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(3 blocks north of Union Station Metro)

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Federal Register

Vol. 66, No. 71

Thursday, April 12, 2001

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271 and 278

RIN 0584–AB90

Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance: Delay of Effective Date

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, a decision has been made to further temporarily delay for 120 days the effective date of the rule entitled Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance, published in the **Federal Register** on January 12, 2001, 66 FR 2795. The rule implements provisions of the Food Stamp Program Improvements Act of 1994 to revise the criteria for eligibility of firms to participate in the Food Stamp Program as retail food stores, and to provide for notification to such firms of eligibility criteria for participation. The original effective date of this rule, February 12, 2001, was temporarily delayed for 60 days, to April 13, 2001, by a final rule published in the **Federal Register** on February 5, 2001, 66 FR 8885. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Department's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The additional 120 day delay in the effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum on January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule effective upon publication.

DATES: As of April 12, 2001, the effective date of the final rule entitled Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance, published in the **Federal Register** on January 12, 2001, at 66 FR 2795, the effective date of which was delayed for 60 days by a final rule published in the **Federal Register** on February 5, 2001 at 66 FR 8885, is further delayed for 120 days, from April 13, 2001, to a new effective date of August 13, 2001.

FOR FURTHER INFORMATION CONTACT: Sheri Ackerman, Regulatory Control Officer, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302–1954 or by telephone to (703) 305–2246.

Dated: April 6, 2001.

Ann M. Veneman,

Secretary.

[FR Doc. 01–9052 Filed 4–11–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1481

RIN: 0560–AG41

Limited California Cooperative Insolvency Payment Program

AGENCY: Commodity Credit Corporation, Agriculture.

ACTION: Correction to final rule.

SUMMARY: This document corrects the definition of ''member'' in the final rule published in the **Federal Register** of March 13, 2001 (66 FR 14479), regarding the Limited California Cooperative Insolvency Payment Program. The correction clarifies that producers who had a 2000-crop Assignment Contract to produce an eligible commodity for the Tri Valley Growers cooperative for a member of Tri Valley Growers is eligible to apply for a payment under the Limited California Cooperative Insolvency Payment Program.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Toni D. Williams, 202–720–2270.

Correction

Accordingly, in the final rule published March 13, 2001, (66 FR 14479) make the following correction:

PART 1481—[CORRECTED]

In the final rule, beginning on page 14479 in the issue of March 13, 2001, make the following correction, in § 1481.3, the definitions section. On page 14481 in the second column, remove the definition of ''members'' and add the following definition in its place:

§ 1481.3 Definitions.

* * * * *

Member means a grower that grew or produced, under a contract, an eligible commodity for TVG as a member or as a producer with a 2000-crop Assignment Contract to produce for a member of TVG during crop year 2000.

* * * * *

Signed at Washington, DC, on April 6, 2001.

James R. Little,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–9062 Filed 4–9–01; 3:05 pm]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–44–AD; Amendment 39–12176; AD 2001–07–10]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, Model MD–88 Airplanes, and Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, Model MD–88 airplanes, and Model MD–90–30 series airplanes. This action requires a revision to the applicable Airplane Flight Manual (AFM) to provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways. This AD also provides for an optional terminating action for the applicable AFM revision. This action is necessary to prevent the flightcrew from performing a scheduled landing on a runway of potentially insufficient length due to failure of the weight-on-wheels spoiler lockout mechanism system and possible inactivation of the autospoiler actuator, which could result in the airplane overrunning the end of the runway during landing on a wet or icy runway. This action is intended to address the identified unsafe condition.

DATES: Effective April 27, 2001.

Comments for inclusion in the Rules Docket must be received on or before June 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–44–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–44–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

Information pertaining to this amendment may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5346; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Background

The in-flight spoiler lockout mechanism system, which prevents manual movement of the spoiler lever in flight, either intentionally or unintentionally, when the flaps are extended eight degrees or greater, installed on McDonnell Douglas Model MD–90–30 series airplanes is part of the certification basis (i.e., 14 Code of Federal Regulations (CFR) part 25.697(b), amendment 25–57) for those airplanes. McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, and Model MD–88 airplanes were NOT certificated with an in-flight spoiler lockout mechanism system. However, after certification, Boeing installed a similar system on some Model DC–9–81, -82, -83, and -87 series airplanes, and Model MD–88 airplanes as a safety enhancement feature.

One of three events must occur during the landing phase to unlock the spoiler lever and permit its aft movement to deploy the ground spoilers at touchdown. The in-flight spoiler lockout mechanism system must receive an unlocking input from the autospoiler actuator, weight-on wheels spoiler lockout mechanism system, or nose gear ground sensing mechanism.

Identification of Unsafe Condition

The FAA has received several reports indicating that the wiring of the weight-on-wheels spoiler lockout mechanism system provides insufficient current/voltage to provide full operational capability of deployment of the ground spoilers (inboard and outboard) during ground operation on certain McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, and Model MD–88 airplanes. Investigation revealed that such insufficient current/voltage may either cause the weight-on-wheels spoiler lockout mechanism system to fail to actuate when energized at main landing gear (MLG) touchdown on a wet or icy runway, or the associated circuit breaker to trip.

On a wet or icy runway, it is also likely that MLG wheel spin-up will be insufficient to activate the autospoiler actuator upon landing, which initiates the procedures for unlocking the in-flight spoiler lockout mechanism system.

The unlocking inputs of both the weight-on-wheels spoiler lockout mechanism system and autospoiler actuator are independent of each others input, but the in-flight spoiler lockout mechanism system will react to whichever input occurs first. If the weight-on-wheels spoiler lockout mechanism system fails at MLG touchdown on a wet or icy runway, and the autospoiler actuator does not activate due to insufficient MLG wheel spin-up, compression of the nose landing gear strut will provide an alternate unlocking input to the in-flight spoiler lockout mechanism system. However, if the flight crew is unaware of this failure and inactivation on a wet or icy runway, a scheduled landing on a runway of potentially insufficient length could occur, which could result in the airplane overrunning the end of the runway.

The weight-on-wheels spoiler lockout mechanism system on McDonnell Douglas Model MD–90–30 series airplanes is similar in design to that on the affected McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, and Model MD–88 airplanes. Therefore, all of these models may be subject to the same unsafe condition.

