation Session (Public Meeting) (If needed).

10:30 a.m.

Meeting on Rulemaking and Guidance Development for Uranium Recovery Industry (Public Meeting) (Contact: Michael Layton, 301–415–6676).

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

Additional Information:

By a vote of 5–0 on February 23, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Intragovernmental Issues (Closed-Ex. 9)'' be held on February 26, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, D.C. 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: March 1, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–5723 Filed 3–5–01; 2:21 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 12, 2001, through February 23, 2001. The

last biweekly notice was published on February 21, 2001 (66 FR 11050).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 6, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with

the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which 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 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: December 20, 2000.

Description of amendments request: The amendments would revise the Technical Specifications to incorporate changes required to support operation with replacement steam generators. The proposed changes will (1) accommodate geometric differences between the original and replacement steam generators, (2) increase the reactor coolant flow rate from the current value which was recently established to accommodate more tube plugging, and (3) delete tube sleeving options approved for the original steam generators.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated

A. Technical Specification Table 3.3.1–1, Item 7

Technical Specification Table 3.3.1–1, ''Reactor Protective System Instrumentation,'' Item 7 sets the allowable value for ''Steam Generator Level-Low'' function to greater than or equal to 10 inches below the top of the feed ring. To accommodate the geometric difference in the location of the top of the feed ring with respect to the pedestal between the original steam generators (OSG) (510.8 inches) and the replacement steam generators (RSG) (484.8 inches), the proposed amendment would change the allowable value for ''Steam Generator Level-Low'' function to greater than or equal to 50 inches below normal water level. Since normal water levels for RSG and OSG with respect to the pedestal are identical and the current steam generator level-low reactor trip setpoint ''≥10 inches below top of feed ring'' is ''≥ 50 inches below normal water level'' for both the RSG and OSG, the functionality of the steam generator level-low reactor trip setpoint will be unchanged. Furthermore, use of normal water level as the point of reference instead of top of the feed ring is more practical and appropriate since it is the frame of reference for steam generator water level indication used in the Control Room by the operators.

The design basis accident affected by the proposed change is the Loss of Feedwater Flow event. The Steam Generator Level-Low Reactor Trip Setpoint, in combination with the Auxiliary Feedwater Actuation System, ensures that adequate secondary side water inventory exists in both RSGs to remove decay heat following a Loss of Feedwater Flow event. To ensure that the acceptance criteria for the Loss of Feedwater Flow event are met with the RSGs, there must be at least as much mass in RSG at the Safety Analysis water level as in the OSG. The OSG Safety Analysis water level is 116.4 inches below normal water level. Using the same method to predict steam generator inventory, at this water level, OSG has 64,049 Ibm water mass and RSG has 64,115 Ibm water mass. Therefore, the RSG has more post-reactor trip secondary side inventory than the OSG which ensures the Loss of Feedwater event acceptance criteria are not challenged.

Therefore, the proposed revision to change the reference setpoint for steam generator low level reactor trip function will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. LCO [limiting condition for operation] 3.4.1 and Surveillance Requirement 3.4.1.3

The proposed amendment would revise Technical Specification LCO 3.4.1 and Surveillance Requirement 3.4.1.3 to increase reactor coolant minimum required total flow rate back to the originally established value of 370,000 gpm [gallons per minute] from the current value of 340,000 gpm, which was recently established to accommodate more tube plugging in the OSG. The flow resistance of the RSG is equivalent to that of the OSG with zero plugged tubes. Therefore, the required minimum RCS [reactor coolant system] total flow rate can be increased to the value previously established for the original steam generators with zero plugged tubes, 370,000 gpm.

Increasing the required minimum RCS total flow rate has no adverse impact on the safety analysis. Crediting more RCS flow in the safety analysis allows for greater flexibility in core design and operation. The increase in RCS flow associated with the RSG is within the bounds previously analyzed for the OSG. The hydraulic forces experienced around the RCS loop, including the core uplift force, are acceptable. The change is more restrictive in nature in that more RCS flow will be required to meet Surveillance Requirement 3.4.1.3 and more RCS flow ensures enhanced core heat removal. The overall core thermal margin in the safety analysis will remain essentially the same.

Therefore, the proposed revision to increase reactor coolant minimum required total flow rate will not involve a significant increase in the probability or consequences of an accident previously evaluated.

C. Technical Specification Administrative Control 5.5.9

The proposed revision deletes three sleeving options from Administrative Technical Specification 5.5.9. The sleeving options are: Westinghouse Laser Welded sleeves, Asea Brown Boveri, Inc. (ABB)-Combustion Engineering Leak Tight sleeves, and the ABB-Combustion Engineering Alloy 800 Leak Limiting sleeves. One of the differences between the OSG and the RSG design is the use of thermally-treated Alloy 690 tube material instead of high temperature mill-annealed Alloy 600 used for the OSG. The three sleeving tube repair options described in Calvert Cliffs Nuclear Power Plant (CCNPP) Technical Specification

Administrative Control 5.5.9, are designed specifically for the OSGs' mill-annealed Alloy 600 tubes.

The three sleeving options were acquired by CCNPP for economic reasons to maintain OSG thermal output by minimizing the number of tubes plugged. Therefore, deletion of these repair options from Administrative Control 5.5.9 has no safety significance.

Therefore, the proposed revision will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated

A. Technical Specification Table 3.3.1–1, Item 7

The RSGs are equivalent in function to the OSGs. Changing Technical Specification Table 3.3.1–1, Item 7 is required to provide a correct and practical reference point from which to measure the Reactor Trip Steam Generator Level-Low Setpoint. As described above in Item 1, the normal water levels for RSG and OSG with respect to the pedestal are identical and the current steam generator level-low reactor trip setpoint, ''≥ 10 inches below top of feed ring'' is ''≥ 50 inches below normal water level'' for both the RSG and OSG. Hence, the functionality of the reactor trip steam generator level-low setpoint will be unchanged. Furthermore, use of normal water level as the point of reference instead of top of the feed ring is more practical and appropriate since it is the frame of reference for steam generator water level indication used in the Control Room by the operators.

Therefore, the proposed revision to change the reference setpoint for steam generator low level reactor trip function will not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

B. LCO 3.4.1 and Surveillance Requirement 3.4.1.3

As described above in Item 1, increasing the required minimum RCS total flow rate has no adverse impact on the plant's safety analyses. The increase in RCS flow associated with the RSG is within the bounds previously analyzed for the OSG. The hydraulic forces experienced around the RCS loop, including the core uplift force, are acceptable. The change is more restrictive in nature in that more RCS flow will be required to meet Surveillance Requirement 3.4.1.3 and more RCS flow ensures enhanced core heat removal.

Therefore, the proposed revision to increase reactor coolant minimum required total flow rate will not create the possibility of a new or different type of accident from any accident previously evaluated.

C. Technical Specification Administrative Control 5.5.9

As described in Item I above, the three sleeving options were acquired by CCNPP for economic reasons to maintain OSO thermal output by minimizing the number of tubes plugged. Therefore, deletion of these repair options from Technical Specification Administrative Control 5.5.9 has no safety significance.

Therefore, the proposed revision will not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Would not involve a significant reduction in the margin of safety

A. Technical Specification Table 3.3.1–1, Item 7

As described above in Item 1, the design basis accident affected by the proposed change is the Loss of Feedwater Flow event. The Steam Generator Level-Low Reactor Trip Setpoint, in combination with the Auxiliary Feedwater Actuation System, ensures that adequate secondary side water inventory exists in both RSGs to remove decay heat following a Loss of Feedwater Flow event. To ensure that the acceptance criteria for the Loss of Feedwater Flow event are met with the RSGs, there must be at least as much mass in RSG at the Safety Analysis water level as in the OSG. The OSG Safety Analysis water level is 116.4 inches below normal water level. Using the same method to predict steam generator inventory, at this water level, OSO has 64,049 lbm water mass and RSG has 64,115 lbm water mass. Therefore, the RSG has more post-reactor trip secondary side inventory than the OSG which ensures the Loss of Feedwater event acceptance criteria are not challenged.

Therefore, the proposed revision to change the reference setpoint for steam generator low level reactor trip function does not involve a significant reduction in the margin of safety.

B. LCO 3.4.1 and Surveillance Requirement 3.4.1.3

As described above in Item 1, increasing the required minimum RCS total flow rate has no adverse impact on the safety analysis. Crediting more RCS flow in the safety analysis allows for greater flexibility in core design and operation. The increase in RCS flow associated with the RSG is within the bounds previously analyzed for the OSG. The hydraulic forces experienced around the RCS loop, including the core uplift force, are acceptable. The change is more restrictive in nature in that more RCS flow will be required to meet Surveillance Requirement 3.4.1.3 and more RCS flow ensures enhanced core heat removal. The overall core thermal margin in the safety analysis will remain essentially the same.

Therefore, the proposed revision to increase reactor coolant minimum required total flow rate does not involve a significant reduction in the margin of safety.

C. Technical Specification Administrative Control 5.5.9

As described in Item 1C above, the three sleeving options were acquired by CCNPP for economic reasons to maintain OSG thermal output by minimizing the number of tubes plugged. Therefore, deletion of these repair options from Technical Specification Administrative Control 5.5.9 has no safety significance.

Therefore, the proposed revision does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Marsha Gamberoni.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: January 26, 2001.

Description of amendment request: The proposed amendment would change Technical Specification (TS) Surveillance Requirement (SR) 3.7.9.2, ''Ultimate Heat Sink (UHS),'' by increasing the maximum allowable temperature of Lake Michigan water from 81.5 °F to 85 °F. The licensee also proposes to reflect this change in the associated TS Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The UHS is Lake Michigan which is completely passive and is not an accident initiator in any accident previously evaluated. Therefore, this change does not involve an increase in the probability of an accident previously evaluated.

The UHS, by design, mitigates the consequences of accidents by supplying a repository for the decay heat and other excess energy removed in the process of cooling the plant equipment. The safety analysis has been revised to use a maximum UHS water temperature of 85 °F. The results of these revised analyses still meet all of the required acceptance criteria. Therefore, the proposed changes do not affect any of the results of the FSAR [Final Safety Analysis Report] Chapter 14 accident analyses. Hence the consequences of accidents previously evaluated do not change.

Therefore, operation of the facility in accordance with the proposed changes to the Technical Specifications would not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change would not alter the design, configuration, or method of operation of the plant. The proposed temperature limit has been verified to be acceptable for UHS operability determinations by its documented use in plant equipment design considerations, and in the FSAR Chapter 14 accident analyses. Therefore, operation of the facility in accordance with the proposed change to the Technical Specifications would not create the possibility of a new or different kind of accident from any previously evaluated.

c. Involve a significant reduction in the margin of safety.

The proposed change to the Technical Specifications would impose temperature limits already in use in equipment designs and as an initial assumption of the plant accident analyses. The proposed SR limit has been utilized in the accident analyses since 1994. The results of these accident analyses meet all of the required acceptance criteria when using the 85 °F UHS water temperature limit. Therefore, the proposed change to the Technical Specifications would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: February 12, 2001.

Description of amendment request: The proposed amendment would change Technical Specification (TS) Section 5.6.5b, ''Reporting Requirements—Core Operating Limits Report (COLR),'' by adding a reference to the existing references of approved analytical methods for determining core operating limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the list of methodology documents in Specification 5.6.5.b. would not increase the probability or consequence of an accident previously evaluated. Accidents previously evaluated will be unaffected by the addition of a methodology reference because they were analyzed using approved methods. The results of these event analyses met their respective acceptance criteria.

Therefore, operation of the facility in accordance with the proposed change to the Technical Specifications would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change to the list of methodology documents in Specification 5.6.5.b. would not create the possibility of a new or different accident than previously analyzed. The proposed change only adds an approved methodology document. All accidents remain analyzed using applicable NRC approved methodologies.

Therefore, operation of the facility in accordance with the proposed change to the Technical Specifications would not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in the margin of safety.

The proposed change to the list of methodology documents in Specification 5.6.5.b. would not reduce the margin of safety. Because all analyses use approved methodologies and their results satisfy their respective acceptance criteria, the margin of safety is not reduced.

Therefore, the proposed change to the Technical Specifications would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201

NRC Section Chief: Claudia M. Craig.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 24, 2001.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to incorporate the provisions to perform routine diesel generator (DG) monthly testing by gradually accelerating the DG to operating speed, as opposed to requiring the DG to attain rated voltage and frequency within 10 seconds for DG 1A and DG 1B, and within 13 seconds for DG 1C. In addition, a new TS would be added to require fast start tests of the DGs on a 184-day frequency.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes affect the surveillance requirements for the emergency diesel generators. The emergency diesel generators are onsite standby power sources intended to provide redundant and reliable power to ESF [engineered safety feature] systems credited as accident mitigating features in design basis analyses. As discussed in Regulatory Guide (RG) 1.9, Revision 3, the proposed changes are intended to allow slower starts of the diesel generators during testing in order to reduce diesel generator aging effects due to excessive testing conditions. As such, the proposed changes should result in improved diesel generator reliability and availability, thereby providing additional assurance that the diesel generators will be capable of performing their safety function. The method of starting the emergency diesel generators for testing purposes does not affect the probability of any previously evaluated accident. Although the changes allow slower starts for the monthly tests, the more rapid start function assumed in the accident analysis is unchanged and will be verified on a 184 day frequency. Therefore the accident analysis consequences are not affected.

Therefore, these changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes affect the surveillance requirements for the onsite ac [alternating current] sources, i.e. the diesel generators. Accordingly, the proposed changes do not involve any change to the configuration or method of operation of any plant equipment that could cause an accident. In addition, no new failure modes have been created nor has any new limiting failure been introduced as a result of the proposed surveillance changes.

Therefore, these changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The proposed changes are intended to bring the existing RBS [River Bend Station] TS requirements for the onsite ac sources in line with regulatory guidance. Under the proposed changes, the emergency diesel generators will remain capable of performing their safety function, and the effects of aging on the diesel generators will be reduced by eliminating unnecessary testing. The diesel generator start times assumed in the current accident analyses are unchanged and will be verified on a 6-month frequency.

Therefore, these changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005.

NRC Section Chief: Robert A. Gramm.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: February 5, 2001.

Description of amendment request: The proposed amendment would change the Safety Limit Minimum Critical Power Ratio (SLMCPR) in Technical Specification (TS) 2.1.2 from 1.08 to 1.06. The proposed amendment would also change the parenthetical statements after certain references listed in TS 5.6.5.b to clarify that the analytical methods described in General Electric Nuclear Energy documents inclusive of the latest amendment or revision are used to determine core operating limits. Also, the proposed amendment would add a new reference to TS 5.6.5.b.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. The proposed changes to technical specification do not involve a significant increase in the probability of an accident previously evaluated.

The proposed Safety Limit MCPR (SLMCPR), and its use to determine the Cycle 14 thermal limits, have been derived using NRC approved methods [See application dated February 5, 2001]. These methods do not change the method of operating the plant and have no effect on the probability of an accident initiating event or transient.

The basis of the SLMCPR is to ensure no mechanistic fuel damage is calculated to occur if the limit is not violated. The new SLMCPR preserves the margin to transition boiling, and the probability of fuel damage is not increased.

Therefore, the proposed changes to technical specifications do not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes to technical specifications do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes result only from revised methods of analysis for the Cycle 14 core reload. These methods have been reviewed and approved by the NRC, do not involve any new or unapproved method for operating the facility, and do not involve any facility modifications. No new initiating events or transients result from these changes.

Therefore, the proposed changes to technical specifications do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes to technical specifications do not involve a significant reduction in a margin of safety.

The margin of safety will remain the same. The new SLMCPR was derived using NRC approved methods which are in accordance with the current fuel design and licensing criteria. The SLMCPR remains high enough to ensure that greater than 99.9% of all fuel rods in the core will avoid transition boiling if the limit is not violated, which is the current margin of safety used to preserve the fuel cladding integrity.

Therefore, the proposed changes to technical specifications do not involve a significant reduction in the margin of safety.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599

NRC Section Chief: James W. Clifford.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: February 16, 2001.

Description of amendment request: This amendment would substitute a surveillance interval of ''Once/

Operating Cycle'' for the current surveillance interval of ''Each Refueling Outage,'' for the following instruments in Technical Specification Table 4.2.F: Containment High Radiation Monitor, Reactor Building Vent Radiation Monitor, Main Stack Vent Radiation Monitor, and Turbine Building Vent Radiation Monitor.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

There are no physical changes to Pilgrim being introduced by the proposed changes to the specified instruments. The proposed changes do not modify Pilgrim, i.e., there are no changes in operating pressure, materials or seismic loading. No plant safety limits, setpoints, or design parameters are adversely affected by the proposed changes. The proposed changes do not adversely affect the integrity of the reactor coolant pressure boundary such that its function in the control of radiological consequences is affected. The proposed changes do enlarge the opportunity-period for performing the subject calibrations by substituting one established Technical Specification definition for another; hence, the proposed changes are administrative in nature because they do not change any methodology, interval, configuration or equipment at Pilgrim.

Thus, the proposed changes do not affect any significant parameter associated with the instruments or calibration interval; therefore, the ability of the instruments to perform their designed safety function is maintained. The change does not impact plant operation. Consequently, operating Pilgrim in conformance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change substitutes one Technical Specification definition for another concerning certain radiation-monitoring instruments. The ability of these instruments to perform their designed-function is not affected by this change, and the surveillance interval remains nominally 24 months. No new modes of operation are introduced by the proposed changes. No plant safety limits, setpoints, or design parameters are herein proposed, nor is any adverse consequence introduced by the proposed changes. The proposed changes will not create any failure mode not bounded by previously evaluated accidents. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes entail the substitution of one Technical Specification definition for another concerning radiation-monitoring instruments. This is an administrative change because such substitution does not modify the operation, configuration, or processes of Pilgrim, nor does the change modify the nominal 24-month surveillance/calibration interval currently in force for these instruments.