FAA's Determination

In light of this information, the FAA finds that, in the interim until the terminating action (described below) can be done, certain procedures should be included in the Performance Section of the FAA-approved Airplane Flight Manual (AFM) of the affected airplanes to provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways.

Currently, the MD–90 and MD–80 Master Minimum Equipment List (MMEL) allows the in-flight spoiler lockout mechanism system to be inoperative and deactivated for 10 days, which provides unrestricted deployment of the ground spoilers in any flight and landing phase and relief from the landing distance penalties for wet or icy runways. However, the current MD–90 MMEL conflicts with the

certification basis of McDonnell Douglas Model MD–90–30 series airplanes, which requires the in-flight spoiler lockout mechanism system to be installed and operative during all operations of the airplane. The FAA finds that this system may be inoperative for 10 days per the MMEL, but it may NOT be deactivated, as currently indicated in the MMEL. Therefore, we have determined that, for affected McDonnell Douglas Model MD–90–30 series airplanes, the Performance Section of the FAA-approved AFM must be revised to include a note to alert the flightcrew of the differences between the MMEL and this prevailing AD.

Although certain affected McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, and Model MD–88 airplanes have an in-flight spoiler lockout mechanism system installed as a safety enhancement feature, the system may be deactivated for 10 days per the MMEL, because this system is NOT part of the original certification basis of the airplane. Thus, no landing distance penalty for wet or icy runways, as described above, is necessary when this system is deactivated on these airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved the applicable Boeing service bulletins identified in the table below, which describe procedures for installing spoiler support bracket assemblies and relays, and revising the spoiler lockout relay wiring.

Alert service bulletin	Revision level	Date	Model
MD80–27A359	Original	January 29, 2001	DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes.
MD80–27A359	01	March 26, 2001	DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes.
MD90–27A031	Original	January 29, 2001	MD–90–30 series airplanes.
MD90–27A031	01	March 26, 2001	MD–90–30 series airplanes.

Accomplishment of these actions eliminates the need for the required AFM revisions described below.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, Model MD–88 airplanes, and Model MD–90–30 series airplanes of the same type design, this AD is being issued to prevent the flightcrew from performing a scheduled landing on a runway of potentially insufficient length due to failure of the weight-on-wheels spoiler lockout mechanism system and possible inactivation of the autospoiler actuator, which could result in the airplane overrunning the end of the runway during landing on a wet or icy runway. This AD requires a revision to the Performance Section of the applicable FAA-approved AFM to provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways. This AD also includes an optional terminating action (i.e., installing spoiler support bracket assemblies and relays, and revising the spoiler lockout relay wiring) for the applicable AFM revision. The optional terminating action, if accomplished, is required to be accomplished per the applicable service bulletin described previously.

Interim Action

The FAA is considering further rulemaking action to require accomplishment of the optional terminating action on McDonnell Douglas Model MD–90–30 series airplanes. However, the planned compliance time for the terminating action is sufficiently long so that prior notice and time for public comment will be practicable.

Operators should note that the FAA does not plan on requiring accomplishment of the optional terminating action on McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, and Model MD–88 airplanes. As discussed previously, installation of in-flight spoiler lockout mechanism system on these airplanes is a safety enhancement system and is not part of the certification basis of the airplane. However, we recommend that affected operators incorporate the optional terminating action (reference Boeing Alert Service Bulletin MD80–27A359, dated January 29, 2001, or Revision 01, dated March 26, 2001) instead of permanently deactivating the in-flight spoiler lockout mechanism system.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–44–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–07–10 McDonnell Douglas: Amendment 39–12176. Docket 2001–NM–44–AD.

Applicability: Models identified in Table 1 of this AD, certificated in any category; excluding those airplanes on which the modification specified in the applicable service bulletin listed in Table 1 of this AD has been done. Table 1 is as follows:

TABLE 1.—APPLICABILITY

Model	As listed in
DC–9–81, –83, and –87 series airplanes, and MD–88 airplanes	Boeing Alert Service Bulletin MD80–27A359, Revision 01, dated March 26, 2001.
MD–90–30 series airplanes	Boeing Alert Service Bulletin MD90–27A031, Revision 01, dated March 26, 2001.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the flightcrew from performing a scheduled landing on a runway of potentially insufficient length due to failure of the weight-on-wheels spoiler lockout mechanism system and possible inactivation of the autospoiler actuator, which could result in the airplane overrunning the end of the runway during landing on a wet or icy runway, accomplish the following:

Airplane Flight Manual Revisions

(a) For Model DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes: Within 48 clock hours after the effective date of this AD, revise the Performance Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be done by inserting a copy of this AD in the AFM.

''*In-flight Spoiler Lockout Mechanism Installed and Activated, and Automatic Ground Spoiler System Operated.*

When the in-flight spoiler lockout mechanism is installed and activated, the wet or icy runway landing field length, which is determined from the appropriate Landing Field Length and Speed Chart, must be increased by 1,720 feet under either of the following conditions:

a. The weight-on-wheels unlocking feature is not installed; or

b. The weight-on-wheels unlocking feature is installed, but inoperative.

When the in-flight spoiler lockout mechanism is deactivated, the above landing field length is not required.''

(b) For Model MD–90–30 series airplanes: Within 48 clock hours after the effective date of this AD, revise the Performance Section of the FAA-approved AFM to include the following statement. This may be done by inserting a copy of this AD in the AFM.

''*Landing Field Length for A Wet or Icy Runway.*

Increase landing field length, which is determined from the Basic Manual, by 1,800 feet (549 meters) for a wet or icy runway with 28-degree and 40-degree flaps.

There is no landing field length penalty for a dry runway.

In-flight spoiler lockout mechanism may NOT be deactivated, as indicated in the Master Minimum Equipment List (MMEL).''

Note 2: The MD–90 MMEL, system and sequence number 65–02, and the second proviso of system and sequence number 65–03, specifies currently that, for 10 days, the in-flight spoiler lockout mechanism system may be deactivated. Where differences exist between the current specification of the MMEL and the requirements of this AFM limitation, the AFM limitation prevails.

Optional Terminating Modifications

(c) Accomplishment of the actions specified in paragraphs (c)(1) and (c)(2) of this AD, per the applicable Boeing service bulletin identified in Table 2 of this AD, constitutes terminating action for the AFM revision requirements of paragraph (a) or (b) of this AD, as applicable. After doing those actions, the AFM revision required by paragraph (a) or (b) of this AD, as applicable, may be removed from the AFM. Table 2 is as follows:

TABLE 2.—APPLICABLE SERVICE BULLETINS

Alert service bulletin	Revision level	Date	Model
MD80–27A359	Original or 01	January 29, 2001, March 26, 2001.	DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes.
MD90–27A031	Original or 01	January 29, 2001, March 26, 2001.	MD–90–30 series airplanes.

(1) Install the spoiler support bracket assemblies and relays; and

(2) Revise the spoiler lockout relay wiring.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Effective Date

(f) This amendment becomes effective on April 27, 2001.

Issued in Renton, Washington, on April 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9019 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1290

RIN 3095–AB00

John F. Kennedy Assassination Records Collection Rules, Correction

AGENCY: National Archives and Records Administration (NARA).

ACTION: Correction to 36 CFR part 1290.

SUMMARY: This document contains corrections to the final regulation, which was published in the **Federal Register** of June 27, 2000, (65 FR 39550). The regulations relate to the John F. Kennedy Assassination Records Collection. This final rule affects individuals and entities seeking access or disclosure of documents relating to the assassination of President John F. Kennedy.

EFFECTIVE DATE: Effective on April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Lynn Dubose at telephone number 301–713–7360, ext. 253 or fax number 301–713–7270.

SUPPLEMENTARY INFORMATION:

Background

The Assassination Records Review Board was established by the John F. Kennedy Assassination Records Collection Act of 1992 (106 Stat. 3443). At the termination of the Review Board on September 30, 1998, its records were transferred to the Archivist of the United States. NARA continues to maintain and supplement the collection under the provisions of the Act. NARA is therefore, the successor in function to this defunct independent agency.

In the final rule NARA transferred those regulations with no substantive change to a new 36 CFR part 1290 in subchapter H. Currently, the CFR contains incorrect internal references. This document corrects those references.

Need for Correction

As published, the final regulations contain errors that are misleading and need to be corrected.

Lists of Subjects in 36 CFR Part 1290

Archives and records.

Accordingly, 36 CFR part 1290 is corrected by making the following correcting amendments:

PART 1290—GUIDANCE FOR INTERPRETATION AND IMPLEMENTATION OF THE PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992 (JFK ACT)

1. The authority citation for Part 1290 continues to read as follows:

Authority: 44 U.S.C. 2107.

§ 1290.1 [Amended]

2. In paragraph (b)(3) of § 1290.1 revise the reference to ''§ 1400.8'' to read ''§ 1290.8''.

§ 1209.2 [Amended]

3. In paragraph (f) of § 1290.2 revise the reference to ''§ 1400.1'' to read ''§ 1290.1''.

Dated: April 6, 2001.

John W. Carlin,

Archivist of the United States.

[FR Doc. 01–8993 Filed 4–11–01; 8:45 am]

BILLING CODE 7515–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID–00–001, ID–01–001, FRL–6957–1]

Approval and Promulgation of State Implementation Plans; Transportation Conformity: Idaho

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves new sections to the Idaho State Implementation Plan (SIP) that contain the State's transportation conformity rule and an interim transportation conformity rule for the Northern Ada County former nonattainment area for particulate matter under ten microns (PM–10). These new sections to Rules for the Control of Air Pollution in Idaho (IDAPA) include IDAPA sections 58.01.01.563 through IDAPA 58.01.01.574, and IDAPA 58.01.01.582. These sections were submitted as part of a series of revisions to the SIP to EPA on December 6, 2000 and February 9, 2001.

DATES: This direct final rule is effective on June 11, 2001 without further notice, unless EPA receives adverse comment by May 14, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Mr. Wayne Elson, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents incorporated by reference are available for public inspection at the

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and the Idaho Department of Environmental Quality, 1420 North Hilton, Boise, Idaho 83706–1255.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Elson, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–1463.

SUPPLEMENTARY INFORMATION: The supplementary information is organized as follows:

I. What SIP Amendments are We Approving?
II. What is Transportation Conformity?
III. How Does Transportation Conformity Work?
IV. Why Must the State have a Transportation Conformity SIP?
V. What is EPA Approving for Transportation Conformity and Why?
VI. How Did the State Satisfy the Transportation Conformity Interagency Consultation Process (40 CFR 93.105)?
VII. Why is EPA Approving an Interim Conformity Rule for the Northern Ada County Former Nonattainment Area for PM–10?
VIII. Summary of Action
IX. Administrative Requirements

I. What SIP Amendments Are We Approving?

The following table outlines the submittal EPA received and is approving in this action

Date of submittal to EPA	Items revised
12–6–2000	—Rules for the Control of Air Pollution in Idaho, Transportation Conformity, IDAPA 58.01.01.563 through IDAPA 58.01.01.574.
2–9–2001	—Interim Conformity Provisions for Northern Ada County Former Nonattainment Area for PM–10, 58.01.01.582.

II. What Is Transportation Conformity?

Conformity first appeared in the Clean Air Act's 1977 amendments (Pub. L. 95–95). Although the Act did not define conformity, it stated that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP which has been approved or promulgated. The Act's 1990 Amendments expanded the scope and content of the conformity concept by defining conformity to an implementation plan. Section 176(c) of the Act defines conformity as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. Also, the Act states that no Federal activity will: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

III. How Does Transportation Conformity Work?

The Federal or State Transportation Conformity Rule applies to all nonattainment and maintenance areas in the State. The Metropolitan Planning Organizations (MPO), the State Departments of Transportation (in absence of a MPO), and U.S. Department of Transportation make conformity determinations. These agencies make conformity determinations on programs and plans such as transportation improvement programs, transportation plans, and projects. The MPOs calculate the projected emissions for the transportation plans and programs and compare those calculated emissions to the motor vehicle emissions ceiling established in the SIP. The calculated emissions must be smaller than the motor vehicle emissions ceiling for showing a positive conformity with the SIP.