The substitution of one Technical Specification definition for another concerning radiation monitoring instruments potentially reduces personnel exposure from calibration-source radiation because site population is less during non-refueling periods. No plant safety limits, setpoints, or design parameters are changed, nor is any adverse consequence introduced by the proposed changes. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599

NRC Section Chief: James W. Clifford.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: February 6, 2001

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) associated with the reactor coolant system (RCS) leakage detection systems, to make them consistent with the requirements in NUREG–1432, ''Standard Technical Specifications, Combustion Engineering Plants.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The aforementioned revisions do not involve any physical change to plant design. Relocating the requirements associated with the RCS Leak Detection System from various TSs to ANO–2 [Arkansas Nuclear One, Unit 2] Specification 3.4.6.1 is administrative in nature and does not affect the accident analyses. The RCS water inventory balance is more accurate than normal leak detection methods in regard to actual RCS leak rates, and therefore is an excellent alternative when other leak detection components may become inoperable. Since the proposed changes only affect the requirements for the detection of RCS leakage, the probability that an accident previously evaluated will occur remains unchanged. The proposed changes do not prevent nor limit the diversity of acceptable detection of RCS leakage and, therefore, do not significantly affect the consequences of an accident previously evaluated since leak rate information will remain available to station personnel. Although the non-administrative revisions result in less restrictive requirements, the proposed changes remain within the acceptability of General Design Criteria (GDC) 30 of Appendix A to 10 CFR [Part] 50 and Regulatory Guide (RG) 1.45, and are consistent with the philosophies of the RSTS [Revised Standard Technical Specifications].

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The aforementioned revisions do not involve any physical change to plant design. Relocating the requirements associated with the RCS Leak Detection System from various TSs to ANO–2 Specification 3.4.6.1 is administrative in nature and does not affect the accident analyses. The RCS water inventory balance is more accurate than normal leak detection methods in regard to actual RCS leak rates, and therefore is an excellent alternative when other leak

detection components may become inoperable. The proposed changes do not prevent acceptable detection of RCS leakage by diverse methods. The detection of a RCS leak does not cause an accident or prevent an accident from occurring. Likewise, detecting a RCS leak while in its initial stages does not create the possibility of a new or different kind of accident than any previously analyzed. Therefore, a new or different kind of accident than that previously analyzed is not expected to result due to the proposed changes of this submittal. Although the non-administrative revisions result in less restrictive requirements, the proposed changes remain within the acceptability of General Design Criteria (GDC) 30 of Appendix A to 10 CFR [Part] 50, Regulatory Guide (RG) 1.45, and are consistent with the philosophies of the RSTS.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety

The aforementioned revisions do not involve any physical change to plant design. Relocating the requirements associated with the RCS Leak Detection System from various TSs to the ANO–2 Specification 3.4.6.1 is administrative in nature and does not affect the margin of safety. The RCS water inventory balance is more accurate than normal leak detection methods in regard to actual RCS leak rates, and therefore is an excellent alternative when other leak detection components may become inoperable. Maintaining diverse and accurate RCS leak detection methods available helps to ensure RCS leaks will be detected within an acceptable period of time and, therefore, the proposed changes do not significantly reduce the margin to safety. Although the non-administrative revisions result in less restrictive requirements, the proposed changes remain within the acceptability of General Design Criteria (GDC) 30 of Appendix A to 10 CFR [Part] 50 and Regulatory Guide (RG) 1.45, and are consistent with the philosophies of the RSTS.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: January 17, 2001

Description of amendment request: The licensee proposes to revise the Technical Specifications (TS) requirements for the Emergency Diesel Generator (EDG) 24-hour surveillance test run. Currently, the TS restrict performance of this test to shutdown periods due to historical concerns regarding the effects of a potential failure while the EDGs are paralleled to the off-site power system. The proposed amendment would allow the surveillance test to be conducted with the plant on-line. The licensee has performed an analysis, which shows that conducting the 24-hour EDG test run with the plant on-line results in a very small change in core damage frequency, and is acceptable under the guidelines of Regulatory Guide 1.174. The risks incurred by performing the test on-line will be substantially offset by plant benefits associated with avoiding unnecessary plant transitions and/or reducing risks during shutdown operations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated for the following reasons:

The change relocating the ''during shutdown'' requirement from TS 4.8.1.1.2.e to the individual surveillance requirements under TS 4.8.1.1.2.e is strictly administrative in nature. Therefore, it does not involve any increase in the probability or consequences of an accident previously evaluated.

For the change that revises Unit 1 TS 4.8.1.1.2.e.6 to remove the restriction to perform the EDG 24-hour endurance test during shutdown, the emergency diesel generators (EDG) and their associated emergency busses are not accident initiating equipment. Therefore, there will be no impact on any accident probabilities by the approval of this amendment. The design of this equipment is not being modified by these proposed changes. In addition, the ability of the EDGs to respond to a design basis accident will not be significantly impacted by these proposed changes. Consequences are no different than presently when an EDG is out-of-service in the current TS allowed outage time during operation in Modes 1 and 2.

Therefore, performing the EDG 24-hour endurance test in Modes 1 and 2 does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated for the following reasons:

No new accident causal mechanisms are created as a result of this amendment request. Equipment will be operated in the same configuration with the exception of the plant Mode in which testing is conducted. No changes are being made to the plant which introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators; neither does it adversely impact accident mitigating systems.

The changes removing the restriction to perform the tests during shutdown for Unit 1 TS 4.8.1.1.2.e.6, in its simplest form, is just a request to extend the amount of time the EDG is synchronized to the grid in Modes 1 and 2 from approximately 18 hours (one hour per month) to approximately 42 hours per cycle. The existing surveillance requirement TS 4.8.1.1.2.a.5 requires, in part, that every 31 days each EDG be demonstrated operable by synchronizing to the grid for at least an hour. It is simply a time extension of the existing surveillance requirement. Therefore, performing the EDG 24-hour endurance test in Modes 1 and 2 does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Use of the modified specification would not involve a significant reduction in a margin safety.

The AC electrical distribution system has been designed to provide sufficient

redundancy and reliability to ensure the availability of the EDGs to provide the required safety function under design basis events to protect the power plant, the public, and plant personnel.

The proposed changes do not affect the limiting conditions for operation or their bases that are used in the deterministic analysis to establish any margin of safety. PSA evaluations were used to evaluate these changes, and these evaluations determined that the changes are not risk significant. The proposed activity involves changes to the allowed plant mode for the performance specific Technical Specification surveillance requirements.

During the performance of the EDG endurance surveillance test for a 24-hour period, at least one EDG will be available and will adequately respond within the time necessary to mitigate anticipated operational occurrences or postulated design basis accidents.

The calculated total change in CDF, including the conservatively estimated fire risk contribution, is less than 1E–06 per reactor year and the calculated total change in the LERF, including the conservatively estimated fire risk contribution, is less than 1E–07 per reactor year. The change in CDF and LERF is, therefore, within Region III of Regulatory Guide 1.174 Figures 3 and 4, and is considered very small. When the full scope of plant risk is considered, the risks incurred by performing the EDG 24-hour surveillance test during power operation will be substantially offset by plant benefits associated with avoiding unnecessary plant transitions and/or reducing risks during shutdown operations.

The proposed change does not involve a change to the plant design or operation, and thus, does not affect the design of the EDGs, the operational characteristics of the EDGs, the interfaces between the EDGs and other plant systems, or the function or reliability of the EDGs. Because EDG performance and reliability will continue to be ensured by the proposed Technical Specification changes, the proposed changes do not result in a significant reduction of the margin of safety.

Based on the above, FPL has determined that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety; and therefore, does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: January 4, 2001.

Description of amendment request: The proposed amendment requests NRC's approval of the Maine Yankee Atomic Power Company's (MYAPC) Security Plan, Training and Qualification Plan, and Contingency Plan. These plans reflect the addition of provisions related to the loading and storage of spent fuel into the independent spent fuel storage installation (ISFSI) under construction on owner-controlled property adjacent to the plant site.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The approved Security Plan, or Defueled Security Program, currently implemented is not being changed. The FIT [Fuel in Transit] Security Program and the ISFSI Security Program are being added to the scope of the overall security scheme at the Maine Yankee site. The additions to the overall plan have been evaluated in accordance with 10 CFR 50.54(p) and 10 CFR 72.212(b)(4) and it has been determined that the implementation of the ISFSI and FIT Security Programs would not decrease the effectiveness of the Defueled Security Program, the Defueled Security Guard Training and Qualification Program, or the first four categories of the Defueled Safeguards Contingency Program.

The Defueled Security Program Staffing will be augmented as and if necessary to support Fuel in Transit evolutions. The ISFSI Security Program staffing will be separate from and parallel to the staffing requirements of the Defueled Security Program.

The operational and physical venues of the Defueled Security Program, the FIT Security Program, and the ISFSI Security Program are separate and distinct. The line of demarcation between the three programs is clearly defined and not overlapping. The implementation of any of the programs therefore does not degrade or inhibit the implementation of the other two programs.

The Defueled Program Guard Training and Qualification Plan and the Defueled Safeguards Contingency plan also have not been changed. A separate and parallel ISFSI Training and Qualification Plan and Contingency Plan is included in the ISFSI Security Program. The FIT program uses the Defueled Program, Training and Qualification Plan and Contingency Plan. The physical protection systems described in the ISFSI and FIT Programs are designed to protect against the loss of control of the facility that could be sufficient to cause a radiation exposure exceeding the dose as described in 10 CFR 72.106.

Therefore, the ISFSI Program revisions of the Security Plan, Guard Training and Qualification Plan and the Safeguards Contingency Plan will not increase the probability or the consequences of an accident previously evaluated since the previously approved Defueled Training and Qualification Plan and Contingency Plan remain unchanged.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The FIT and ISFSI Security Programs have no impact on the existing Defueled Security Program since they operate in different physical and licensing venues. The accidents considered for the Spent Fuel Pool, the venue of the Defueled Security Program, are described in the Maine Yankee Defueled Safety Analysis Report. The accidents considered for the FIT and ISFSI are contained in the NAC International, Inc. Final Safety Analysis Report for the UMS Universal Storage System Docket No. 72–1015.

The FIT and ISFSI Security Programs have been crafted to meet or exceed all of the assumptions of the NAC International FSAR concerning accident analyses and the programs meet or exceed all of the applicable requirements of 10 CFR 73.55 with approved exceptions or approved alternative measures. The physical protection systems described in the ISFSI and FIT Programs are designed to protect against the loss of control of the

facility that could be sufficient to cause a radiation exposure exceeding the dose as described in 10 CFR 72.106.

The proposed action does not affect plant systems, structures or components within the venue of the existing Security Plan. The ISFSI and FIT program additions to the Security Plan, Guard Training and Qualification Plan and the Safeguards Contingency Plan do not create the possibility of a new or different kind of accident from any accident previously evaluated since the previously approved Defueled Security Plan, Training and Qualification Plan and Contingency plan remain as is, unaltered.

3. The proposed change does not involve a significant reduction in a margin of safety.

The addition of a separate, parallel ISFSI and FIT Safeguards Program, Training and Qualification Plan, and Contingency Plan does not alter or reduce the effectiveness of the previously approved Defueled Program. The physical protection systems described in the ISFSI and FIT Programs are designed to protect against the loss of control of the facility that could be sufficient to cause a radiation exposure exceeding the dose as described in 10 CFR 72.106. Therefore, the margin of safety will not be reduced as a result of the ISFSI and FIT additions to the Security Plan, or an ISFSI specific addition of a Guard Training and Qualification Plan or an ISFSI specific addition of a Safeguards Contingency Plan

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involves no significant hazards consideration.

Attorney for licensee: Joseph Fay, Esquire, Maine Yankee Atomic Power Company, 321 Old Ferry Road, Wiscasset, Maine 04578.

NRC Section Chief: Michael T. Masnik.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment requests: April 17, 2000, as supplemented February 2, 2001.

Description of amendment requests: The proposed amendments would change the Technical Specifications (TSs) for the removal of boric acid storage tanks (BASTs) from the safety injection (SI) system. These changes would accomplish two objectives: (1) Eliminate high concentration boric acid from the SI system and (2) align this specific Prairie Island TS section with the Standard TSs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed amendment will not involve a significant increase in the probability or consequences of accidents previously evaluated.

The proposed change to the CVCS [chemical volume control system] and SI system (increasing the concentration of boric acid in the RWST [refueling water storage tank] and eliminating the BAST as a suction source, respectively) and elimination of or change to associated Technical Specifications do not affect accident initiation. None of the equipment being removed from Sections 3.2 or 3.5 of Technical Specifications are accident initiators. Thus, the proposed changes will not significantly increase the probability of an accident previously evaluated.

Consequences are evaluated in terms of off-site and on-site (control room personnel) dose. Loss of coolant accident (LOCA) dose is unaffected by the proposed changes because the LOCA analysis input assumptions are not changed by the changes proposed in this amendment request. The approved steam line break (SLB) methodology (approved by the NRC in letter dated January 19, 2000) and the expected dose are unaffected by the proposed change.

Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the plant and its Technical Specifications do not introduce any new accident initiators. The proposed changes reduce the number of automatic component actuations needed to support Safety Injection accident mitigation functions. The proposed changes also remove the Technical Specification requirements for the balance of the CVCS components. These requirements were in Technical Specifications to support the boration function of CVCS; however, all boration functions can be met by the safety-related SI system. All the other functions of the CVCS are either backed up by a safety related system or are not required to preclude an accident (reference NSP [Northern States Power] letter of June 14, 1995 and NRC letter of January 8, 1996).

Therefore, the proposed changes will not create the possibility of a new or different kind of accident.

(3) The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed changes do not significantly impact the plant response to an accident with respect to the ability to protect fission product barriers. The proposed changes will not result in any significant increase in fuel cladding damage in the event of a postulated accident (accident analyses show the proposed changes meet all acceptance criteria related to maintaining cladding integrity). The proposed changes will not reduce the integrity of the RCS [reactor coolant system] (reduction of boric acid concentrations in the SI systems will not promote any degradation of the components that make up the RCS pressure boundary). The proposed changes will not result in a reduction in containment integrity in the event of a postulated accident (the changes proposed by this amendment do not change the results of the accident analyses with respect to containment response.)

Therefore, the proposed changes will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

Sacramento Municipal Utility District (SMUD), Docket No. 50–312, Rancho Seco Nuclear Station, Sacramento County, California

Date of amendment request: October 23, 2000.

Description of amendment request: The proposed amendment (PA–194) as supplemented by SMUD letter to the USNRC dated January 11, 2001, would change the Permanently Defueled Technical Specification (PDTS) by deleting the definitions for ''site boundary'' and ''unrestricted area;'' revising the definition of the ''site;'' deleting figures D5.1–1, ''Emergency Planning Zone,'' D5.1–2, ''Site Boundary for Gaseous Effluent,'' and D5.1–3, ''Site Boundary for Liquid Effluent;'' and making editorial changes

to the other PDTSs because of the above proposed changes. The information proposed for removal from the PDTS is contained in or will be relocated to other licensee-controlled documents.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

SMUD has reviewed the proposed PDTS change against each of the criteria in 10 CFR 50.92 and has concluded that the amendment request involves no significant hazards consideration. The following provides SMUD's analysis of the issue of no significant hazards consideration:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes are administrative and involve deleting the definitions of SITE BOUNDARY and UNRESTRICTED AREA from the DEFINITIONS section, revising the definition of the site in Section 5.1 ''SITE,'' deleting all three figures from the DESIGN FEATURES section [SMUD proposes, as described in its January 11, 2001, letter, that these or equivalent figures will be relocated to either the Emergency Plan or the Offsite Dose Calculation Manual, as appropriate], revising Sections D6.8.3.a(2) and D6.8.3.a(4) so that the term ''unrestricted area'' is lower case, and revising Sections D6.8.3.a(8), D6.8.3.a(9), D6.8.3.a(10), and D6.8.3.b(2) so that the term ''site boundary'' is lower case.

These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. Safety limits, limiting safety system settings, and limiting control systems are no longer applicable to Rancho Seco Technical Specifications in the permanently defueled mode, and are therefore not relevant.

The proposed changes do not affect the emergency planning zone, the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and have no impact on plant operations. Therefore, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. As described above, the proposed changes are administrative. The safety analysis for the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid.

The operating procedures and emergency procedures are not affected. The proposed changes do not affect the emergency planning zone, the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and have no impact on plant operations. Consequently, no new failure modes are introduced as the result of the proposed changes. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed license amendment involve a significant reduction in a margin of safety?

No. As described above, the proposed changes are administrative. There are no changes to the design or operation of the facility. The proposed changes do not affect the emergency planning zone, the boundaries used to evaluate compliance with liquid or gaseous effluent release limits, and have no impact on plant operations. Accordingly, neither the design basis nor the accident assumptions in the Defueled Safety Analysis Report (DSAR), nor the Technical Specification Bases are affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involves no significant hazards consideration.

Attorney for licensee: Dana Appling, Esq., Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, California 95852–1830.

NRC Section Chief: Michael T. Masnik.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: August 25, 2000.

Description of amendment request: The proposed amendments would revise the Updated Final Safety Analysis Report (UFSAR) described offsite dose analyses based on changes to the letdown flow rate and iodine spike postulated concurrent with a Main Steam Line Break or a Steam Generator Tube Rupture.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated in the UFSAR. The comprehensive engineering review included evaluations or re-analysis of all accident analyses. Calculations for letdown flow measurement and indication have verified the acceptability of the analyzed letdown flow rate. The letdown flow rate does not initiate any accident; therefore, the probability of an accident has not been increased. All dose consequences have been analyzed or evaluated with respect to the proposed changes, and all acceptance criteria continue to be met. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously analyzed?