IV. Why Must the State Have a Transportation Conformity SIP?

EPA was required to issue criteria and procedures for determining conformity of transportation plans, programs, and projects to a SIP by section 176(c) of the Act. The Act also required the procedure to include a requirement that each State submit a revision to its SIP including conformity criteria and procedures. EPA published the first transportation conformity rule in the November 24, 1993, **Federal Register** (FR), and it was codified at 40 CFR part 51, subpart T and 40 CFR part 93, subpart A. EPA first required the States and local agencies to adopt and submit a transportation conformity SIP revision by November 25, 1994. EPA revised the transportation conformity rule on August 7, 1995 (60 FR 40098), November 14, 1995 (60 FR 57179), August 15, 1997 (62 FR 43780), April 10, 2000 (65 FR 18911) and it was codified under 40 CFR part 51, subpart T and 40 CFR part 93, subpart A—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws (62 FR 43780). EPA's action of August 15, 1997, required the States to change their rules and send a SIP revision by August 15, 1998. Idaho submitted their transportation rules on December 6, 2000.

V. What Is EPA Approving Today for Transportation Conformity and Why?

EPA is approving the Idaho Transportation Conformity Rule that the Director of the Idaho Department of Environmental Quality (IDEQ) submitted on December 6, 2000.

In this submittal, IDEQ has adopted the Federal rules by ''incorporation by reference'' (except for the interagency consultation section 40 CFR 93.105 where they customized the rules for Idaho and those sections affected by court decisions subsequent to the Federal rule published on August 15, 1997 (62 FR 43780). Sections IDAPA 58.01.01.107(p) and IDAPA 58.01.01.564 include these exceptions.) ''Incorporation by Reference'' (IBR) means that the State adopted the Federal rules without rewriting the text of the Federal rules but by referring to them for inclusion as if they were printed in the state regulation. The Federal Transportation Conformity Rule required the states to adopt a majority of the Federal rules in verbatim form with a few exceptions. The States cannot make their rules more stringent than the Federal rules unless the State's rules apply equally to non-federal entities as well as Federal entities. The Idaho Transportation Conformity Rule is the same as the Federal rule and the State has made no additional changes or modifications, with the exception of the consultation section. EPA has evaluated this SIP revision and has determined that the State has fully adopted the Federal Transportation Conformity rules as described in 40 CFR part 51, subpart T and 40 CFR part 93, subpart A. Also, the IDEQ has completed and satisfied the public participation and comprehensive interagency consultations during development and adoption of these rules at the local level. Therefore, EPA is approving this SIP revision.

VI. How Did the State Satisfy the Transportation Conformity Interagency Consultation Process (40 CFR 93.105)?

EPA's rule requires the States to develop their own processes and procedures for interagency consultation among the Federal, State, and local

agencies and resolution of conflicts meeting the criteria in 40 CFR 93.105. The SIP revisions must include processes and procedures to be followed by the MPO, state and local transportation agencies, and the U.S. Department of Transportation (USDOT) in consulting with the State and local air quality agencies and EPA before making conformity determinations. Also, the transportation conformity SIP revision must have processes and procedures for the State and local air quality agencies and EPA in coordinating development of applicable SIPs with MPOs, transportation agencies, and USDOT. The State developed its own consultation rule based on the elements in 40 CFR 93.105, and excluded this section from IBR.

The Idaho consultation rule specifically addresses interagency consultation procedures for an Interagency Consultation Committee (ICC). Consultation is required for development of implementation plans under the Clean Air Act; conformity determinations for plans, projects, and programs; and revisions to these documents that affect conformity. The ICC consists of the MPO, Idaho Transportation Department (ITD), Federal Highway Administration, Federal Transit Administration, IDEQ, affected Local Highway Jurisdictions involved in transportation, affected Transit agencies, Local Highway Technical Assistance Council (LHTAC), Indian Tribal governments with transportation planning responsibilities, and the U.S. EPA. Other affected transportation agencies are entitled to participate as well. The rule identifies actions requiring consultation, ICC member roles, ICC member responsibilities, general consultation process, consultation process and review procedures, conflict resolution, and public consultation.

VII. Why Is EPA Approving an Interim Conformity Rule for the Northern Ada County Former Nonattainment Area for PM–10?

As mentioned above, the State and Federal Conformity Rules apply to all nonattainment and maintenance areas in the State. Northern Ada County was designated as a nonattainment area for PM–10 under the Clean Air Act Amendments of 1990. In March of 1999, however, EPA revoked the nonattainment designation and 1987 PM–10 National Ambient Air Quality Standard for this area (64 FR 12257, March 12, 1999). As a result, the Federal conformity requirements for PM–10 no longer applied. Soon after, a petition for review was filed in the Ninth Circuit Court of Appeals to challenge EPA's action revoking the nonattainment designation and the PM–10 standard for Northern Ada County (*Idaho Clean Air Force et al.* v. *EPA et al.* Nos. 99–70289 and 99–70576 (9th Cir)). As part of the settlement of this lawsuit, Idaho submitted and EPA is taking action on an interim transportation conformity rule (IDAPA 58.01.01.582) for the area. (See notice of Proposed Settlement for a general description of the settlement (66 FR 8229, January 30, 2001). Among other things, the interim transportation rule requires that the growth in transportation related PM–10 emissions be offset annually in the absence of federal transportation conformity requirements in Northern Ada County. Specifically, the rule requires the adoption of new control measures that would achieve emissions reductions of two thousand (2000) kg/day during the initial fiscal year during which these provisions apply and a minimum of seven hundred fifty (750) kg/day (in addition to the reductions required during previous years) during each of the subsequent years. This rule applies to Northern Ada County for the interim period specified under the settlement.

EPA approves IDAPA 58.01.01.582 for the Northern Ada County former PM–10 nonattainment area because it provides for PM–10 emissions reductions that would not otherwise be required for Northern Ada County and because it strengthens the PM–10 emissions-related requirements in the State's SIP. In addition, this rule reflects an agreement with stakeholders, representing environmental, state, and local interests, during the negotiation of the settlement of *Idaho Clean Air Force, et al.* v. *EPA, et al.,* indicating widespread support of the rule.