The proposed changes do not create the possibility of a new or different kind of accident than any accident already evaluated in the UFSAR. No new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. The changes have no adverse effects on any safety-related system and do not challenge the performance or integrity of any safety-related system. Therefore, all accident analyses criteria continue to be met and these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed changes do not involve a significant reduction in a margin of safety. All analyses and evaluations using letdown flow rate as an input have been revised to reflect the proposed value. The calculations are based on FNP instrumentation and test methods and include uncertainty allowances. The evaluations and analyses results [a small change] demonstrate applicable acceptance criteria are met. Therefore, the proposed

changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Section Chief (Acting): Maitri Banerjee.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: December 8, 2000.

Description of amendment request: The proposed amendments would either delete or modify existing license conditions from the Unit 1 and Unit 2 Operating Licenses, which have been completed or are otherwise no longer in effect. These activities have now been completed, and the license conditions are either obsolete or no longer needed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment deletes license conditions which are completed or are otherwise obsolete. As such, the change is strictly administrative. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously analyzed?

The proposed amendment deals with operating license reporting conditions and has no effect on the type of accidents that have been considered at Plant Farley. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The requirements associated with the deleted license conditions have been completed; the conditions are therefore obsolete. Removing these conditions from the license is an administrative and editorial activity. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Section Chief (Acting): M. Banerjee.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: January 18, 2001 (ULNRC–04371).

Description of amendment request: The proposed amendment deletes Section 5.5.3, ''Post Accident Sampling,'' from the administrative controls section of the Technical Specifications (TS). The proposed amendment deletes requirements from the TS (and, as applicable, other elements of the licensing bases) to maintain a Post Accident Sampling System (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the TS for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 11, 2000 (65 FR 49271) on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on October 31, 2000 (65 FR 65018). The licensee affirmed the applicability of the following NSHC determination in its application dated January 18, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post accident situations and were put into place as a result of the TMI–2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve as a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI–2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without

degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI–2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from Technical Specifications (TS) (and other elements of the licensing bases) does not involve a significant increase in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI–2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: September 14, 2000.

Brief description of amendments: The amendments add two analytical methods to the list of approved core operating limit analytical methods in Technical Specification 5.6.5.b.

Date of issuance: February 8, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 241 and 215.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 18, 2000 (65 FR 62383).

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated February 8, 2001.

No significant hazards consideration comments received: No.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: November 22, 1999, as supplemented on September 11, 2000.

Brief description of amendment: The amendment revises Technical Specification Sections 4.5.D, ''Containment Air Filtration System,'' 4.5.E, ''Control Room Air Filtration System,'' 4.5.F, ''Fuel Storage Building Air Filtration System,'' and 4.5.G, ''Post-Accident Containment Venting System,'' to address the testing requirements in Generic Letter 99–02, ''Laboratory Testing of Nuclear-Grade Activated Charcoal.'' The laboratory testing of the engineered safeguards features ventilation system charcoal samples will meet the requirements of the American Society for Testing and Materials Standard D3803–1989.

Date of issuance: February 21, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 215.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 15, 2000 (65 FR 69059).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 2001.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: October 30, 2000.

Brief description of amendment: The amendment revises Surveillance Requirement 3.6.1.3.8 to allow a representative sample of reactor instrument line excess flow check valves (EFCVs) to be tested every 24 months such that each reactor instrument EFCV will be tested at least once every 10 years. The amendment also limits the surveillance requirement to only the reactor instrument line EFCVs.

Date of issuance: February 20, 2001.

Effective date: February 20, 2001, and shall be implemented within 30 days from the date of issuance.

Amendment No.: 170.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 29, 2000 (65 FR 71135).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 2001.

No significant hazards consideration comments received: No.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: November 22, 1999, as supplemented on November 21, 2000.

Brief description of amendment: This amendment approves changes related to Technical Specification (TS) Sections 3.7.B.1 and 3.7.B.2, ''Containment Systems.'' TS Section 5.0, ''Administrative Controls,'' was also modified to reflect the addition of an omitted page from a previous amendment.

Date of issuance: February 13, 2001.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 187.

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 5, 2000 (65 FR 17913).

The November 21, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 13, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: February 15, 2000, as supplemented on July 26, 2000. The July 26, 2000, letter provided clarifying information that did not change the scope of the February 15, 2000, application or the initial proposed no significant hazards consideration determination.

Brief description of amendments: The amendments allow the use of the Westinghouse core monitoring system know as Best Estimate Analyzer for Core Operations Nuclear.

Date of issuance: February 13, 2001.

Effective date: February 13, 2001.

Amendment Nos.: 116, 116, 110, and 110.

Facility Operating License Nos. NPF–37, NPF–66, NPF–72 and NPF–77: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 5, 2000 (65 FR 17909).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 13, 2001.

No significant hazards consideration comments received: No.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit 1, Oswego County, New York

Date of application for amendment: September 26, 2000.

Brief description of amendment: The amendment changes the Technical Specifications to (1) allow reactor vessel hydrostatic tests, leakage tests, scram time tests and excess flow check valve tests be performed; (2) require containment building integrity be maintained; and (3) establish a limit and a surveillance requirement on reactor coolant radioactive iodine activity, when coolant temperature is above 215 °F, the reactor is not critical, and primary containment integrity has not been established.

Date of issuance: February 20, 2001.

Effective date: As of the date of issuance to be implemented within 30 days of issuance.

Amendment No.: 170.

Facility Operating License No. DPR–63: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 1, 2000 (65 FR 65344).

The staff's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: November 10, 2000.

Brief description of amendment: The amendment revised several sections of the Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TSs). These sections include administrative changes, Table 4.1–1, and Sections 1.0, 6.4, and 6.10.

Date of issuance: February 12, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 151.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 13, 2000 (65 FR 77923).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 2001.

No significant hazards consideration comments received: No.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: August 5, 1999, as supplemented by letters dated November 23, 1999, December 27, 1999, May 4, 2000, October 19, 2000, and November 22, 2000.

Brief description of amendment: The amendment revised the Facility Operating (Possession Only) License to annotate approval of the Trojan Nuclear Plant License Termination Plan.

Date of issuance: February 12, 2001.

Effective date: February 12, 2001, and shall be implemented within 30 days of the effective date.

Amendment No.: 206.

Facility Operating License No. NPF–1: The amendment changes the Facility Operating (Possession Only) License.

*Date of initial notice in **Federal Register:*** December 29, 1999 (64 FR 73083). The November 23, 1999, December 27, 1999, May 4, 2000, October 19, 2000, and November 22, 2000, supplemental letters provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 2001.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: August 4, 2000 (TS 99–20).

Brief description of amendments: Deletes Sequoyah License Condition for Shift Technical Advisor and revises Technical Specifications (TSs) that specify shift manning requirements.

Date of issuance: February 16, 2001.

Effective date: February 16, 2001.

Amendment Nos.: 266 and 257.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revise the Operating Licenses and TSs.

*Date of initial notice in **Federal Register:*** September 6, 2000 (65 FR 54088).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 16, 2001.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 21, 2000 (ULNRC–04346).

Brief description of amendment: The amendment changes Table 3.3.2–1, ''Engineered Safety Feature Actuation System [ESFAS] Instrumentation,'' of the Technical Specifications. The change adds Surveillance Requirement (SR) 3.3.2.10 for the following two ESFAS instrumentation in the table: item 6.f, loss of offsite power, and item 6.h, auxiliary feedwater pump suction transfer on suction pressure—low.

Date of issuance: February 12, 2001.

Effective date: February 12, 2001, and shall be implemented prior to entering Mode 3 from Mode 4 during the startup from Refuel Outage 11, including the revision of the FSAR to reflect the ESFAS response times in accordance with the application.

Amendment No.: 141.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 27, 2000 (65 FR 81931).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 2001.

No significant hazards consideration comments received: No.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: February 1, 2001.

Brief description of amendment request: The amendment would remove the inservice inspection requirements of Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code from the Monticello Technical Specifications and relocates them to a licensee-controlled program.

*Date of publication of individual notice in **Federal Register:*** February 15, 2001 (66 FR 10535).

Expiration date of individual notice: March 1, 2001.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an

opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By April 6, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: February 14, 2001, as supplemented February 16 and 19, 2001. The February

16 and 19, 2001, letters provided additional clarifying information which did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the original notice (Harrisburg, PA, Patriot News, February 18–20, 2001).

Brief description of amendment: The amendment allows a one-time exception to the system configuration and maintenance requirements in Technical Specification (TS) 3.3.2 related to the nuclear service river water (NR) system at TMI–1, in order to allow an up to 14-day repair of a leaking underground concrete pipe. The requirements of TS 3.3.1.4 to have two NR pumps OPERABLE are unchanged. During the 14-day repair period, the NR pumps flow will be realigned to pass through a portion of the nonseismic secondary services river water system.

Date of issuance: February 23, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 229.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes.

The NRC published a public notice of the proposed amendment, issued a proposed finding of no significant hazards consideration and requested that any comments on the proposed no significant hazards consideration be provided to the staff by the close of business on February 23, 2001. The notice was published in the Harrisburg, PA, Patriot News, from February 18 through February 20, 2001.

The Commission's related evaluation of the amendment, finding of exigent circumstances, consultation with the State of Pennsylvania, and final no significant hazards consideration determination are contained in a Safety Evaluation dated February 23, 2001.

Attorney for licensee: Edward J. Cullen, Jr., Esquire, PECO Energy Company, 2301 Market Street (S23–1), Philadelphia, PA 19103.

NRC Section Chief: Marsha Gamberoni.

Dated at Rockville, Maryland this 27th day of February 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5216 Filed 3–6–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 94–7

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. RI 94–7, Death Benefit Payment Rollover Election for Federal Employees Retirement System (FERS), provides FERS surviving spouses and former spouses with the means to elect payment of the FERS rollover-eligible benefits directly or to an Individual Retirement Account.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 700 RI 94–7 forms will be completed annually. We estimate it takes approximately 60 minutes to complete the form. The annual estimated burden is 700 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before May 7, 2001.

ADDRESSES: Send or deliver comments to: John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–5517 Filed 3–6–01; 8:45 am]

BILLING CODE 6325–50–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24881; 812–12266]

ING Pilgrim Investments, LLC, et al.; Notice of Application

February 28, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c-3 under the Act, and pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request on order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose asset-based distribution fees and early withdrawal charges.

APPLICANTS: Pilgrim Senior Income Fund (''Fund''), ING Pilgrim Investments, LLC (''Investment Adviser''), and ING Pilgrim Securities, Inc. (''ING Pilgrim Securities'').

FILING DATES: The application was filed on September 25, 2000 and amended on February 28, 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 Commission's Secretary 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 March 26, 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 writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, 7337 East Doubletree Ranch Road, Scottsdale, Arizona, 85258.

FOR FURTHER INFORMATION CONTACT: Keith A. Gregory, Attorney-Adviser, at (202) 942–0611, or Janet M. Grossnickle, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0101, (202) 942–8090.

Applicants' Representations:

1. The Fund is a closed-end management investment company registered under the Act and organized as a Delaware business trust. The Investment Adviser is registered as an investment adviser under the Investment6 Advisers Act of 1940 and will serve as investment adviser to the Fund. ING Pilgrim Securities, a broker-dealer registered under the Securities Exchange Act of 1934, will distribute the Fund's shares. The Investment Adviser and ING Pilgrim Securities are both indirect, wholly-owned subsidiaries of ING Groep N.V. Applicants request that the order also apply to any other registered closed-end management investment company that may be organized in the future for which the Investment Adviser, or any entity controlling, controlled by, or under common control with the Investment Adviser acts as principal underwriter or investment adviser and which operates as an interval fund pursuant to rule 23c-3 under the Act.[1]

2. The Fund's investment objective is to provide a high level of monthly income. The Fund investment primarily in floating rate secured senior loans made by commercial banks, investment banks, finance companies and other lenders only to corporations or other business entities organized under U.S. laws or located in the U.S. (''Senior Loans''). Under normal circumstances, at least 80% of the Fund's total assets are invested in Senior Loans. The Fund may also invest up to 20% of its total assets in unsecured loans; subordinated loans; corporate debt securities; equity securities; and loans made to, or debt securities issued by, corporations or other business entities organized or located outside the U.S. Under normal circumstances, the Fund may also invest up to 10% of its total assets in cash and short-term instruments.

3. The Fund intends to continuously offer its shares to the public at net asset value, plus any applicable sales charges. The Funds shares will not be offered or traded in the secondary market and will not be listed on any exchange or quoted on any quotation medium. The Fund intends to operate as an ''interval fund'' pursuant to rule 23c-3 under the Act and to make quarterly repurchase offers to its shareholders.

4. The Fund seeks the flexibility to be structured as a multiple-class fund and currently intends to offer four classes of shares. The Fund will offer Class B shares at net asset value without a front-end sales charge, but subject to an early withdrawal charge (''EWC'') on shares that are repurchased by the Fund within five years of the date of purchase. The Fund will offer Class C shares at net asset value without a front-end sales charge, but subject to an EWC on shares that are repurchased by the Fund within one year of the date of purchase. The Fund will also offer Class A and Class Q shares at net asset value without a front-end sales charge, and without a distribution fee or an EWC. Class A shares will only be available to investors upon the automatic conversion of Class B shares eight years after date of purchase or through exchange of Class A shares of certain other Pilgrim funds. Class A, Class B, Class C, and Class Q shares will be subject to an annual service fee of up to 0.25% of average daily net assets. Class B and Class C shares will be subject to an annual distribution fee of up to 0.75% of average daily net assets. Applicants represent that these service fees and asset-based distribution fees will comply with the provision of rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. (''NASD Sales Charge Rule''). The Fund may in the future offer additional classes of shares with a front-end sales charge, an EWC, and/or asset-based service or distribution fees. Applicants also represent that the Fund will disclose in its prospectus, the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multi-class funds under Form N–1A.

5. All expenses incurred by the Fund will be allocated among the various classes of shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees, and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. The Fund may create additional classes of shares in the future that may have different terms from Class A, Class B, Class C and Class Q shares. Applicants state that the Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

6. The Fund may waive the EWC for certain categories of shareholders or transactions to be established from time to time. With respect to any waiver of, scheduled variation in, or elimination of the EWC, the Fund will comply with rule 22d–1 under the Act as if the Fund were an open-end investment company.

7. The Fund may offer its shareholders an exchange feature under which shareholders of the Fund may, during the Fund's quarterly repurchase periods, exchange their shares for shares of the same class of other registered open-end investment companies or registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, and that are in the Pilgrim group of investment companies. Fund shares so exchanged will count as part of the repurchase offer amount as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act as if the Fund were an open-end investment company subject to that rule. In complying with rule 11a–3, the Fund will treat the EWCs as if they were a contingent deferred sales charge (''CDSC'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Fund may be prohibited by section 18(c).

2. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any

[1] Any registered closed-end management investment company relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(c) and 18(i) to permit the Fund to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit the Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that their proposal does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that the Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

5. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company will purchase securities of which it is the issuer, except: (i) On a securities exchange or other open market; (ii) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (iii) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

6. Rule 23c–3 under the Act permits a registered closed-end investment company (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is reasonably intended to compensate the fund for expenses directly related to the repurchase.

7. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. As noted above, section 6(c) provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under sections 6(c) and 23(c) from rule 23c–3 to permit them to impose EWCs on shares submitted for repurchase that have been held for less than a specified period.

8. Applicants believe that the requested relief meets the standards of sections 6(c) and 23(c)(3). Rule 6c–10 under the Act permits open-end investment companies to impose CDSCs, subject to certain conditions. Applicants state that EWCs are functionally similar to CDSCs imposed by open-end investment companies under rule 6c–10. Applicants state that EWCs may be necessary for the Investment Adviser to recover distribution costs. Applicants will comply with rule 6c–10 as if that rule applied to closed-end investment companies. The Fund also will disclose EWCs in accordance with the requirements of Form N–IA concerning CDSCs. Applicants further state that the Fund will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act.

Asset-Based Distribution Fees

9. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

10. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to permit the Fund to impose asset-based distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 6c–10, 11a–3, 12b–1, 17d–3, 18f–3, and 22d–1 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the NASD Sales Charge Rule, as amended from time to time.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5538 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting, Agency 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 meeting during the week of March 5, 2001.

A closed meeting will be held on Monday, March 5, 2001, at 2 p.m.

Commissioner Hung, 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)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will be: Institution of an administrative proceeding of an enforcement nature.

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: March 2, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–5675 Filed 3–5–01; 12:26 pm]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Ives Health Co. Inc.; Order of Suspension of Trading

March 5, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ives Health Company, Inc., an Oklahoma corporation, with its principal place of business in Claremore, Oklahoma. Questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, a product being marketed by Ives Health for treatment of human immunodeficiency virus (HIV).

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Ives Health.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Ives Health Company, Inc. is suspended for the period from 9:30 a.m. EST, March 5, 2001, through 11:59 p.m. EST, March 16, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5676 Filed 3–5–01; 1:12 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44013; File No. SR–AMEX–01–05]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Price Matching and Improvement Enhancements to Auto-Ex

February 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 12, 2001, the American Stock Exchange LLC (the ''Amex'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designed the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. On February 27, 2001, the Exchange Commission received Amendment No. 1 to the filing.[4]

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

1. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to implement price improvement enhancements to the Exchange's Automatic Execution system. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

Automatic Execution of Options Orders

Rule 933

(a)–(b) No change.

Commentary

.01(a) Orders to buy or sell options that are multiply traded on one or more options exchanges in addition to the Exchange will not be automatically executed at prices inferior to the current best bid or offer displayed by any other options exchange, as such best bids or offers are identified by the Exchange's order routing system.