VIII. Summary of Action

EPA approves new sections to Idaho's State Implementation Plan (SIP) that contain the transportation conformity rule for nonattainment areas and an interim transportation conformity rule for Northern Ada County former PM–10 nonattainment area. These new sections to Rules for the Control of Air Pollution in Idaho (IDAPA) include IDAPA sections 58.01.01.563 through IDAPA 58.01.01.574, and IDAPA 58.01.01.582.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 11, 2001 without further notice unless the Agency receives adverse comments by May 14, 2001.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 11, 2001 and no further action will be taken on the proposed rule.

IX. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective June 11, 2001 unless EPA receives adverse written comments by May 14, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 11, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 9, 2001.

Ron Kreizenbeck,

Acting Regional Administrator, Region 10.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart N—Idaho

2. Section 52.670 is amended by adding paragraphs (c)(32) and (c)(33) to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(32) On December 6, 2000, the Idaho Department of Environmental Quality submitted amendments to State of Idaho's Rules and Regulations for the Control of Air Pollution in Idaho as revisions to the Idaho state implementation plan as follows: sections 58.01.01.563 through 58.01.01.574.

(i) Incorporation by reference.

(A) Section 58.01.01.563 Transportation Conformity, Section 58.01.01.564 Incorporation by Reference, Section 58.01.01.565 Abbreviations, Section 58.01.01.566 Definitions for the Purpose of Sections 563 Through 574 and 582, Section 58.01.01.567 Agencies Affected by Consultation, Section 58.01.01.568 ICC Member Roles in Consultation, Section 58.01.01.569 ICC Member Responsibilities in Consultation, Section 58.01.01.570 General Consultation Process, Section 58.01.01.571 Consultation Procedures, Section 58.01.01.572 Final Conformity Determinations by USDOT, Section 58.01.01.573 Resolving Conflicts, Section 58.01.01.574 Public Consultation Procedures.

(33) On February 9, 2001, the Idaho Department of Environmental Quality submitted amendments to State of Idaho's Rules and Regulations for the Control of Air Pollution in Idaho as revisions to the Idaho state implementation plan as follows:

Section 58.01.01.582

(i) Incorporation by reference.

(A) Section 58.01.01.582 Interim Conformity Provisions for Northern Ada County Former Nonattainment Area for Northern Ada County Former Nonattainment Area for PM–10.

[FR Doc. 01–8929 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–U

Proposed Rules

Federal Register
Vol. 66, No. 71
Thursday, April 12, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–328–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, –301 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–102, –103, and –301 series airplanes. This proposal would require repair of the flight deck angle. This action is necessary to prevent the flight deck angle from interfering with the clevis of the roll control disconnect cable, which could lead to an uncommanded disconnection of the roll control, resulting in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–328–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–328–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE–170, FAA, New York Aircraft Certification Office, 10 Fifth Street, Valley Stream, New York 11581–1200; telephone (516) 256–7505; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–328–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2000–NM–328–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–100 and –300 series airplanes. TCCA advises that it has had reports of uncommanded disconnection of the roll control during landing in turbulent conditions. In one case, the disconnection was attributed to interference from the flight deck angle with the clevis on the roll control disconnect cable. This condition, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Bombardier has issued Service Bulletin 8–53–75, dated December 6, 1999, which describes procedures for repair of the flight deck angle. The repair involves removal of unwanted material from the angle and from hole ''A'' on the floor beam, as necessary, to alleviate a fouling condition; deburring all reworked edges; conducting an eddy current inspection of the reworked parts for cracks; and re-protecting the reworked surfaces. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. TCCA classified this service bulletin as mandatory and issued Canadian airworthiness directive CF–2000–21, dated August 4, 2000, in order to assure the continued airworthiness of these airplanes in Canada.

The service bulletin references Bombardier Repair Drawing RD8–53–3620, dated June 15, 1999, as an additional source of service information

for accomplishment of the repair of the flight deck angle.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

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

Cost Impact

The FAA estimates that 42 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed repair, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,080, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 2000–NM–328–AD.

Applicability:

Model DHC–8–102, –103, and –301 series airplanes, certificated in any category, serial numbers 003 through 146, excluding serial numbers 064 and 137.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the flight deck angle from interfering with the clevis of the roll control disconnect cable, which could lead to an uncommanded disconnection of the roll control, resulting in reduced controllability of the airplane, accomplish the following:

Repair

(a) Within 18 months after the effective date of this AD: Repair the flight deck angle having part number (P/N) 85310497–101/103, by accomplishing all applicable actions specified in the Accomplishment Instructions of Bombardier Service Bulletin 8–53–75, dated December 6, 1999, in accordance with the service bulletin.

Note 2: The service bulletin references Bombardier Repair Drawing RD8–53–3620, dated June 15, 1999, as an additional source of service information for accomplishment of the repair of the flight deck angle.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–21, dated August 4, 2000.

Issued in Renton, Washington, on April 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9022 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–401–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes. This proposal would require a one-time detailed visual inspection of the carriage spindles on the outboard midflap for circumferential score marks; and rework of the carriage spindles or replacement with new or serviceable spindles, if necessary. This action is necessary to prevent severe flap asymmetry due to fractures of both carriage spindles at an outboard midflap, which could result in loss of controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–401–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–401–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–401–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–401–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The manufacturer has informed the FAA of four reports of carriage spindle fractures at the outboard midflap. These fractures were found in an area forward of the spherical bearing. The cause of such fractures was attributed to improper overhaul of spindle surfaces. Findings indicated circumferential scores on the forward end of the spindle. The manufacturer reports that one fracture on the carriage spindle for each flap will not affect safety of flight, and that such a condition could be detected and corrected with control input by the pilot. However, two fractured carriage spindles in an outboard flap will affect safety of flight, and this condition can be difficult to correct with control input by the pilot. Such a condition, if not corrected, could result in severe flap asymmetry due to fractures of both spindles at an outboard midflap, which could result in loss of controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–57A1256, dated September 30, 1999, which describes procedures for a one-time inspection of the forward end of the carriage spindles on the outboard midflap for circumferential scores; and rework of the carriage spindle or replacement with a new or serviceable spindle, if necessary. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 870 Model 737–100, –200, and ''200C series airplanes of the affected design in the worldwide fleet. The FAA estimates that 320 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $230,400, or $720 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and

the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2000–NM–401–AD.

Applicability: Model 737–100, –200, and –200C airplanes, not having high gross weight flaps installed; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent severe flap asymmetry due to fractures of both carriage spindles at an outboard midflap, which could result in loss of controllability of the airplane, accomplish the following:

One-Time Detailed Visual Inspection

(a) Within 18 months after the effective date of this AD, do a one-time detailed visual inspection of the outboard midflap carriage spindles for circumferential score marks per Boeing Alert Service Bulletin 737–57A1256, dated September 30, 1999.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If no scoring is found on any carriage spindle, no further action is required by this paragraph.

(2) If any scoring is found on any carriage spindle, before further flight, rework the carriage spindle, or replace it with a new or serviceable spindle per the service bulletin.

Spares

(b) As of the effective date of this AD, no person shall install any outboard midflap carriage spindle having a part number identified in paragraph 2.E. of Boeing Alert Service Bulletin 737–57A1256, dated September 30, 1999, on any airplane, unless the spindle has been inspected for score marks and reworked, as necessary, per the service bulletin.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permit

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

Issued in Renton, Washington, on April 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9021 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–403–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–700 and –800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–700 and –800 series airplanes. This proposal would require inspections of certain tension bolts at the attachment of the aft pressure bulkhead to the fuselage at body station 1016 to determine if the correct parts are installed, and corrective action, if necessary. This action is necessary to prevent fatigue cracking along the bulkhead-to-fuselage attachment, which could result in structural failure of the aft pressure bulkhead and consequent rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–403–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–403–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–403–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–403–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report that numerous Boeing Model 737–700 and –800 series airplanes may have been delivered with the wrong tension bolts or nuts installed at the attachment of the aft pressure bulkhead to the fuselage at body station (BS) 1016. The subject tension bolts attach the forward frame chord, the Y-chord, and the aft frame chord to the fuselage, and the bolts may be the wrong length or the wrong nut could be installed. If incorrect tension bolts are installed, the fatigue life of the aft pressure bulkhead may be reduced. This condition, if not corrected, could result in fatigue cracking along the bulkhead-to-fuselage attachment, structural failure of the aft pressure bulkhead, and consequent rapid decompression of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998, which describes procedures for various inspections of tension bolts at the attachment of the aft pressure bulkhead to the fuselage at BS 1016 to determine whether the correct parts are installed. The inspections include:

- A visual inspection of the nuts above stringer 10 on both sides of the airplane, measuring the height of the nut to determine if the correct nut is installed.
- An inspection of bolts using a special measuring gage to determine if any long bolts are installed.
- A visual inspection of bolts to determine if any short bolts are installed.
- A torque test of the nuts on any long bolts found above the main deck floor to determine whether the bolts are properly clamped.

Corrective actions are also described in the service bulletin. If any long or short bolt is installed, the corrective action is replacement of the bolt and nut, as applicable. In cases where short bolts are installed between two adjacent stringer end fittings or at stringer end fittings, repetitive inspections of the nuts to determine if bolts are properly clamped are provided as an option that extends the compliance time for the replacement of bolts. The compliance time for the replacement of bolts varies by condition, and Section 1.D. (''Compliance'') of the service bulletin contains a table summarizing the conditions, appropriate corrective actions, and compliance times.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin refers to visual inspections, this proposed AD identifies these inspections as ''special detailed inspections.'' A note defining a special detailed inspection is included after paragraph (a) of this AD.

Operators should also note that, although the service bulletin specifies that the manufacturer must be contacted for disposition of certain repair conditions, this proposed AD would require those conditions to be repaired per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Cost Impact

There are approximately 31 airplanes of the affected design in the worldwide fleet. The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,680, or $120 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship

between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2000–NM–403–AD.

Applicability: Model 737–700 and –800 series airplanes; line numbers 4, 6, 9 through 20 inclusive, 29, and 31 through 46 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking along the bulkhead-to-fuselage attachment, which could result in structural failure of the aft pressure bulkhead and consequent rapid decompression of the airplane, accomplish the following:

Inspections and Corrective Actions

(a) Prior to the accumulation of 3,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later, do one-time special detailed inspections of tension bolts at the attachment of the aft pressure bulkhead to the fuselage at body station 1016 to determine whether the correct parts are installed, per the Accomplishment Instructions of Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998.

(1) If any long bolt is found above the main deck floor, do paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Before further flight, do a torque test of the nut on the long bolt to determine whether the bolt is properly clamped.

(ii) Replace the bolt and nut, as applicable, with new parts, per the service bulletin, except as provided by paragraph (c) of this AD. The correct replacement parts are listed in Figure 4 of the service bulletin. Do the replacement no later than the compliance time specified in the compliance table in Section 1.D. (''Compliance'') of the service bulletin. For the purposes of this AD, compliance times stated in flight cycles and years are to be counted from the time of the inspection per paragraph (a) of this AD.

(2) For any long or short bolt other than those identified in paragraph (a)(1) of this AD, replace the bolt and nut, as applicable, with new parts, per the service bulletin, except as provided by paragraph (c) of this AD. The correct replacement parts are listed in Figure 4 of the service bulletin. Do the replacement no later than the compliance time specified in the compliance table in Section 1.D. (''Compliance'') of the service bulletin. For the purposes of this AD, compliance times stated in flight cycles and years are to be counted from the time of the inspection per paragraph (a) of this AD.

Note 2: For the purposes of this AD, a special detailed inspection is defined as: ''An intensive examination of a specific item(s), installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedures may be required.''

Repetitive Inspections

(b) Where short bolts are installed between two adjacent stringer end fittings or at stringer end fittings, doing repetitive inspections of the nuts to determine if bolts are properly clamped, per Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998, extends the compliance time for the replacement of bolts, per the compliance table in Section 1.D. (''Compliance'') of the service bulletin.