(b) Customer orders in those series of options that have been specifically designated by the Auto-Ex Enhancements Committee (''automatic price matching series''), under circumstances where the Exchange's best bid or offer is inferior to the current best bid or offer displayed by another options exchange by no more than the ''price matching amount,'' as defined below, will be automatically executed at the current best bid or offer displayed by the other options exchange. If the Exchange's best bid or offer is inferior to the current best bid or offer displayed by another options exchange by more than the price matching amount, the order will be routed to the specialist and not automatically executed. Only customer orders within the order size parameters established by the Auto-Ex Enhancements Committee will be eligible for automatic price matching. A customer order that exceeds the established order size parameter will be routed to the specialist and not automatically executed.

(c) Customer orders in those series of options that have been specifically designed by the Auto-Ex Enhancements Committee (''automatic price improvement series'') will be automatically executed when the Exchange's best bid or offer is equal to the current best bid or offer by the price improvement amount, as defined below. Only customer orders within the order size parameters established by the Auto-Ex Enhancements Committee will be eligible for automatic price improvement. A customer order that exceeds the established order size parameter will be either automatically executed at the Exchange's best bid or offer if it is within the Auto-Ex order size parameters, or it will be routed to the specialist and not automatically executed.

(d) Notwithstanding paragraphs (b) and (c) above, orders for automatic price matching series or automatic price improvement series will be routed to the specialist and not automatically executed in situations where: (i) the current best bid or offer for one of the series is crossed (e.g., 4.20 bid, 4 asked) or locked (e.g., 4 bid, 4 asked); (ii) the specialist in conjunction with a Floor governor or two Floor Officials determined quotes in such options or options exchange(s) are not reliable; or (iii) the Exchange is experiencing communications or systems problems, ''fast markets,'' or delays in the dissemination of quotes by the Options Price Reporting Authority (''OPRA''). Members and member organizations will be notified when the Exchange has determined that quotes are not reliable and prior to one or both Auto-Ex Enhancements being shut off and customer orders being routed to the specialist for execution. The specialist will report the execution or non-execution of such orders to the firm that

[1] 15 U.S.C. 78s(b)(1)

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b(f)(6).

[4] *See* letter from Claire McGrath, Vice President and Special Counsel, Amex to Nancy Sanow, Assistant Director, Division of Market Regulation (''Division''), Commission, dated February 26, 2001 (''Amendment No. 1''). In Amendment No. 1, the Exchange deleted Commentary .01(g) from the proposed rule text, and clarified the circumstances under which customer orders would be routed to the specialist instead of being automatically executed.

originally forwarded the order to Auto-Ex.[5]

(e) As used in this Commentary, the term ''price matching amount'' shall mean the minimum increment for options of that series established pursuant to Rule 952, or any greater amount established by the Auto-Ex Enhancements Committee in respect of specified automatic price matching series of options. As used in this Commentary, the term ''price improvement amount'' shall mean the minimum increment for options of that series established pursuant to Rule 952, or any greater amount established by the Auto-Ex Enhancements Committee in respect of specified automatic price improvement series of options.[6]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the implementation of enhancements to the Exchange's Automatic Execution (''Auto-Ex'') system. Auto-Ex executes, at the displayed bid or offer, customer market and marketable limit option orders up to a specified number of contracts routed through the Amex Order File (''AOF''). There are, however, some situations in which orders otherwise eligible for execution on Auto-Ex are routed to the specialist's book (known as the Amex Options Display Book (''AODB'')) for an execution. These situations occur when (i) the best bid or offer is represented by a limit order on the AODB, (ii) the best bid or offer is locked or crossed, or (iii) there is a better bid or offer being displayed by a competing market.

The Exchange now proposes to enhance its automatic execution system to provide automatic price matching and improvement for certain orders executed through Auto-Ex, thus eliminating the need for these orders to be routed to the AODB. The first proposed enhancement will provide automatic price matching on Auto-Ex when the best bid or offer for that series being displayed by a competing market is within a specified number of trading increments or ''ticks'' of the bid or offer being displayed by the Amex (*i.e.,* the ''price matching amount''). The second proposed enhancement will provide automatic price improvement on Auto-Ex for orders within the established order size parameters when Amex is displaying the best bid or offer and specialists and registered options traders wish to improve upon their own bid or offer by a specified number of trading increments (*i.e.,* the ''price improvement amount'').

A newly created committee, the Auto-Ex Enhancement Committee (the ''Committee''), will review and designate which option classes or series are eligible for either one or both of the Auto-Ex enhancements upon the request of a specialist. The Committee will be comprised of the Exchange's four Floor Governors and the Chairmen (or their designees) of the Specialists Association, the Options Market Makers Association and the Floor Brokers Association. In determining which option classes or series are eligible for either one or both of the Auto-Ex enhancements, the Committee may consider such factors as the open interest in the requested option; the average daily volume of the option; customer requests; and any other factors as the Committee deems appropriate. The Committee will also have the ability to delete options from the list of those eligible for the enhancements upon the request of the specialist using the same or similar criteria, including the specialists' ability to continue offering either of the enhancements. The Committee will also determine the price matching and price improvement amounts and the order size parameters. The Exchange will publish a list of all eligible options in an Information Circular distributed to members.

a. Automatic Price Matching

The first proposed enhancement will provide for the matching of the best bid or offer displayed by a competing market by allowing customer market and marketable limit orders to be automatically executed at that best bid or offer provided it is within the specified number of trading increments or ticks of the Amex's displayed bid or offer, and the order is within the established order size parameters. Currently, the trading increment for an option with a premium equal to or less than $3.00 is 5 cents and for an option with a premium greater than $3.00, the trading increment is 10 cents. Thus, for example, if the Amex displayed quote is 2–2.10, the best bid/offer displayed by a competing market is 2–2.05, the specified number of ticks is one and the order size parameter is five contracts, when an order is received on the Amex to buy 5 contracts at the market, the order will be automatically executed at the offer price of 2.05. The enhancement can be turned on at any level for an option, by symbol, class put/call or strike price. If an order is received and the competing market's best bid or offer was not within the specified number of ticks or the order size is larger than the order size parameters, then the order would be routed to the AODB for an execution.

b. Automatic Price Improvement

The second enhancement will provide for automatic price improvement anytime the Amex quote is equal to the best bid/offer and the option series has been designated by the Auto-Ex Enhancement Committee. Through this enhancement, automatic price improvement will be provided based upon a predefined number of ticks and for orders within the established order size parameter. For example, if the Amex displayed quote is the best bid and offer at 2–2.10, the predefined number of ticks is one and the order size parameter is five when an order is received on the Amex to buy 5 contracts at the market, the order will be automatically executed at an improved price of 2.05. If the order size is for a number of contracts that exceeds the order size parameters, such orders will be automatically executed at the best bid/offer. This enhancement may be turned on for any option, by symbol, class, put/call or strike price.

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[5] Proposed subparagraph (d) of Commentary .01 of Amex Rule 933 is reorganized in this order to clarify that orders for automatic price matching series or automatic price improvement series will be routed to the specialist and will not be automatically executed if the specialist in conjunction with a Floor Governor or two Floor officials determines that quotes in such options or options exchange(s) are not reliable and if the Exchange is experiencing communications or systems problems, ''fast markets,'' or delays in the dissemination of quotes by OPRA. Telephone conversation between Elizabeth King, Associate Director, Nancy Sanow, Assistant Director, and Jennifer Colihan, Special Counsel, Division, Commission, and Claire McGrath, Vice President and Special Counsel, Amex, on February 27, 2001.

[6] Proposed subparagraph (e) of Commentary .01 of Amex Rule 933 provides that that Auto-Ex Enhancement Committee shall determine the price improvement amounts and order size parameters. Telephone conversation between Nancy Sanow, Assistant Director and Jenifer Colihan, Special Counsel, Division, Commission, and Claire McGrath, Vice President and Special Counsel, Amex, on February 27, 2001.

Neither enhancement will apply if the current best bid or offer is locked or crossed. Further, the enhancements will not apply when the specialist in conjunction with a Floor Governor or two Floor Officials determines that quotes in such options or market(s) are deemed not to be reliable. This authority would be expected to be exercised only in circumstances such as communications or systems problems; fast markets; delays in the dissemination of quotes because of queues on the Option Price Reporting Authority (''OPRA'') (in which case the Exchange would know that there is a delay in the dissemination of quotes from the other exchanges, which would likely render such quotes stale) or if the Exchange is advised by another exchange that it is experiencing communications or system problems that would cause its disseminated quotes to be unreliable. Also, neither enhancement will apply if the Exchange is experiencing communications or systems problems; fast markets; or delays in the dissemination of quotes by OPRA.

The Exchange believes the implementation of the proposed price matching and improvement enhancements will benefit investors by providing investors with automatic executions at prices equal to or better than the current best bid/offer and greatly enhance speed of execution and order turn-around times.

2. Basis

The proposed rule change is consistent with section 6(b) of the Act [7] in general and furthers the objectives of section 6(b)(5) [8] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

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 with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed by the Exchange as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act [9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10] Because the foregoing proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change, it has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6).

The Exchange has requested that the Commission accelerate the operative date of the proposal. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, more than five business days prior to the date of the filing of the proposed rule change. The Commission finds that it is appropriate to accelerate the operative date of the proposal and designate the proposal to become operative today.[11]

The Commission finds good cause for accelerating the operative date of the proposed rule change.[12] The Commission notes that it has approved similar proposals filed by the Chicago Board Options Exchange (''CBOE'') [13] and the Philadelphia Stock Exchange, Inc. (''Phlx'').[14] Approval of this proposal on an accelerated basis will enable the Amex to compete on an equal basis with these other exchanges and thus is consistent with section 6(b)(8) of the Act.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file fix 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 Amex. All submissions should refer to file number SR–Amex–01–05 and should be submitted by March 28, 2001.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 15 CFR 240.19b–4(f)(6).

[11] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] The Commission notes that its decision to accelerate the operative date of this rule change is not dispositive of whether all aspects of the new Commentary comply with the terms and conditions of section IV.h.(i)(bb) of the Order Instituting Public Administrative Proceedings Pursuant to section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions (the ''Order''). The parties to the Order, including the Exchange, are required to ''specify the circumstances, if any, under which automated execution systems can be disengaged or operated in any manner other than the normal manner set forth in the exchange's rules and require the documentation of the reasons for each decision to disengage an automated execution system or operate it in any manner other than the normal manner.'' The Order further provides that parties to the Order must submit to the Commission staff draft proposed rule changes that comply with the requirements set forth above no later than six months from the date of the Order. *See* Securities Exchange Act Release No. 43268 (September 11, 2000).

[13] *See* Securities Exchange Act Release Nos. 43285 (September 12, 2000), 65 FR 56972 (September 20, 2000) (approving SR–CBOE–93–22); 40096 (June 16, 1998), 63 FR 34209 (June 23, 1998) (approving SR–CBOE–98–13); 41821 (September 1, 1999), 64 FR 50313 (September 16, 1999) (approving SR–CBOE–99–17); 42167 (November 22, 1999), 64 FR 66954 (November 30, 1999) (approving SR–CBOE–99–57).

[14] *See* Securities Exchange Act Release No. 43684 (December 6, 2000), 65 FR 78238 (December 14, 2000) (partially approving SR–Phlx–00–93).

[15] 15 U.S.C. 78f(b)(8).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5540 Filed 3–6–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44019; File No. SR–Amex–01–10]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the American Stock Exchange LLC to Extend for an Additional 90 Days Its Pilot Program Relating to Facilitation Cross Transactions

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2001, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to extend for an additional 90 days its pilot program relating to facilitation cross transactions, described in detail in Part II.A. below. The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend for an additional 90 days its pilot program relating to member firm facilitation cross transactions approved by the Commission on June 2, 2000.[3] Revised Commentary .02(d) to Amex Rule 950(d) establishes a pilot program to allow facilitation cross transactions in equity options.[4] The pilot program entitles a floor broker, under certain conditions, to cross a specified percentage of a customer order with a member firm's proprietary account before market makers in the crowd can participate in the transaction. The provision generally applies to orders of 400 contracts or more. However, the Exchange is permitted to establish smaller eligible order sizes, on a class by class basis, provided that the eligible order size is not for fewer than 50 contracts.

Under the current program, when a trade takes place at the market provided by the crowd, all public customer orders on the specialist's book or represented in the trading crowd at the time the market was established must be satisfied first. Following satisfaction of any customer orders on the specialist's book, the floor broker is entitled to facilitate up to 20% of the contracts remaining in the customer order. When a floor broker proposes to execute a facilitation cross at a price between the best bid and offer provided by the crowd in response to his initial request for a market—and the crowd then wants to take part or all of the order at the improved price—the floor broker is entitled to priority over the crowd to facilitate up to 40% of the contracts. If the floor broker has proposed the cross at a price between the best bid and offer provided by he crowd in response to his initial request for a market, and the trading crowd subsequently improves the floor broker's price, and the facilitation cross is executed at that improved price, the floor broker would only be entitled to priority to facilitate up to 20% of the contracts.

The program also provides that if the facilitation transaction takes place at the specialist's quoted bid or offer, any participation allocated to the specialist pursuant to Amex trading floor practices would apply only to the number of contracts remaining after all public customer orders have been filled and the member firm's crossing rights have been exercised.[5] However, in no case could the total number of contracts guaranteed to the member firm and the specialist exceed 40% of the facilitation transaction.

In the almost nine months since the pilot program began, the Exchange has found it to be generally successful. The Exchange seeks to extend the pilot program for an additional 90 days, pending consideration of a related proposed rule change it has filed with Commission[6] concerning revisions to the program that the Amex believes will provide further incentive for price improvement by using different procedures to determine specialist and registered option trader participation. The related proposal would also make the program permanent.

Because the pilot program is due to expire on February 27, 2001, the Amex has requested that the Commission expedite review of, and grant accelerated approval to, the proposal to extend it, pursuant to section 19(b)(2) of the Act.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general and furthers the objectives of section 6(b)(5) of the act[9] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Securities Exchange Act Release No. 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000). The pilot program has since been extended twice. *See* Securities Exchange Act Release Nos. 43229 (August 30, 2000), 65 FR 54572 (September 8, 2000); and 43643 (November 29, 2000), 65 FR 76686 (December 7, 2000).

[4] Facilitation cross transactions occur when a floor broker representing the order of a public customer of a member firm crosses that order with a contra side order from the firm's proprietary account.

[5] Amex trading practices provide specialists with a greater than equal participation in trades that take place at a price at which the specialist is on parity with registered options traders in the crowd. These practices are subject to a separate filing that seeks to codify specialist allocation practices. *See* Securities Exchange act Release No. 42964 (June 20, 2000), 65 FR 39972 (June 28, 2000).

[6] *See* File No. SR–Amex–00–49, available for inspection at the Commission's Public Reference Room.

[7] 15 U.S.C. 78s(b)(2).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, 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 the filing will also be available for inspection and copying at the principal offices of the Exchange. All submissions should refer to File No. SR–Amex–01–10 and should be submitted by March 28, 2001.

IV. Commission Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In its original approval of the pilot program,[11] the Commission detailed its reasons for finding its substantive features consistent with the Act, and, in particular, the requirements of sections 6(b)(5) and 6(b)(8) of the Act.[12] The Commission has previously approved rules on other exchanges that establish substantially similar programs on a permanent basis,[13] and the extension of the pilot program on the Amex—pending review of its related proposal to revise the program and make it permanent—raises no new regulatory issues for consideration by the Commission.

The Commission finds good cause, consistent with sections 6(b) and 19(b)(2) of the Act, for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof in the **Federal Register**. The proposal will allow the pilot program, otherwise due to expire on February 27, 2001, to remain effective and in place uninterrupted while revisions are being considered, and does not raise any new regulatory issues.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved on an accelerated basis as a pilot program through May 28, 2001. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5543 Filed 3–6–01; 8:45 am]

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[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See supra,* note 3.

[12] 15 U.S.C. 78f(b)(5) and (b)(8).

[13] *See, e.g.,* Securities Exchange Act Release Nos. 42835 (May 26, 2000), 65 FR 35683 (June 5, 2000), and 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44017; File No. SR–ISE–00–20]

Self Regulatory Organizations; Order Approving Proposed Rule Change by the International Securities Exchange LLC Relating to Limitations on Orders

February 28, 2001.

I. Introduction

On November 20, 2000, the International Securities Exchange LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend ISE Rule 717 relating to limitations on orders.[3] The proposed rule change was published for comment in the **Federal Register** on January 16, 2001.[4] The Commission received no comments on the proposed rule change. This order approves the proposal.

II. Description of the Proposal

Exchange market makers must be firm at their quotations for all orders, although they can set different sizes for customer and broker-dealer orders. When the size of a particular quote is exhausted, the Exchange's trading system automatically moves the quote to an inferior price according to parameters preset by the market maker. However, the system moves only the quotation in the options series in which there was a trade, leaving the market maker exposed to the risk that multiple orders may be executed nearly simultaneously in many series of the same option. This situation increases an ISE market maker's ''delta risk'' (the amount of underlying stock that would be necessary to hedge the options position), due to exposure across multiple series. This could result in ISE market makers providing more liquidity than may be available in the underlying stock. Under the ISE's proposed new paragraph (h), members shall not cause the entry of more than one order every fifteen seconds for the account of the same beneficial owner in options on the same underlying security.

The Exchange also proposes to amend paragraph (g) of ISE Rule 717, which currently prohibits an Electronic Access Member (''EAM'') from entering an order for any other member of the Exchange. The amendment will limit the scope of ISE Rule 717(g) to only prohibit EAMs from entering orders for ISE market maker accounts.

III. Discussion

The Commission has reviewed the ISE's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of section 6 of the Act[5] and the rules and regulations thereunder applicable to a national securities exchange.

The Commission notes that amending ISE Rule 717 to prohibit members from causing the entry of more than one order for the same beneficial account within a fifteen second period should help reduce ISE market maker risk exposure. The Commission believes that fifteen seconds is a sufficient time period to allow market makers to change their quotations following an execution, while at the same time not unduly long

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The ISE filed its proposed rule change on November 20, 2000. On December 18, 2000, the ISE filed Amendment No. 1 that entirely replaced the original rule filing.

[4] *See* Securities Exchange Act Release No. 43803 (January 4, 2001), 66 FR 3624 (January 16, 2001).

[5] 15 U.S.C. 78f.

as to place a burden on investors seeking to execute transactions on the Exchange.

The Commission also notes that the amendment to ISE Rule 717(g), which will limit the scope of that rule solely to prohibit EAMs from entering orders for ISE market maker accounts, recognizes that there are legitimate reasons why a member may enter orders on the Exchange through an EAM. These reasons can vary. For example, some EAMs may desire a temporary means of routing orders to the ISE until they are connected directly to the Exchange. In addition, a few members have clearing relationships with EAMs and thus route orders through those EAMs.

Therefore, the Commission finds that the proposed revisions to ISE Rule 717 are consistent with section 6(b) of the Act[6] in general, and furthers the objectives of section 6(b)(5)[7] in particular, in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.[8]

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–ISE–00–20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5541 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44018; File No. SR–NYSE–01–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc., to Extend the Pilot Regarding Shareholder Approval of Stock Option Plans Through March 31, 2001

February 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 26, 2001, the New York Stock Exchange, Inc., (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend, until March 31, 2001, the effectiveness of the amendments to section 312.01, 312.03 and 312.04 of the Exchange's Listed Company Manual with respect to the definition of a ''broadly based'' stock option plan, which amendments were approved by the Commission on a pilot basis (the ''Pilot'') on June 4, 1999.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange 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.

[3] Securities Exchange Act Release No. 41479, 64 FR 31667 (June 11, 1999).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 12, 2000, the Exchange filed a proposed rule change seeking to extend the effectiveness of the Pilot until September 30, 2003.[4] Following receipt of comments from interested parties and the SEC staff, on January 19, 2001, the Exchange filed an Amendment No. 1 to that filing proposing to shorten the three-year extension until September 30, 2001, and to amend the definition of ''broadly based'' under the Exchange's rule.[5] Prior to the filing of Amendment No. 1, the Pilot had been extended to provide the Commission and the Exchange with additional time to review and evaluate comment letters submitted to the Commission regarding the Extension Proposal.[6]

The Exchange now proposes to further extend the effectiveness of the Pilot until March 31, 2001 to provide the Commission and the Exchange with additional time to complete the review and evaluation of the above-referenced comment letters.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act,[7] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[4] Securities Exchange Act Release No. 43111 (August 2, 2000), 65 FR 49046 (August 10, 2000) (''Extension Proposal'').

[5] *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, SEC dated January 18, 2001 and accompanying amended Form 19b–4 (''Amendment No. 1'').

[6] *See* Securities Exchange Act Release No. 43647 (November 30, 2000), 65 FR 77407 (December 11, 2000) (proposal to extend the effectiveness of the pilot through February 28, 2001). *See also* Securities Exchange Act Release No. 43329 (October 2, 2000), 65 FR 58833 (October 2, 2000) (proposal to extend the effectiveness of the pilot period through November 30, 2000).

[7] 15 U.S.C. 78f(b)(5).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the commission may designate a shorter time if such action is consistent with the protection of investors and public interest. The Exchange seeks to have the proposed rule change become operative on or before February 28, 2001, in order to allow the Pilot to continue in effect on an uninterrupted basis.

The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change operative immediately through March 31, 2001. The extension of the Pilot will provide the Commission with additional time to review and evaluate the Extension Proposal.

The Commission notes that unless the Pilot is extended, the Pilot will expire and the provisions of Sections 312.01, 312.03, and 312.04 of the Exchange's Listed Company Manual that were amended in the Pilot will revert to those in effect prior to June 4, 1999. The Commission believes that such a result could lead to confusion.

Based on these reasons, the Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change become operative immediately through March 31, 2001. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, 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 NYSE. All submissions should refer to File No. SR–NYSE–01–04 and should be submitted by March 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5539 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. 78s(b)93)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date or such shorter time as designated by the Commission.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44026; File No. SR–PCX–01–03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. and Amendment No. 1 Thereto To Permit an Officer or Director of a Facility of PCX Equities To Serve on the PCX Equities Board of Directors

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 9, 2001, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the PCX. On February 20, 2001, PCX filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, as amended.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend the Bylaws of its wholly-owned subsidiary, PCX Equities, Inc. (''PCXE'' or ''Corporation'') to permit an officer or director of a facility of PCXE to serve on its Board of Directors. The text of the amended PCXE Bylaw is as follows:

Proposed additions are *italicized*.

ARTICLE III

Board of Directors

Number; Election; Qualification; Term Nomination

Sec. 3.02.

(a) The Board of Directors shall consist of not less than ten (10) or more

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX, to Marc F. McKayle, Special Counsel, Division of Market Regulation, Commission, dated February 16, 2001 (''Amendment No. 1''). In Amendment No. 1, the Exchange amended the filing to indicate its belief that the statutory basis for the Commission's approval of the proposed rule change is section 6(b)(3) of the Act, as opposed to section 6(b)(5). The Exchange also made clear that the proposed rule change would not alter the present compositional balance of the PCXE Board of Directors between public directors and directors affiliated with brokers or dealers, and that at least 20% of the PCXE Board of Directors, but no fewer than two, will continue to be nominated by the Equity Trading Permit Holders Nominating Committee whether the size of the Board remains at ten (10) or is expanded to twelve (12).

than twelve (12) directors, with the Board of Directors currently contemplated to consist initially of ten (10) members. The authorized number of Directors shall be as determined from time to time by resolution of the Board of Directors. At least fifty percent (50%) of the Directors will be persons from the public and will not be, or be affiliated with, a broker or dealer in securities. At least twenty (20%) of the Directors (but no fewer than two (2) Directors) will be nominees of the ETP/Equity ASAP Nomination Committee, pursuant to Rule 3 of the Corporation. *An officer or director of a facility of the Corporation may serve on the Board of Directors.* The term of office of a Director shall not be affected by any decrease in the authorized number of Directors.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Board of Directors may consist of not less than (10) or more then twelve (12) directors. Currently the Board of Directors consists of ten (10) members. The authorized number of Directors is determined from time to time by resolution of the Board of Directors. At least fifty percent (50%) of the Directors are persons from the public (*i.e.,* not a broker or dealer in securities or affiliate thereof). At least twenty (20%) of the Directors (but no fewer than two (2) Directors) will be nominees of the ETP/Equity ASAP Nomination Committee, pursuant to Rule 3 of the Corporation.[4]

The Exchange and its wholly-owned subsidiary, PCXE, propose to change this PCXE Bylaw to permit an officer or director of a facility of PCXE (Corporation) to serve on the Board of Directors of PCXE.

The PCX and PCXE have entered into various agreements with Archipelago Holding, L.L.C. (''Archipelago'' or ''Company'') under which Archipelago Exchange, L.L.C. (''Arca''), a subsidiary of Archipelago Holdings, L.L.C. would operate Area as a facility of the PCXE.[5] PCX, through PCXE, recently proposed to create a new electronic trading facility of the PCXE called Archipelago Exchange. The proposed rule change would permit an Archipelago member, officer or director to serve on the Board of Directors.

The proposed Bylaw amendment calls for a designee of a ''facility of the Corporation'' to provide flexibility. Under the proposal, permitting a facility designee to serve on the PCXE Board of Directors would not decrease the number of public members or number of nominees of the ETP/Equity ASAP Nomination Committee serving on the Board.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of section 6(b)(3),[7] in particular, in that it is consistent with the fair representation principles set forth in the Act.[8]

B. Self-Regulatory Organization's Statement on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will—

(A) by order approve such rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written 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 PCX. All submissions should refer to File No. SR–PCX–01–03 and should be submitted by March 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5544 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44021; File No. SR–PHLX–01–14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to a Rebate for Certain Fees Incurred in Connection with the Exchange's Payment for Order Flow Fee Program

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January

[4] The proposal will not alter the compositional or nomination criteria for the PCXE Board of Directors. *See* Amendment No. 1, *supra* note 3.

[5] *See* Securities Exchange Act Release No. 43608 (November 21, 2000), 65 FR 78822 (December 15, 2000) (Notice of File No. SR–PCX–00–25 proposing to create a new electronic trading facility of the PCXE called Archipelago Exchange).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(3).

[8] *See* Amendment No. 1, *supra* note 3.

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19B–4.

30, 2001 the Philadelphia Stock Exchange, Inc. (''Phlx'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items the Phlx has prepared. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Phlx proposes to allow for a debate of specified funds in connection with its payment for order flow program.

Effective August 1, 2000, the Phlx imposed a marketing fee of $1.00 per contract [3] on transactions by Phlx specialists and Registered Options Traders (ROTs) in the Top 120 Options on the Phlx.[4] The specialists make all determinations concerning the amount that is paid for orders and which order flow providers receive the payments.

Some Phlx specialist units have made payments to attract order flow and have requested reimbursement for those expenditures, but other specialist units have not participated in the payment for order flow program. As a consequence, some proceeds raised by the imposition of payment for order flow fees have remained unspent. Accordingly, the Phlx is instituting a payment for order flow rebate program to handle the unspent funds.

Pursuant to the rebate program, any money that has been billed or collected with respect to particular option symbol but has not been spent will be credited or returned according to the following guidelines: (1) Within 10 days from the date monthly bills are due, specialists must submit their requests for reimbursement; (2) the Phlx's accounting department will process the reimbursement requests and determine the amount of unspent funds for each month; (3) any unspent refunds will be returned to specialists and ROTs on a *pro rata* basis, with rebates calculated as a percentage of the unspent funds to the payment for order flow invoiced amounts,[5] (4) rebate checks will be given to specialists and ROTs approximately ten days after the reimbursement cutoff request date (20 days after monthly bills are due); and (5) credits will be calculated against any amounts that have been billed, but not collected. Late charges will continue to accrue on any amounts that remain outstanding, although based upon a lower ''principal'' amount after the rebates have been calculated.[6]

The Exchange intends to begin implementing this program by requesting that reimbursement requests for the months of August, September, and October be received by January 30, 2001, with rebates processed ten days thereafter.[7] Reimbursement requests for the month of November should be received by February 15, 2001, with rebates processed ten days thereafter. Post-November reimbursement requests will be processed according to the guidelines stated above.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Phlx's payment for order flow program was designed to generate a source of funds that specialists may use to attract order flow in the Top 120 Options. The Phlx believed that it was necessary for it to adopt this type of fee in order to maintain and enhance its competitive position. The purpose of the proposed rule change is to provide a rebate to specialists and ROTs of specified funds in connection with the Phlx's payment for order flow program.

Since the implementation of the payment for order flow fee on August 1, 2000, some funds have been billed or collected but not disbursed to order flow providers. Some order flow providers may maintain policies not to accept payment for order flow funds. The Phlx believes that holding unspent payment for order flow funds is inefficient and does not serve the best interests of the specialists and ROTs. The Phlx believes that returning the funds to the specialists and ROTs in a timely manner may allow them to use the funds in a more efficient manner, such as by increasing liquidity on the trading floor or investing the capital in their firms.

The Phlx believes that its proposal is consistent with section 6(b) of the Act in general, and furthers the objectives of sections 6(b)(4) and 6(b)(5) in particular. The Phlx believes that, because the specialists and ROTs will receive a rebate of the funds that were billed or collected but remain unspent, the rebate program will enable an equitable allocation of reasonable fees among the Phlx's members. Moreover, the Phlx believes that the payment for order flow rebate program, as described above, should promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest by allowing a more efficient use of funds, which may result in increased liquidity, tighter markets, and more competition among Exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Phlx did not solicit any written comments on the proposed rule change. The Phlx has received written comments addressed generally to its payment for order flow program. A letter from Merrill G. Davidoff of Berger & Montague, P.C., on behalf of the Independent Traders Association, Inc. and a letter from S.C. Hamilton stated that the payment for order flow program

[3] Currently, this fee is not applicable to the following transactions: (1) Specialist-to-ROT; (2) ROT-to-ROT; (3) specialist-to-firm; (4) ROT-to-firm; (5) specialist-to-broker-dealer; and (6) ROT-to-broker-dealer. *See* Securities Exchange Act Release Nos. 41377 (August 18, 2000), 65 FR 51889 (Aug. 25, 2000) (SR–Phlx–00–77); 43480 (Oct. 25, 2000), 65 FR 66275 (Nov. 3, 2000) (SR–Phlx–00–87); and 43481 (Oct. 25, 2000), 65 FR 66277 (Nov. 3, 2000) (SR–Phlx–00–88, SR–Phlx–00–89).

[4] A Top 120 Option is defined as one of the 120 most actively traded equity options, in terms of national trading volume, as reflected by the Options Clearing Corporation. The Top 120 Options are calculated every six months. The proposed fees does not apply to index or currency options.

[5] For example, if a total invoiced amount for a Top 120 Option is $200,000 (composed of $120,000 received from the specialist; $25,000 received from ROT #1; and $55,000 received from ROT #2) and a specialist requests reimbursement in the amount of $75,000, there would be $125,000 in unspent funds. There would be a rebate of 62.5% ($125,000/$200,000) distributed on a pro rata basis. Therefore, the specialist would receive $75,000; ROT #1 would receive $15,625; and ROT #2 would receive $34,375.

[6] Late charges are assessed pursuant to Phlx Rule 50. The Phlx does not waive late fees for past due amounts even if some portion of the fee is later rebated.

[7] The Phlx will make pro-rata determinations for amounts from August 2000 to October 2000 on a month-by -month basis.

is in violation of Phlx by-laws. Mr. Davidoff's letter also expressed concerns over the implementation of the program. A letter from Edward Frank of Gateway Partners LLC requested an amendment to the program to allow for rebates in certain situations. A letter from the Independent Traders Association, Inc., stated concerns about the payment for order flow program and how the Phlx is implementing the program. A handout that the Independent Traders Association, Inc., distributed to the Board of Governors at its regular board meeting on January 24, 2001, summarized its concerns and proposed changes to the program. Although a number of the letters have disagreed with the payment for order flow program, the Phlx believes that it was necessary to adopt the program to remain competitive. None of the letters addressed the terms of the rebate program that is the subject of this filing. All of the letters are available for inspection at the principal offices of the Phlx and at the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Phlx has designated the foregoing proposed rule change as a fee change pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(2) thereunder. Accordingly, the proposal has become immediately effective upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

The Commission invites interested persons 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 submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes 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 filings will also be available for inspection and copying at the principal offices of the Phlx. All submissions should refer to File Nos. SR–Phlx–01–14 and should be submitted by March 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5542 Filed 3–6–01; 8:45 am]

BILLING CODE 8010–01–M

[8] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3595]

Culturally Significant Objects Imported for Exhibition Determinations: ''A Breeze from the Gardens of Persia: New Art from Iran''

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit, ''A Breeze from the Gardens of Persia: New Art from Iran,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at the Meridian International Center, Washington, DC, from on or about April 26, 2001, to on or about July 14, 2001; Queens Library Gallery, Jamaica, NY, from on or about September 7, 2001, to on or about November 9, 2001; ArtCentre of Plano, Plano, TX, from on or about November 19, 2001, to on or about January 11, 2002, and at other U.S. venues yet to be determined, is in the national interest. The exhibition is expected to end by August 31, 2003. Public Notice of these determinations is ordered to be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: March 1, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–5554 Filed 3–6–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7918]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The FMCSA announces its decision to exempt 55 individuals from the vision requirement in 49 CFR 391.41(b)(10).

DATES: Effective March 7, 2001.

FOR FURTHER INFORMATION CONTACT: For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987; for information about legal issues related to this notice, Ms. Elaine Walls, Office of the Chief Counsel, (202) 366–1394; FMCSA, Department of Transportation, 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:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at: *http://dmses.dot.gov.*

Background

Sixty-five individuals petitioned the Federal Motor Carrier Safety Administration (FMCSA) for an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are: Henry Ammons Jr., Wayne A. Anderson, Glenn A. Babcock Jr., Bobby J. Beall, Robert D. Bonner, James F.

Bower, Ben T. Brown, Terry L. Burgess, William A. Burgoyne, David S. Carman, Dennis J. Christensen, David L. Davis, Darrell B. Dean, Don W. Dotson, Terrance D. Faust, Edgar E. French, Glen T. Garrabrant, Doyle G. Gibson, Elias Gomez Jr., Jose E. Gonzalez, Anthony Grant, Joseph M. Graveline, Johnny C. Hall, William N. Hicks, Robert K. Hodge, William G. Holland, John R. Hughes, Frank Inigarida, Alan L. Johnston, David O. Kaiser Sr., Milena Kekerovic, Mark J. Koscinski, John N. Lanning, Robert C. Leathers, Richard L. Leonard, Calvin E. Lloyd, Roy E. Mathews, Jason B. Mazyck, William F. McCandless Jr., James T. McGraw Jr., Luther A. McKinney, Jose L. Melendez, Carl A. Michel Sr., Clarence M. Miles Jr., Robert A. Moss, Robert A. Murphy, Dennis I. Nelson, Martin D. Ortiz, John J. Partenio, Henry C. Patton, Rance A. Powell, John W. Purcell, Shannon E. Rasmussen, Merlyn L. Rawson, Thomas G. Raymond, James R. Rieck, Daniel J. Schaap, Dennis J. Smith, Garfield A. Smith, Gary L. Spelce, Frederick E. St. John, Daniel R. Viscaya, Michael P. Walsh, Jerry L. Whitefield, and Robert E. Wientjes.