Exception for Certain Repair Conditions

(c) Where Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998, specifies to contact Boeing for replacement instructions: Before further flight, replace per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permits

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

Issued in Renton, Washington, on April 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9020 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–379–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320, and –500 Series Airplanes and Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Aerospatiale Model ATR42–200, –300, –320, and –500 series airplanes and all

ATR72 series airplanes. This proposal would require revision of the Airplane Flight Manual (AFM) to modify procedures for takeoff when Type II or IV de-icing fluids have been used. This proposal is prompted by reports that use of these de-icing fluids is associated with an increase in the pitch forces necessary to rotate the airplane during takeoff and with other changes in performance. These changes could result in reduced controllability of the airplane. The action specified in this AD is intended to ensure that the flight crew is advised of the potential effects of Type II or IV de-icing fluids on the airplane's performance during takeoff and of the procedures necessary to address these effects.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–379–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–379–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–379–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2000–NM–379–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Aerospatiale Model ATR42 series airplanes and all Model ATR72 series airplanes. The DGAC advises that use of Type II or IV de-icing fluids prior to takeoff may affect the performance of the airplane on takeoff. The de-icing fluids are associated with an increase in the pitch forces necessary to rotate the airplane and other changes in performance, which could result in reduced controllability of the airplane.

FAA's Conclusions

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

Specifically, the FAA finds that the FAA-approved Airplane Flight Manual (AFM) for Model ATR42 series airplanes and Model ATR72 series airplanes should be revised to advise the flight crew that use of Type II or IV de-icing fluids prior to takeoff affects the performance of the airplane and that the flight crew needs to follow procedures, such as increasing the takeoff distance, to compensate for these effects. The FAA finds that such procedures currently are not defined adequately in the AFM for these airplanes.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revising the Appendices and Supplements chapter of the AFM to modify procedures for takeoff when Type II or IV de-icing fluids have been used. The revision would ensure that flight crews are advised of the potential hazards related to takeoff after Type II or IV de-icing fluids have been used and the procedures to address them.

Cost Impact

The FAA estimates that 69 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed revision of the AFM, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $4,140 or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The

cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Aerospatiale: Docket 2000–NM–379–AD.

Applicability: All Model ATR42–200, –300, –320, and ''500 series airplanes and all Model ATR72 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is advised of the potential hazard associated with use of Type II of IV de-icing fluids prior to takeoff and the procedures necessary to address it, accomplish the following:

Revision of the Airplane Flight Manual

(a) Within 15 days after the effective date of this AD, revise the Appendices and Supplements chapter of the FAA-approved Airplane Flight Manual (AFM) by incorporating the manufacturer's Appendix on this issue or by including the following, which may be accomplished by including a copy of this AD in the AFM.

''Takeoff After Use of Fluid Type II or IV

This appendix applies only to aircraft de-iced or anti-iced before takeoff, using fluid Type II or IV.

These types of fluid may lead to an increase in control forces necessary to rotate, and then to a modification of takeoff performance.

Therefore, this flight manual must be modified as follows:

1. General

The general information in Section 1 is applicable.

2. Limitations

The limitations in Section 2 are applicable.

3. Normal Procedures

The normal procedures in Section 3 are applicable.

4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

5. Procedures Following Failures

The procedures following failures in Section 5 are applicable.

6. Performances

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

- Determine VR for the lowest available V2,
- Assume V1=VR,
- Increase TOR, TOD, ASD by 20%.

7. Appendices and Supplements

Data of Section 7 are applicable by adding what follows:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluid Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Takeoff with flaps retracted.''

Alternative Methods of Compliance

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

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 2: The subject of this AD is addressed in French airworthiness directives 2000–449–082(B) and 2000–448–053(B), both dated October 31, 2000.

Issued in Renton, Washington, on April 6, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9076 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–02–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); rescission.

SUMMARY: This amendment proposes rescinding an existing Airworthiness Directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 407 helicopters. That AD currently requires, before further flight, imposing never exceed velocity (Vne) restrictions on the helicopter. The requirements of that AD were intended to prevent tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter. That AD was prompted by an accident suspected of being the result of a tail rotor strike caused by high airspeed. Since the issuance of that AD, accident investigation findings have not substantiated that a tail rotor strike caused by high airspeed was the cause of the accident. This action would require rescinding that AD. This

proposal is prompted by the FAA's determination that the Vne restrictions and accompanying actions imposed by that AD do not correct an unsafe condition.

DATES: Comments must be received on or before May 14, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA) Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–02–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–SW–02–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Attention: Rules Docket No. 2001–SW–02–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On January 30, 2001, the FAA issued AD 2001–01–52, Amendment 39–12100 (66 FR 9031, February 6, 2001), for BHTC Model 407 helicopters. That AD requires, before further flight, reducing the maximum approved Vne to 100 KIAS if an airspeed-actuated pedal stop is not installed or to 110 KIAS if an airspeed-actuated pedal stop is installed; inserting a copy of the AD into the RFM; installing a temporary placard on the flight instrument panel to indicate the reduced Vne limit; and installing a new redline Vne limit at either 100 or 110 KIAS, as specified in the AD, on all airspeed indicators. That action was prompted by an accident in which a helicopter was destroyed on water impact following an in-flight occurrence at approximately 140 KIAS. One of the possible contributing factors was an in-flight tail rotor strike to the tailboom. As a precautionary measure, pending further investigation into the accident, and after reviewing the AD issued by the certifying authority for the helicopter (Transport Canada), the FAA issued AD 2001–01–52 to reduce the Vne.

Actions Since Issuing Previous AD

Since issuing AD 2001–01–52, preliminary accident investigation findings do not substantiate that the accident resulted from a tail rotor strike caused by high airspeed. Information provided by BHTC and reviewed by the FAA supports these findings. Transport Canada has issued a superseding AD, CF–2001–01R1, dated April 3, 2001, stating that the Vne restriction is no longer necessary. Transport Canada advises that no data has emerged from the investigation to confirm that the accident was initiated by a tail rotor strike. While the possibility of a tail rotor strike has not been completely discounted as the cause of the accident, a tail rotor strike occurrence while operating within the approved flight envelope has been discounted. The ongoing accident investigation is currently considering other factors.