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a renewable 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' Accordingly, the FMCSA has evaluated the 65 petitions on their merits and made a determination to grant the exemption requests in 55 of them. On November 3, 2000, the agency published notice of its receipt of applications from these 65 individuals, and requested comments from the public (65 FR 66286). After the agency published its notice of receipt of application, Mr. Mazyck indicated in a conversation with a member of our staff on November 30, 2000, that he had driven a CMV only part of the required 3-year period. The comment period closed on December 4, 2000. Two comments were received, and their contents were carefully considered by the FMCSA in reaching the final decision to grant the petitions.

In the case of applicant Jason B. Mazyck, the FMCSA has denied Mr. Mazyck's request for an exemption from the vision requirements of 49 CFR 391.41(b)(10) because he operated a CMV for only 28½ months of the 3-year review period preceding the date of his application. Thus, we are unable to conclude that granting him an exemption is likely to achieve a level of safety equal to that existing without the exemption, as required by 49 U.S.C. 31315 and 31136(e). By letter dated December 11, 2000, Mr. Mazyck was notified of his denial.

In the case of applicant Wayne A. Anderson, the FMCSA has denied Mr. Anderson's request for an exemption from the vision requirements because the medical reciprocity agreement between the United States and Canada does not permit drivers who do not meet the medical provisions in the National Safety Code of Canada to drive CMVs in the United States, even if they have a waiver issued by one of the Canadian provinces or territories. For additional information on the medical reciprocity agreement between the United States and Canada, see docket, FMCSA–2000–7918. The purpose of publishing their denials here is simply to comply with 49 U.S.C. 31315(b)(4)(c), by periodically publishing in the **Federal Register** the names of persons denied exemptions and the reasons for such denials.

The FMCSA has not made a decision on eight applicants (William A. Burgoyne, Don W. Dotson, Terrance D. Faust, Anthony Grant, William F. McCandless, Jr., Jose L. Melendez, John J. Partenio, and Thomas G. Raymond). Subsequent to the publication of the notice of application, the agency received additional information from its ongoing checks of these applicants' motor vehicle records, and we are evaluating that information. A decision on these eight petitions will be made in the future.

Vision and Driving Experience of the Applicants

The vision requirement provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. 49 CFR 391.41(b)(10)

Since 1992, the Federal Highway Administration (FHWA) has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., ''Visual Requirements and Commercial Drivers,'' October 16, 1998, filed in the docket, FHWA–98–4334.) The panel's conclusion supports the FMCSA's (and previously the FHWA's) view that the present standard is reasonable and necessary as a general standard to ensure highway safety. The FMCSA also recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

Fifty-five of the 65 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, corneal and macular scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but 15 of the 55 applicants were either born with their vision impairments or have had them since childhood. The 15 individuals who sustained their vision conditions as adults have had them for periods ranging from 6 to 30 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye and, in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. The Federal interstate qualification standards, however, require more.

While possessing a valid CDL or non-CDL, these 55 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualifies them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 46 years. In the past 3 years, the 55 drivers had 9 convictions for traffic violations among them. Six of these convictions were for speeding. The other convictions consisted of: ''Failure to obey directional signal,'' ''Failure to yield right-of-way,'' and ''Failure to obey a sign/traffic control device.'' Five drivers were involved in accidents in their CMVs, but did not receive a citation. One driver was suspended for failure to

maintain required liability insurance, but the State set aside (canceled) the action after his insurance company sent proof that he had maintained his insurance.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in a November 3, 2000, notice (65 FR 66286). Except for one applicant (Jason B. Mazyck), the docket comments did not focus on the specific merits or qualifications of any applicant; therefore, we have not repeated the individual profiles here. The qualifications of Mr. Mazyck are further examined below in the discussion of comments. Our summary analysis of the applicants as a group, excluding Mr. Mazyck, is supported by the information published at 65 FR 66286.

Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting these drivers to drive in interstate commerce as opposed to restricting them to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, the FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To be considered for an exemption from the vision standard, the FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of accidents and traffic violations. Copies of the studies have been added to the docket. (FHWA–98–3637)

We believe we can properly apply the principle to monocular drivers, because data from the vision waiver program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (*See* 61 FR 13338, 13345, March 26, 1996.) The fact that experienced monocular drivers with good driving records in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that accident rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting accident proneness from accident history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future accidents. (*See* Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971.) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall accident predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 55 applicants receiving an exemption, we note that cumulatively the applicants have had only 6 accidents and 9 traffic violations in the last 3 years. None of the accidents resulted in the issuance of a citation against the applicant. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, the FMCSA concludes their ability to drive safely can be projected into the future.

We believe 55 of the 65 applicants' intrastate driving experience provides an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances are more compact than on highways. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he or she has been performing in intrastate commerce. Consequently, the FMCSA finds that exempting 55 applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the agency will grant the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition for the exemption, therefore, the FMCSA will impose requirements on the 55 individuals consistent with the grandfathering provisions applied to drivers who participated in the agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

The FMCSA received two comments in this proceeding. The comments were considered and are discussed below.

Mr. Eugene Scalia, Esq., of Gibson, Dunn & Crutcher LLP, submitted a comment on behalf of United Parcel Service, Inc. (UPS), regarding the application of Mr. Jason B. Mazyck. Mr. Scalia stated that: (1) Mr. Mazyck does not meet the three-year requirement required to qualify for a vision exemption, since he drove only two years and four months during the three-year period preceding his date of application; (2) Mr. Mazyck had not driven for a three-week period during the two years and four months he was driving for the company, and he often worked substantially fewer than 40 hours a week; and (3) Mr. Mazyck's representation that he had been driving a straight truck for approximately four years was derived from his occasional driving as a substitute driver prior to the date he became a package car driver.

The comment from UPS provided no new information bearing on the decision to deny Mr. Mazyck's application. Mr. Mazyck himself had previously reported to the FMCSA, on November 30, 2000, that he had not driven the full three-year period; and the FMCSA has decided to deny his application because he does not have sufficient driving experience over the past three years under normal highway operating conditions that would serve as an adequate predictor of future safe performance. The number of hours he drove per week was not an issue, but to set the record straight, Mr. Mazyck had submitted a letter from UPS with his application, stating, ''Our records indicate that you averaged 44.40 hours per week operating commercial vehicles with a gross vehicle weight rating (GVWR) over 10,001 pounds, on public roads.''

The Advocates for Highway and Auto Safety (AHAS) expresses continued opposition to the FMCSA's policy to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs), including the driver qualification standards. Specifically, the AHAS: (1) Objects to the manner of presentation of exemption application information and safety analyses, (2) objects to the agency's reliance on conclusions drawn from the vision waiver program, (3) raises procedural objections to past proceedings, (4) claims the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)), and finally, (5) suggests that a recent Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by the AHAS were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), and 65 FR 57230 (September 21, 2000). We will not address these points again here, but refer interested parties to those earlier discussions. However, the AHAS has raised some new issues, and these are addressed in the following discussion.

The AHAS stated that the FMCSA should consider imposing a sliding scale standard for drivers with little driving experience, holding applicants with relatively low accumulations of mileage and years of experience to a higher safety standard during the three-year review period. The AHAS based this view on two factors: (1) Exposure is frequently used as a means of determining safety, as when the FMCSA uses the fatality rate as a measure of safety progress in truck-related crashes; and (2) greater driving experience would mean the drivers have had more time to adjust to driving with their vision deficiencies.

The AHAS uses this same line of reasoning to argue that there should be a minimum mileage requirement. This issue was addressed in a previous notice (65 FR 57233, September 21, 2000), where the FMCSA stated, ''Defining a required minimum mileage for application would enact a spurious screening standard.'' This statement is based on data taken from the Vision Waiver Program which was shown to have an acceptable level of safety. There, the annual mileage ranged from as little as 1,000 miles to a maximum of 160,000, with 25 percent of the waiver holders driving less than 17,000 miles per year.

The agency also indicated that the accident rate (the number of accidents per some convenient unit of miles driven; for example, per one million miles) of an exempted group is the basis for determining the safety level of a program. Miles driven are an integral part of the safety determination, but not the only part. Miles driven are included with the number of accidents in a statistical model (Poisson regression) to develop an accident rate. Such a framework does not require a minimum amount of mileage for the determination of safety, nor does it suggest that there should be a minimum number of miles that could arbitrarily be used for screening purposes. Rather, the agency's screening criteria require that there is a consistent and ongoing exposure to public roads during the 3-year period as an aspect of employment.

In the earlier notice (65 FR 57233), the FMCSA pointed out that a 3-year screening period for driving records was sufficient to insure an acceptable level of safety. In *John C. Anderson* v. *Federal Highway Administration*, No. 98–3739 (8th Cir. May 1, 2000), the United States Court of Appeals for the Eighth Circuit recently affirmed the agency's 3-year requirement of driving with a vision impairment before being eligible for an exemption. This screening period was used in the Vision Waiver Program which was shown to have a level of safety that was better than the national norm. Moreover, as the AHAS has pointed out, not all States maintain records for more than 3 years. Thus, requiring some drivers to submit 3-year records and others to submit one for longer periods would impose requirements that are clearly arbitrary and capricious.

The AHAS objects to the FMCSA's past practice of making preliminary determinations to grant vision exemptions prior to the issuance of notice and receipt of comments, while expressing hopefulness that the agency's current notice announcing the receipt of applications for a vision exemption, signals a change in agency procedure indicative of ''a new spirit of objective evaluation.''

We believe, as previously stated at 64 FR 51568 and 64 FR 66962, that the agency's preliminary determinations to grant vision exemptions are analogous to a notice of proposed rulemaking, where the agency evaluates the basis for new or amended regulation and then proposes the new rule. Whether the FMCSA issues a preliminary determination or notice of application, a final determination to grant an exemption is made following careful consideration of all available information, and only after notice and comment. Our preliminary determinations are not ''based entirely on self-reported information,'' as asserted by the AHAS. As previously stated at 65 FR 57234, the information used to determine an applicant's acceptability for an exemption is verified by sources other than the applicant. The 3 years of recent experience prior to application and type of vehicle driven are verified by the applicant's employer(s). The visual capacity of applicants is verified by his/her ophthalmologist or optometrist. The applicant's most recent 3-year driving record is verified through the Commercial Driver License Information System (CDLIS). The CDLIS is checked at the time of initial application and

then periodically throughout the application process. When the agency receives additional information from its ongoing checks of applicants' motor vehicle records, this information is thoroughly considered and the determination to grant, or not grant, an exemption is based on *all* information received.

In a supplemental comment to the docket, the AHAS states additional concerns regarding agency reliance on self-reported information. We will not address these concerns again, but refer interested parties to the above discussions regarding Mr. Mazyck's application for an exemption and the agency's process for verification of information used to determine an applicant's acceptability for an exemption.

Notwithstanding the FMCSA's ongoing review of the vision standard, as evidenced by the medical panel's report dated October 16, 1998, and filed in this docket, the FMCSA must comply with *Rauenhorst* v. *United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), and grant individual exemptions under standards that are consistent with public safety. Meeting those standards, the 55 veteran drivers in this case have demonstrated to our satisfaction that they can continue to operate a CMV with their current vision safely in interstate commerce, because they have demonstrated their ability in intrastate commerce. Accordingly, they qualify for an exemption under 49 U.S.C. 31315 and 31136(e).

Conclusion

After considering the comments to the docket and based upon its evaluation of the 55 exemption applications in accordance with the Rauenhorst decision, the FMCSA exempts Henry Ammons Jr., Glenn A. Babcock Jr., Bobby J. Beall, Robert D. Bonner, James F. Bower, Ben T. Brown, Terry L. Burgess, David S. Carman, Dennis J. Christensen, David L. Davis, Darrell B. Dean, Edgar E. French, Glen T. Garrabrant, Doyle G. Gibson, Elias Gomez Jr., Jose E. Gonzalez, Joseph M. Graveline, Johnny C. Hall, William N. Hicks, Robert K. Hodge, William G. Holland, John R. Hughes, Frank Inigarida, Alan L. Johnston, David O. Kaiser Sr., Milena Kekerovic, Mark J. Koscinski, John N. Lanning, Robert C. Leathers, Richard L. Leonard, Calvin E. Lloyd, Roy E. Mathews, James T. McGraw Jr., Luther A. McKinney, Carl A. Michel Sr., Clarence M. Miles Jr., Robert A. Moss, Robert A. Murphy, Dennis I. Nelson, Martin D. Ortiz, Henry C. Patton, Rance A. Powell, John W. Purcell, Shannon E. Rasmussen, Merlyn L. Rawson, James R. Rieck, Daniel J. Schaap, Dennis J. Smith, Garfield A. Smith, Gary L. Spelce, Frederick E. St. John, Daniel R. Viscaya, Michael P. Walsh, Jerry L. Whitefield, and Robert E. Wientjes from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions:

(1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Authority: 49 U.S.C. 322, 31315 and 31136; 49 CFR 1.73.

Issued on: February 28, 2001.

Stephen E. Barber,

Acting Assistant Administrator and Chief Safety Officer.

[FR Doc. 01–5480 Filed 3–6–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Department of the Treasury is publishing policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons.

DATES: This guidance is effective immediately. Comments must be submitted on or before May 7, 3001. Treasury will review all comments and will determine what modifications to the policy guidance, if any, are necessary.

ADDRESSES: Interested persons should submit written comments to Ms. Marcia H. Coates, Director, Office of Equal Opportunity Program, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, D.C. 20220; Comments may also be submitted by e-mail to: OEOPWEB@do.treas.gov.

FOR FURTHER INFORMATION CONTACT: John Hanberry at the Office of Equal Opportunity Program, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, D.C. 20220; (202) 622–1170 voice, (202) 622–0321 TTY, (202) 622–0367 fax. Arrangements to receive the policy in an alternative format may be made by contacting Mr. Hanberry.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. The purpose of this policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of the Treasury (''recipients''), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. The policy guidance reiterates the Federal government's longstanding position that in order to avoid discrimination against LEP persons on the grounds of national origin, recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge.

The text of the complete guidance document appears below.

Dated: February 22, 2001.

James J. Flyzik,

Acting Assistant Secretary for Management and Chief Information Officer, United States Department of the Treasury.

Policy Guidance

A. Background

On August 11, 2000, President Clinton signed Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' The purpose of this Executive Order is to eliminate to the maximum extent possible limited English proficiency (LEP) as an artificial barrier to full and meaningful participation in all federally *assisted* programs and activities.

The EO requires that federal agencies draft Title VI guidance specifically tailored to their recipients of federal financial assistance, taking into account the types of services provided, the individuals served, and the programs and activities assisted to ensure that recipients provide meaningful access to their LEP applicants and beneficiaries. To assist federal agencies in carrying out these responsibilities, the Department of Justice (DOJ) issued a Policy Guidance Document, ''Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency (LEP Guidance)''. DOJ's LEP Guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI.

This document contains guidance to recipients of financial assistance from the Department and its constituent bureaus. It is consistent with DOJ's policy guidance and provides recipients of Treasury assistance the necessary tools to assure language assistance to LEP persons. It is also consistent with the government-wide Title VI regulation issued by DOJ in 1976, ''Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs,'' 28 CFR Part 42, Subpart F, that addresses the circumstances in which recipients must provide written language assistance to LEP persons.[1] This guidance will be provided to all recipients of Treasury assistance to ensure compliance with the nondiscrimination provisions of Title VI as it applies to language proficiency.

B. Introduction

English is the predominant language of the United States. According to the 1990 Census, English is spoken by 95% of its residents. Of those U.S. residents who speak languages other than English at home, the 1990 Census reports that 57% above the age of four speak English ''well to very well.''

The United States is also, however, home to millions of national origin minority individuals who are ''limited English proficient'' (LEP). That is, their primary language is not English, and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively. Because of these language differences and their inability to speak or understand English, LEP persons may be excluded from participation, experience delays or denials of services, or receive services based on inaccurate or incomplete information in Treasury assisted programs.

Some recipients have sought to bridge the language gap by encouraging language minority clients to provide their own interpreters as an alternative to the agency's use of qualified bilingual employees or interpreters. Persons of limited English proficiency must sometimes rely on their minor children to interpret for them during visits to a service facility. Alternatively, these clients may be required to call upon neighbors or even strangers they encounter at the provider's office to act as interpreters or translators. These practices have severe drawbacks and may violate Title VI of the Civil Rights Act of 1964. (*See* Section D.6.(a) of this notice.)

In each case, the impediments to effective communication and adequate service are formidable. The client's untrained ''interpreter'' is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate. Even if the interpreter possesses the necessary language and comprehension skills, his or her mere presence may obstruct the flow of confidential information to the provider. For example, clients of an IRS Taxpayer Clinic would naturally be reluctant to disclose or discuss personal details concerning their taxes, through relatives, minor children, or friends, in this IRS assisted program.

When these types of circumstances are encountered, the level and quality of services available to persons of limited English proficiency stand in stark contrast to Title VI's promise of equal access to federally assisted programs and activities. Services denied, delayed or provided under adverse circumstances for an LEP person may constitute discrimination on the basis of national origin, in violation of Title VI. Numerous federal laws require the provision of language assistance to LEP individuals seeking to access critical services and activities. For instance, the Voting Rights Act bans English-only elections in certain circumstances and outlines specific measures that must be taken to ensure that language minorities can participate in elections. *See* 42 U.S.C. 1973 b(f)(1). Similarly, the Food Stamp Act of 1977 requires states to provide written and oral language assistance to LEP persons under certain circumstances. 42 U.S.C. 2020(e)(1) and (2). These and other provisions reflect the judgment that providers of critical services and benefits bear the responsibility for ensuring that LEP individuals can meaningfully access their programs and services.

C. Legal Authority

1. Introduction

Over the last 30 years, federal agencies have conducted thousands of investigations and reviews involving language differences that impede the access of LEP persons to services. Where the failure to accommodate language differences discriminates on the basis of national origin, federal law has required recipients to provide appropriate language assistance to LEP persons. For example, one of the largest providers of federal financial assistance, the Department of Health and Human Services (HHS) has entered into voluntary compliance agreements and consent decrees that require recipients who operate health and social service programs to ensure that there are bilingual employees or language interpreters to meet the needs of LEP persons seeking HHS services. HHS has also required these recipients to provide written materials and post notices in languages other than English. *See Mendoza* v. *Lavine,* 412 F.Supp. 1105 (S.D.N.Y. 1976); and *Asociacion Mixta Progresista* v. *H.E.W.*, Civil Number C72–882 (N.D. Cal. 1976). The legal authority for Treasury's enforcement actions is Title VI of the Civil Rights Act of 1964, DOJ's government-wide implementing regulation for Executive

[1] The DOJ coordination regulations at 28 CFR 42.405(d)(1) provide that ''[w]here a significant number or proportion of the population eligible to be served or likely to be directly affected by a federally assisted program (*e.g.*, affected by relocation) needs service or information in a language other than English in order effectively to be informed of or to participate in the program, the recipient shall take reasonable steps, considering the scope of the program and the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies with regard to written material of the type which is ordinarily distributed to the public.''

Order 12250, the August 11, 2000 DOJ LEP Guidance, and a consistent body of case law, which are described below.

2. Statute and Regulation

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d *et seq.* states: ''No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.''

Treasury is in the process of drafting its own Title VI regulations consistent with the model regulations provided by DOJ, which require that:

(a) A recipient under any program to which these regulations apply, may not, directly or through contractual or other arrangements, on grounds of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(b) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided * * * *may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular, race, color or national origin.''* (Emphasis added.)

3. Case Law

Extensive case law affirms the obligation of recipients of federal financial assistance to ensure that LEP persons can meaningfully access federally assisted programs.

The U.S. Supreme Court, in *Lau* v. *Nichols,* 414 U.S. 563 (1974), recognized that recipients of federal financial assistance have an affirmative responsibility, pursuant to Title VI, to provide LEP persons with a meaningful opportunity to participate in public programs. In *Lau,* the Supreme Court ruled that a public school system's failure to provide English language instruction to students of Chinese ancestry who do not speak English denied the students a meaningful opportunity to participate in a public educational program in violation of Title VI of the Civil Rights Act of 1964.

As early as 1926, the Supreme Court recognized that language rules were often discriminatory. In *Yu Cong Eng et al.* v. *Trinidad, Collector of Internal Revenue,* 271 U.S. 500 (1926), the Supreme Court found that a Philippine Bookkeeping Act that prohibited the keeping of accounts in languages other than English, Spanish and Philippine dialects violated the Philippine Bill of Rights that Congress had patterned after the U.S. Constitution. The Court found that the Act deprived Chinese merchants, who were unable to read, write or understand the required languages, of liberty and property without due process. In *Gutierrez* v. *Municipal Court of S.E. Judicial District,* 838 F.2d 1031,1039 (9th Cir. 1988), *vacated as moot,* 490 U.S. 1016 (1989), the court recognized that requiring the use of English only is often used to mask national origin discrimination. Citing McArthur, *Worried About Something Else,* 60 Int'l J. Soc. Language, 87, 90–91 (1986), the court stated that because language and accents are identifying characteristics, rules that have a negative effect on bilingual persons, individuals with accents, or non-English speakers may be mere pretexts for intentional national origin discrimination.

Another case that noted the link between language and national origin discrimination is *Garcia* v. *Gloor,* 618 F.2d 264 (5th Cir. 1980) *cert. denied,* 449 U.S. 1113 (1981). The court found that on the facts before it a workplace English-only rule did not discriminate on the basis of national origin since the complaining employees were bilingual. However, the court stated that ''to a person who speaks only one tongue or to a person who has difficulty using another language other than the one spoken in his home, language might well be an immutable characteristic like skin color, sex or place of birth.'' *Id.* at 269.

The Fifth Circuit addressed language as an impermissible barrier to participation in society in *U.S.* v. *Uvalde Consolidated Independent School District,* 625 F.2d 547 (5th Cir. 1980). The court upheld an amendment to the Voting Rights Act which addressed concerns about language minorities, the protections they were to receive, and eliminated discrimination against them by prohibiting English-only elections.

Most recently, in *Sandoval* v. *Hagan,* 7 F. Supp. 2d 1234 (M.D. Ala. 1998), *affirmed,* 197 F.3d 484, (11th Cir. 1999), *petition for certiorari granted, Alexander* v. *Sandoval* 121 S. Ct. 28 (Sept. 26, 2000)(No. 99–1908), the Eleventh Circuit held that the State of Alabama's policy of administering a driver's license examination in English only was a facially neutral practice that had an adverse effect on the basis of national origin, in violation of Title VI. The court specifically noted the nexus between language policies and potential discrimination based on national origin. That is, in *Sandoval,* the vast majority of individuals who were adversely affected by Alabama's English-only driver's license examination policy were national origin minorities.

4. Department of Justice August 11, 2000 LEP Guidance

This Guidance is issued in compliance with EO 13166 and its requirement that agencies providing federal financial assistance provide guidance to recipients that is consistent with DOJ's August 11, 2000 LEP Guidance. That Guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that programs and activities are meaningfully accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI. A recipient's policies or practices regarding the provision of benefits and services to LEP persons need not be intentional to be discriminatory, but may constitute a violation of Title VI if they have an adverse effect on the ability of national origin minorities to meaningfully access programs and services. Accordingly, it is important for recipients to examine their policies and practices to determine whether they adversely affect LEP persons. This policy guidance provides a legal framework to assist recipients in conducting such assessments.

D. Policy Guidance

1. Coverage

All entities that receive federal financial assistance from Treasury either directly or indirectly, through a grant, contract or subcontract, are covered by this policy guidance. The term ''federal financial assistance'' to which Title VI applies includes but is not limited to grants and loans of federal funds, grants or donations of federal property, details of federal personnel, or any agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

Title VI prohibits discrimination in any program or activity that receives federal financial assistance. What

constitutes a program or activity covered by Title VI was clarified by Congress in 1988, when the Civil Rights Restoration Act of 1987 (CRRA) was enacted. The CRRA provides that, in most cases, when a recipient receives federal financial assistance for a particular program or activity, all operations of the recipient are covered by Title VI, not just the part of the program that uses the federal assistance. Thus, all parts of the recipient's operations would be covered by Title VI, even if the federal assistance is used only by one part.

2. Basic Requirements Under Title VI

A recipient whose policies, practices, or procedures exclude, limit, or have the effect of excluding or limiting, the participation of any LEP person in a federally assisted program on the basis of national origin may be engaged in discrimination in violation of Title VI. In order to ensure compliance with Title VI, recipients must take steps to ensure that LEP persons who are eligible for their programs or services have meaningful access to the services, information, and benefits that they provide. The most important step in meeting this obligation is for recipients of Treasury financial assistance to provide the language assistance necessary to ensure such access, at no cost to the LEP person.

The type of language assistance a recipient/covered entity provides to ensure meaningful access will depend on a variety of factors, including the total resources and size of the recipient/covered entity, the number or proportion of the eligible LEP population it serves, the nature and importance of the program or service, including the objectives of the program, the frequency with which particular languages are encountered, and the frequency with which LEP persons come into contact with the program. These factors are consistent with and incorporate the standards set forth in the Department of Justice ''Policy Guidance Document: on Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency (LEP Guidance),'' reprinted at 65 FR 50123 (August 16, 2000). There is no ''one size fits all'' solution for Title VI compliance with respect to LEP persons. Treasury will make its assessment of the language assistance needed to ensure meaningful access on a case by case basis, and a recipient will have considerable flexibility in determining precisely how to fulfill this obligation. Treasury will focus on the end result—whether the recipient has taken the necessary steps to ensure that LEP persons have meaningful access to its programs and services.

The key to providing meaningful access for LEP persons is to ensure that the recipient and LEP person can communicate effectively. The steps taken by a covered entity must ensure that the LEP person is given adequate information, is able to understand the services and benefits available, and is able to receive those for which he or she is eligible. The covered entity must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.

Experience has shown that effective language assistance programs usually contain the four measures described in Section 4 below. In reviewing complaints and conducting compliance reviews, Treasury will consider a program to be in compliance when the recipient effectively incorporates and implements these four elements. The failure to incorporate or implement one or more of these elements does not necessarily mean noncompliance with Title VI, and Treasury will review the totality of the circumstances to determine whether LEP persons can meaningfully access the services and benefits of the recipient.

3. State or Local ''English-Only'' Laws

State or local ''English-only'' laws do not change the fact that recipients cannot discriminate in violation of Title VI. Entities in states and localities with ''English-only'' laws do not have to accept federal funding. However, if they do, they have to comply with Title VI, including its prohibition against national origin discrimination by recipients.

4. Ensuring Meaningful Access to LEP Persons

(a) The Four Keys to Title VI Compliance in the LEP Context

The key to providing meaningful access to benefits and services for LEP persons is to ensure that the language assistance provided results in accurate and effective communication between the provider and LEP applicant/client about the types of services and/or benefits available and about the applicant's or client's circumstances. Although Treasury recipients have considerable flexibility in fulfilling this obligation, effective programs usually have the following four elements:

- Assessment—The recipient conducts a thorough assessment of the language needs of the population to be served;
- Development of Comprehensive Written Policy on Language Access—The recipient develops and implements a comprehensive written policy that will ensure meaningful communication;
- Training of Staff—The recipient takes steps to ensure that staff understand the policy and are capable of carrying it out; and
- Vigilant Monitoring—The recipient conducts regular oversight of the language assistance program to ensure that LEP persons meaningfully access the program.

If implementation of one or more of these measures would be so financially burdensome as to defeat the legitimate objectives of a recipient's program, or if the recipient utilizes an equally effective alternative for ensuring that LEP persons have meaningful access to programs and services, Treasury will not find the recipient in noncompliance. However, recipients should gather and maintain documentation to substantiate any assertion of financial burden.

(b) Assessment

The first key to ensuring meaningful access is for the recipient to assess the language needs of the eligible population. A recipient assesses language needs by identifying:

- the number and proportion of LEP persons eligible to be served or encountered by the recipient, the frequency of contact with LEP language groups, the nature or importance of the activity, benefit, or service, and the resources of the recipient.
- the points of contact in the program or activity where language assistance is likely to be needed.
- the resources that will be needed to provide effective language assistance.
- the location and availability of these resources.
- the arrangements that must be made to access these resources in a timely fashion.

(c) Development of Comprehensive Written Policy on Language Access

A recipient can ensure effective communication by developing and implementing a comprehensive written language assistance program. This program should include: policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; a range of oral language assistance options; notice to LEP persons in a language they can understand of the right to free language assistance; periodic training of staff; monitoring of the program; and

translation of written materials in certain circumstances.[2]

(1) *Oral Language Interpretation*—In designing an effective language assistance program, a recipient should develop procedures for obtaining and providing trained and competent interpreters and other oral language assistance services, in a timely manner, by taking some or all of the following steps:

- hiring bilingual staff who are trained and competent in the skill of interpreting;
- hiring staff interpreters who are trained and competent in the skill of interpreting;
- contracting with an outside interpreter service for trained and competent interpreters;
- arranging formally for the services of voluntary community interpreters who are trained and competent in the skill of interpreting;
- arranging/contracting for the use of a telephone language interpreter service.

See Section D.6.(b) of this notice for a discussion on ''Competence of Interpreters.''

The following provides guidance to recipients in determining which language assistance options will be of sufficient quantity and quality to meet the needs of their LEP beneficiaries:

- Bilingual Staff—Hiring bilingual staff for client contact positions facilitates participation by LEP persons. However, where there are a variety of LEP language groups in a recipient's service area, this option may be insufficient to meet the needs of all LEP applicants and clients. Where this option is insufficient to meet the needs, the recipient must provide additional and timely language assistance. Bilingual staff must be trained and must demonstrate competence as interpreters.
- Staff Interpreters—Paid staff interpreters are especially appropriate where there is a frequent and/or regular need for interpreting services. These persons must be competent and readily available.
- Contract Interpreters—The use of contract interpreters may be an option for recipients that have an infrequent need for interpreting services, have less common LEP language groups in their service areas, or need to supplement their in-house capabilities on an as-needed basis. Such contract interpreters must be readily available and competent.
- Community Volunteers—Use of community volunteers may provide recipients with a cost-effective method for providing interpreter services. However, experience has shown that to use community volunteers effectively, recipients must ensure that formal arrangements for interpreting services are made with community organizations so that these organizations are not subjected to *ad hoc* requests for assistance. In addition, recipients must ensure that these volunteers are competent as interpreters and understand their obligation to maintain client confidentiality. Additional language assistance must be provided where competent volunteers are not readily available during all hours of service.
- Telephone Interpreter Lines—A telephone interpreter service line may be a useful option as a supplemental system, or may be useful when a recipient encounters a language that it cannot otherwise accommodate. Such a service often offers interpreting assistance in many different languages and usually can provide the service in quick response to a request. However, recipients should be aware that such services may not always have readily available interpreters who are familiar with the terminology peculiar to the particular program or service. It is important that a recipient not offer this as the only language assistance option except where other language assistance options are unavailable.

(2) *Translation of Written Materials*—An effective language assistance program ensures that written materials that are routinely provided in English to applicants, clients and the public are available in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated. A document will be considered vital if it contains information that is critical for accessing the services, rights, and/or benefits, or is required by law. Thus, vital documents include, for example, applications; consent forms; letters and notices pertaining to the reduction, denial or termination of services or benefits; and letters or notices that require a response from the beneficiary or client. For instance, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be vital information. Non-vital information includes documents that are not critical to access such benefits and services.

As part of its overall language assistance program, a recipient must develop and implement a plan to provide written materials in languages other than English where a significant number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively. (*See* 28 CFR 42.405(d)(1)). Treasury will determine the extent of the recipient's obligation to provide written translation of documents on a case by case basis, taking into account all relevant circumstances, including: (1) The nature, importance, and objective of the particular activity, program, or service; (2) the number or proportion of LEP persons eligible to be served or encountered by the recipient; (3) the frequency with which translated documents are needed; and (4) the total resources available to the recipient as compared to the length of the document and cost of translation.

One way for a recipient to know with greater certainty that it will be found in compliance with its obligation to provide written translations in languages other than English is for the recipient to meet the guidelines outlined in paragraphs (A) and (B) below, which outline the circumstances that provide a ''safe harbor'' for recipients. A recipient that provides written translations under these circumstances can be confident that it will be found in compliance with its obligation under Title VI regarding written translations.[3] However, the failure to provide written translations under these circumstances outlined in paragraphs (A) and (B) will not necessarily mean noncompliance with Title VI.

In such situations, Treasury will review the totality of the circumstances to determine the precise nature of a recipient's obligation to provide written materials in languages other than English as indicated earlier.

Treasury will consider a recipient to be in compliance with its Title VI obligation to provide written materials in non-English languages if:

(A) The recipient provides translated written materials, including vital

[1] The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 both provide similar prohibitions against discrimination on the basis of disability and require entities to provide language assistance such as sign language interpreters for hearing impaired individuals or alternative formats such as Braille, large print or tape for vision impaired individuals. In developing a comprehensive language assistance program, recipients should be mindful of their responsibilities under the ADA and Section 504 to ensure access to programs for individuals with disabilities.

[3] The ''safe harbor'' provisions are not intended to establish numerical thresholds for when a recipient must translate documents. The numbers and percentages included in these provisions are based on the balancing of a number of factors, including experience in enforcing Title VI in the context of Treasury programs, and Treasury's discussions with other agencies about experiences of their grant recipients with language access issues.

documents, for each eligible LEP language group that constitutes ten percent or 3,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected by the recipient's program; [4]

(B) Regarding LEP language groups that do not fall within paragraph (A) above, but constitute five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected, the recipient ensures that, at a minimum, vital documents are translated into the appropriate non-English languages of such LEP persons. Translation of other documents, if needed, can be provided orally; and

(C) Notwithstanding paragraphs (A) and (B) above, a recipient with fewer than 100 persons in a language group eligible to be served or likely to be directly affected by the recipient's program, does not translate written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of written materials.

The term ''persons eligible to be served or likely to be directly affected'' relates to the issue of what is the recipient's service area for purposes of meeting its Title VI obligation. There is no ''one size fits all'' definition of what constitutes ''persons eligible to be served or likely to be directly affected'' and Treasury will address this issue on a case by case basis. Ordinarily, these persons are those who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. Thus, for language groups that do not fall within paragraphs (A) and (B), above, a recipient can ensure access by providing written notice in the LEP person's primary language of the right to receive free language assistance.

Recent technological advances have made it easier for recipients to store translated documents readily. At the same time, Treasury recognizes that recipients in a number of areas, such as many large cities, regularly serve LEP persons from many different areas of the world who speak dozens of different languages. It would be unduly burdensome to demand that recipients in these circumstances translate all written materials into these languages. As a result, Treasury will determine the extent of the recipient's obligation to provide written translations of documents on a case by case basis, looking at the totality of the circumstances.

It is also important to ensure that the person translating the materials is well qualified. In addition, in some circumstances verbatim translation of materials may not accurately or appropriately convey the substance of what is contained in the written materials. An effective way to address this potential problem is to reach out to community-based organizations to review translated materials to ensure that they are accurate and easily understood by LEP persons.

(3) *Methods for Providing Notice to LEP Persons*—A vital part of a well-functioning compliance program includes having effective methods for notifying LEP persons of their right to language assistance and the availability of such assistance free of charge. These methods include but are not limited to:

- Use of language identification cards that allow LEP persons to identify their language needs to staff. To be effective, the cards (*e.g.,* ''I speak'' cards) must invite the LEP person to identify the language he/she speaks.
- Posting and maintaining signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of entry. To be effective, these signs must inform LEP persons of their right to free language assistance services and invite them to identify themselves as persons needing such services.
- Translation of application forms and instructional, informational and other written materials into appropriate non-English languages by competent translators. For LEP persons whose language does not exist in written form, assistance from an interpreter to explain the contents of the document.
- Uniform procedures for timely and effective telephone communication between staff and LEP persons. This must include instructions for English-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons.
- Inclusion of statements about the services available and the right to free language assistance services, in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials that are routinely disseminated to the public.

(d) Training of Staff

Another vital element in ensuring that its policies are followed is a recipient's dissemination of its policy to all employees likely to have contact with LEP persons, and periodic training of these employees. Effective training ensures that employees are knowledgeable and aware of LEP policies and procedures, are trained to work effectively with in-person and telephone interpreters, and understand the dynamics of interpretation between clients, providers and interpreters. It is important that this training be part of the orientation for new employees and that all employees in client contact positions be properly trained. Recipients may find it useful to maintain a training registry that records the names and dates of employees' training. Effective training is one means of ensuring that there is not a gap between a recipient's written policies and procedures, and the actual practices of employees who are in the front lines interacting with LEP persons.

(e) Monitoring and Updating the LEP policy

Recipients should always consider whether new documents, programs, services, and activities need to be made accessible for LEP individuals. They should then provide needed language services and notice of those services to the LEP public and to employees. In addition, Treasury recipients should evaluate their entire language policy at least every three years. One way to evaluate the LEP policy is to seek feedback from the community. Recipients should assess:

- Current LEP populations in service area.
- Current communication needs of LEP individuals encountered by the program.
- Whether existing assistance is meeting the needs of such persons.
- Whether staff knows and understands the LEP policy and how to implement it.
- Whether identified sources for assistance are still available and viable.

5. Treasury's Assessment of Meaningful Access

The failure to take all of the steps outlined in Section D (4), above, will not necessarily mean that a recipient has failed to provide meaningful access to LEP clients. The following are examples of how meaningful access will be assessed by Treasury:

- A small recipient has about 50 LEP Hispanic clients and a small number of employees, and asserts that he cannot afford to hire bilingual staff, contract with a professional interpreter service, or translate written documents. To accommodate the language needs of LEP clients, the recipient has made

[4] See Section D.4.(c)(2) above for a description of vital documents. Large documents, such as enrollment handbooks, may not need to be translated in their entirety. However, vital information contained in large documents must be translated.

arrangements with a Hispanic community organization for trained and competent volunteer interpreters, and with a telephone interpreter language line, to interpret during consultations and to orally translate written documents. There have been no client complaints of inordinate delays or other service related problems with respect to LEP clients. Given the resources, the size of the staff, and the size of the LEP population, Treasury would find this recipient in compliance with Title VI.

• A recipient with a large budget serves 500,000 beneficiaries. Of the beneficiaries eligible for services, 3,500 are LEP Chinese persons, 4,000 are LEP Hispanic persons, 2,000 are LEP Vietnamese persons and about 400 are LEP Laotian persons. The recipient has no policy regarding language assistance to LEP persons, and LEP clients are told to bring their own interpreters, are provided with application and consent forms in English and if unaccompanied by their own interpreters, must solicit the help of other clients or must return at a later date with an interpreter. Given the size of this program, its resources, the size of the eligible LEP population, and the nature of the program, Treasury would likely find this recipient in violation of Title VI and would likely require it to develop a comprehensive language assistance program that includes all of the options discussed in Section D.4. above.

6. Interpreters

Two recurring issues in the area of interpreter services involve (a) the use of friends, family, or minor children as interpreters, and (b) the need to ensure that interpreters are competent.

(a) Use of Friends, Family and Minor Children as Interpreters

A recipient may expose itself to liability under Title VI if it requires, suggests, or encourages an LEP person to use friends, minor children, or family members as interpreters, as this could compromise the effectiveness of the service. Use of such persons could result in a breach of confidentiality or reluctance on the part of individuals to reveal personal information critical to their situations. In addition, family and friends usually are not competent to act as interpreters, since they are often insufficiently proficient in both languages, unskilled in interpretation, and unfamiliar with specialized terminology.

If after a recipient informs an LEP person of the right to free interpreter services, the person declines such services and requests the use of a family member or friend, the recipient may use the family member or friend, if the use of such a person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The recipient should document the offer and decline in the LEP person's file. Even if an LEP person elects to use a family member or friend, the recipient should suggest that a trained interpreter sit in on the encounter to ensure accurate interpretation.

(b) Competence of Interpreters

In order to provide effective services to LEP persons, a recipient must ensure that it uses persons who are competent to provide interpreter services. Competency does not necessarily mean formal certification as an interpreter, though certification is helpful. On the other hand, competency requires more than self-identification as bilingual. The competency requirement contemplates demonstrated proficiency in both English and the other language, orientation and training that includes the skills and ethics of interpreting (e.g., issues of confidentiality), fundamental knowledge in both languages of any specialized terms, or concepts peculiar to the recipient's program or activity, sensitivity to the LEP person's culture and a demonstrated ability to convey information in both languages, accurately. A recipient must ensure that those persons it provides as interpreters are trained and demonstrate competency as interpreters.

7. Examples of Prohibited Practices

Listed below are examples of practices which may violate Title VI:

• Providing services to LEP persons that are more limited in scope or are lower in quality than those provided to other persons, or placing greater burdens on LEP than on non-LEP persons;

• Subjecting LEP persons to unreasonable delays in the delivery of services, or the provision of information on rights;

• Limiting participation in a program or activity on the basis of English proficiency;

• Failing to inform LEP persons of the right to receive free interpreter services and/or requiring LEP persons to provide their own interpreter.

E. Promising Practices

In meeting the needs of their LEP clients, some recipients have found unique ways of providing interpreter services and reaching out to the LEP community. Examples of promising practices include the following:

Language Banks—In several parts of the country, both urban and rural, community organizations and providers have created community language banks that train, hire and dispatch competent interpreters to participating organizations, reducing the need to have on-staff interpreters for low demand languages. These language banks are frequently nonprofit and charge reasonable rates.

Pamphlets—A recipient has created pamphlets in several languages, entitled ''While Awaiting the Arrival of an Interpreter.'' The pamphlets are intended to facilitate basic communication between clients and staff. They are not intended to replace interpreters but may aid in increasing the comfort level of LEP persons as they wait for services.

Use of Technology—Some recipients use their internet and/or intranet capabilities to store translated documents online. These documents can be retrieved as needed.

Telephone Information Lines—Recipients have established telephone information lines in languages spoken by frequently encountered language groups to instruct callers, in the non-English languages, on how to leave a recorded message that will be answered by someone who speaks the caller's language.

Signage and Other Outreach—Other recipients have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by (a) posting signs and placards with this information in public places such as grocery stores, bus shelters and subway stations; (b) putting notices in newspapers, and on radio and television stations that serve LEP groups; (c) placing flyers and signs in the offices of community-based organizations that serve large populations of LEP persons; and (d) establishing information lines in appropriate languages.

F. Model Plan

The following example of a model language assistance program may be useful for recipients in developing their plans. The plan incorporates a variety of options and methods for providing meaningful access to LEP individuals:

• A formal written language assistance program.

• Identification and assessment of the languages that are likely to be encountered and estimating the number of LEP persons that are eligible for services and that are likely to be affected by its program through a review of census and client utilization data and data from school systems and community agencies and organizations.

• Posting of signs in lobbies and in other waiting areas, in several languages, informing applicants and clients of their right to free interpreter services and inviting them to identify themselves as persons needing language assistance.

• Use of ''I speak'' cards by intake workers and other contact personnel so that they can identify their primary languages.

• Keeping the language of the LEP person in his/her record if such a record would normally be kept for non-LEP persons so that all staff can identify the language assistance needs of the client.

• Employment of a sufficient number of staff, bilingual in appropriate languages, in client contact positions. These persons must be trained and competent as interpreters.

• Contracts with interpreting services that can provide competent interpreters in a wide variety of languages, in a timely manner.

• Formal arrangements with community groups for competent and timely interpreter services by community volunteers.

• An arrangement with a telephone language interpreter line.

• Translation of application forms, instructional, informational and other key documents into appropriate non-English languages. Provision of oral interpreter assistance with documents, for those persons whose language does not exist in written form.

• Procedures for effective telephone communication between staff and LEP persons, including instructions for English-speaking employees to obtain assistance from bilingual staff or interpreters when initiating or receiving calls from LEP persons.

• Notice to and training of all staff, particularly client contact staff, with respect to the recipient's Title VI obligation to provide language assistance to LEP persons, and on the language assistance policies and the procedures to be followed in securing such assistance in a timely manner.

• Insertion of notices, in appropriate languages, about the right of LEP applicants and clients to free interpreters and other language assistance, in brochures, pamphlets, manuals, and other materials disseminated to the public and to staff.

• Notice to the public regarding the language assistance policies and procedures, and notice to and consultation with community organizations that represent LEP language groups, regarding problems and solutions, including standards and procedures for using their members as interpreters.

• Adoption of a procedure for the resolution of complaints regarding the provision of language assistance; and for notifying clients of their right to and how to file a complaint under Title VI with Treasury.

• Appointment of a senior level employee to coordinate the language assistance program, and assurance that there is regular monitoring of the program.

G. Compliance and Enforcement

Treasury will enforce recipients' responsibilities to LEP beneficiaries through procedures provided for in Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance. Treasury will always provide recipients with the opportunity to come into voluntary compliance prior to initiating formal enforcement proceedings.

In determining compliance with Title VI, Treasury's concern will be whether the recipient's policies and procedures allow LEP persons to overcome language barriers and participate meaningfully in programs, services and benefits. A recipient's appropriate use of the methods and options discussed in this guidance will be viewed by Treasury as evidence of a recipient's intent to comply with Title VI.

H. Complaint Process

Anyone who believes that he/she has been discriminated against because of race, color or national origin in violation of Title VI may file a complaint with Treasury within 180 days of the date on which the discrimination took place. The following information should be included:

• Your name and address (a telephone number where you may be reached during business hours is helpful, but not required);

• A general description of the person(s) or class of persons injured by the alleged discriminatory act(s);

• The name and location of the organization or institution that committed the alleged discriminatory act(s);

• A description of the alleged discriminatory act(s) in sufficient detail to enable the Office of Equal Opportunity Program (OEOP) to understand what occurred, when it occurred, and the basis for the alleged discrimination.

• The letter or form must be signed and dated by the complainant or by someone authorized to do so on his or her behalf.

A recipient may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the statutes governing federal financial assistance programs.

Civil rights complaints should be filed with: Department of the Treasury, Office of Equal Opportunity Program 1500 Pennsylvania Avenue, NW, Room 6071 Metropolitan Square, Washington, DC 20220.

I. Technical Assistance

Treasury and its bureaus will provide technical assistance to recipients, and will continue to be available to provide such assistance to any recipient seeking to ensure that it operates an effective language assistance program. In addition, during its investigative process, Treasury is available to provide technical assistance to enable recipients to come into voluntary compliance.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[BPG–132413–00]

Dealers in Securities Futures Contracts; Request for Comments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of solicitation of comments.

SUMMARY: The IRS and Treasury Department are soliciting comments on the criteria that should be used to determine whether a taxpayer is a dealer in securities futures contracts (or options on such contracts) for purposes of section 1256 of the Internal Revenue Code.

DATES: Written and electronic comments are requested on or before May 7, 2001.

ADDRESSES: Send submissions to: CC:M&SP:RU (BPG–132413–00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:M&SP:RU (BPG–132413–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by submitting comments directly to the IRS Internet site at http://www.irs.gov/tax_regs/regslist.html.

FOR FURTHER INFORMATION CONTACT: Concerning the notice, Patrick E. White

(202) 622–3920; concerning submission and delivery of comments, Treena Garrett, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The Commodities Futures Modernization Act of 2000, enacted as part of the Consolidated Appropriations Act, 2001 (Public Law 106–554, 114 Stat. 2763), authorizes the trading of securities futures contracts, a new type of derivative financial product. Another portion of the same enactment—the Community Renewal Tax Relief Act of 2000 (the Act)—prescribes the tax treatment of these financial products. In general, gain or loss is recognized on securities futures contracts upon disposition, and the character of such gain or loss is determined by newly enacted section 1234B.

The timing and character of gains and losses on dealer securities futures contracts, however, is determined by section 1256. Thus, dealer securities futures contracts are subject to mark-to-market treatment, and capital gains or losses are treated as 60 percent long-term capital gain or loss and 40 percent short-term capital gain or loss. Section 1256(g)(9) defines *dealer securities futures contracts* as securities futures contracts (and options on such contracts) that are traded on a qualified board or exchange and are entered into by a dealer in the normal course of the dealer's business of dealing in such contracts or options. For this purpose, a person is a dealer in securities futures contracts or options on such contracts if the Secretary of the Treasury determines that the person performs functions with respect to such contracts or options similar to the functions performed with respect to stock options by persons registered with a national securities exchange as a market maker or specialist in listed options. The Act requires the Secretary of the Treasury or his delegate to make this determination no later than July 1, 2001.

The legislative history of the Act states the following with respect to the determination process:

> The determination of who is a dealer in securities futures contracts is to be made in a manner that is appropriate to carry out the purposes of the provision, which generally is to provide comparable tax treatment between dealers in securities futures contracts, on the one hand, and dealers in equity options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to such market makers or specialists by providing market liquidity for securities futures contracts (and options) even in the absence of a legal obligation to do so. Accordingly, the absence of market-making obligations is not inconsistent with a determination that a class of traders are dealers in securities futures contracts (and options), if the relevant factors, including providing market liquidity for such contracts (and options), indicate that the market functions of the traders is comparable to that of equity options dealers.

H.R. Conf. Rep. No. 106–1033, 106th Cong., 2d Sess. 1036 (2000).

The IRS and Treasury Department, therefore, seek taxpayers' suggestions concerning both the substance of these determinations and the manner in which they should be made. As described in more detail below, of particular interest are comments that will aid in establishing objective criteria and processes for making the determinations. In addition, comments are solicited in certain specific areas.

First, comments are requested about the activities and obligations of equity options dealers, especially those activities and obligations that contribute to the establishment and maintenance of an orderly market. For purposes of this notice, the term *equity options dealer* means a market maker or specialist described in section 1256(g)(8) with respect to options that are described in section 1256(g)(6) without regard to the requirement that indices be narrow based. Any relevant way in which the activities and obligations of market makers differ from those of specialists should be described; and the significance of this difference for any comment or other response to this notice should be explained when relevant.

Among the questions on which information is sought are the following: What are the activities imposed on, or undertaken by, equity option dealers that are considered making a market? Do equity option dealers engage in activities that extend beyond making a market but that contribute to the establishment and maintenance of orderly markets? For example, equity options dealers trading for their own accounts (and not in response to orders placed by an off-exchange customer) may be a significant source of market volume. Is that the case? If so, to what extent does this added volume contribute to market liquidity? Are there other ways in which these dealers contribute to the markets in which they participate? What differences are there, in scale or kind, between the activities of equity options dealers and similar activities of other market participants?

Although some relevant activities of equity options dealers may be ongoing, other critical activities may commence, or change significantly in nature or scope, during periods of market disequilibrium. Information with respect to equity options dealers' activities at these times will be particularly welcome.

Second, information is requested regarding activities of traders [1] on futures markets. Although traders on futures markets may not have specific market-making obligations, their trading activities may contribute to the establishment and maintenance of orderly markets. Is that typically the case? Descriptions of trading activities on futures markets generally will be helpful, and insights and supporting data on the nature and extent of trading by specific groups of futures traders will be particularly useful. Relevant groups for this purpose may be based on the type of contract traded, the extent of trading for one's own account (as opposed to trading in response to orders from off-exchange customers), and the class of exchange membership.

This discussion should be accompanied, if possible, by an explanation of the extent to which the activities of traders in securities futures contracts are expected to resemble the activities of the specific groups described. In general, expectations of how trading in securities futures contracts may or may not differ from trading in current products will also be helpful.

Third, comments are solicited on administrable and economically meaningful criteria for identifying any traders that should be treated as dealers in securities futures contracts. Criteria for identifying these persons might include, among others, the nature and extent of trading activities (including the extent to which the person's trading is concentrated in certain products), class of exchange membership, capital, and share of net income derived from trading activities. Should it be possible for a person to be a dealer in securities futures contracts with respect to some such contracts but not with respect to others?

If a taxpayer's satisfaction of the suggested criteria may vary over time, comments are also requested respecting rules for determining when a taxpayer becomes, or ceases to be, a dealer in securities futures contracts. For example, should it be possible for the

[1] The references here, and in the following paragraphs, to *traders* are not intended to exclude any taxpayers who are not treated as traders for tax purposes but who may perform functions similar to the functions performed by equity options dealers.

status as a dealer in securities futures contracts to change within a single taxable year or only between taxable years? Does a taxpayer need to know before it enters a transaction whether it is treated as a dealer for purposes of that transaction? Will special rules be required for taxpayers who have not previously traded in the contracts? (Initially, all taxpayers fall into this category.) Comments regarding both substantive criteria and the method of application will be useful.

Comments

Written or electronic comments (a signed original and eight (8) copies, if written) should be timely submitted (in the manner described in the **ADDRESSES** portion of this notice) to the IRS. All comments will be available for public inspection and copying.

Drafting Information

The principal authors of this notice are Patrick E. White, Office of Associate Chief Counsel (Financial Institutions and Products), and Matthew J. Eichner, Office of Tax Analysis, United States Department of the Treasury. However, other personnel from the IRS and Treasury Department participated in its development.

Lon B. Smith,

Acting Associate Chief Counsel (Financial Institutions & Products).

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H.J. Res. 7/P.L. 107–1
Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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