FAA's Conclusions

After reviewing the available data, the FAA has determined that it is appropriate to rescind AD 2001–01–52 to prevent operators from performing an unnecessary action. The Vne restrictions and accompanying actions imposed by that AD do not correct an unsafe condition. The ongoing investigation found no information to indicate that the accident was caused by a tail rotor strike during flight at high airspeed. The cause of the accident precipitating AD 2001–01–52 remains under investigation.

This proposed action would rescind AD 2001–01–52. Rescission of AD 2001–01–52 would constitute only such action and if followed by a final action would not preclude the agency from issuing another action in the future nor would it commit the agency to any course of action in the future.

Cost Impact

The FAA estimates that 200 helicopters of U.S. registry are affected by AD 2001–01–52. The actions that are currently required by that AD take approximately 3 work hours per helicopter to manufacture and install each airspeed limitation placard. The average labor rate is $60 per work hour. Required parts cost approximately $10 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $38,000 to install an airspeed limitation placard on all helicopters in the U.S. fleet. However, adopting this proposed rescission would eliminate those costs.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding an AD removing Amendment 39–12100 to read as follows:

Bell Helicopter Textron Canada: Docket No. 2001–SW–02–AD. Rescinds AD 2001–01–52, Amendment 39–12100.

Applicability: Model 407 helicopters, certificated in any category.

Issued in Fort Worth, Texas, on March 5, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–9075 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–43–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61A, D, E, L, N, NM, R, and V Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding an existing airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S–61A, D, E, L, N, NM, R, and V helicopters. That AD currently requires a nondestructive inspection (NDI) for a crack in the main rotor shaft (shaft) and replacing any cracked shaft. This action would require establishing and defining new life limits and removing certain shafts from service. This proposal is prompted by the final results of fatigue tests indicating the need to establish life limits for certain shafts. The actions specified by the proposed AD are intended to prevent structural failure of the shaft, loss of power to the main rotor, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–43–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Wayne Gaulzetti, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7156, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–43–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–43–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On December 7, 1998, the FAA issued AD 98–26–02, Amendment 39–10943 (63 FR 69177, December 16, 1998), for Sikorsky Model S–61A, D, E, L, N, NM, R, and V helicopters. That AD required an NDI of certain shafts used in repetitive external lift (REL) operations, replacing any cracked shaft, appropriately marking shafts, and establishing a new shaft retirement life. That action was prompted by reports of cracked shafts in helicopters utilized in REL operations. The requirements of that AD are intended to detect a fatigue crack in the shaft that could result in shaft structural failure, loss of power to the main rotor, and subsequent loss of control of the helicopter.

REL operation is defined as an operation during which the average number of external lifts equals or exceeds six per flight hour for any 250-hour TIS period during the main gearbox overhaul interval. An external lift is defined as a flight cycle in which an external load is picked up, the helicopter is repositioned (through flight or hover), and the helicopter hovers and releases the load and departs or lands and departs.

Since the issuance of that AD, Sikorsky has issued an Alert Service Bulletin No. 61B35–68B, Revision B, dated July 6, 2000 (ASB), to establish a retirement time for shafts used in REL and non-REL operations and to perform an NDI on certain shafts with expired time. Sikorsky conducted fatigue testing, evaluated three S–61 shafts, and investigated two shafts that cracked in service. With this additional data and analysis, new life limits for shafts operated in all categories, REL and non-REL, and all configurations have been established.

Since an unsafe condition has been identified that is likely to exist or develop on other Sikorsky Model S–61A, D, E, L, N, NM, R, and V helicopters of these same type designs, the proposed AD would supersede AD 98–26–02 to require for each shaft, part number (P/N) S6135–20640–001, S6135–20640–002, or S6137–23040–001, the following:

- Determine whether the shaft has been utilized in REL or non-REL operations;
- If the shaft has been used in REL operations, perform an NDI.
- Acid-etch the letters ''REL'' on any airworthy shaft that will be used in REL operations;
- Remove from service at or before the next main gearbox overhaul, any

shaft using an oversize dowel pin bore repair identified as TS–281 or TS–041–3; and

• This proposal would also establish new life limits for shafts in all REL and non-REL operations.

The FAA estimates that 30 helicopters of U.S. registry involved in REL and 30 involved in non-REL operations would be affected by this proposed AD. It would take approximately 2.2 work hours to inspect a shaft when it is removed during transmission overhaul, and the average labor rate is $60 per work hour. Required material for each shaft inspection would cost approximately $50 per shaft, and a replacement shaft costs $44,753. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,353,510, assuming that all shafts used in REL operation would need to be replaced as a result of this proposal.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10943 (63 FR 69177, December 16, 1998), and by adding a new airworthiness directive, to read as follows:

Sikorsky Aircraft Corporation: Docket No. 2000–SW–43–AD. Supersedes AD 98–26–02, Amendment 39–10943, Docket No. 96–SW–29–AD.

Applicability: Model S–61A, D, E, L, N, NM, R, and V helicopters, with main rotor shaft (shaft), part number (P/N) S6135–20640–001, S6135–20640–002, or S6137–23040–001, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect a fatigue crack in the shaft that could result in shaft structural failure, loss of power to the main rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 30 days or 240 hours time-in-service (TIS), whichever occurs first, determine if the shaft has been used in repetitive external lift (REL) operations. REL operation is defined as an operation during which the average number of external lifts equals or exceeds 6 per flight hour for any 250-hour TIS period during the main gearbox overhaul interval. An external lift is defined as a flight cycle in which an external load is picked up, the helicopter is repositioned (through flight or hover), and the helicopter hovers and releases the load and departs or lands and departs.

(1) On the component log card or equivalent record, record the total number of hours TIS during which external lifts have been conducted and the number of external lifts conducted during each hour.

(2) If the hours TIS of external lift operations or the number of lifts cannot be determined, assume REL operations were conducted.

(b) Within the next 1,100 hours TIS, conduct a non-destructive inspection (NDI) for a crack on shafts used in REL operations in accordance with the Overhaul Manual.

(1) Before further flight, replace any cracked shaft with an airworthy shaft.

(2) If the shaft has been used or will be used in REL operations, prior to installation, mark the shafts in accordance with the Accomplishment Instructions in paragraphs 2E and 2F of Sikorsky Aircraft Corporation Alert Service Bulletin (ASB) No. 61B35–68B, dated July 6, 2000. Once a shaft has been designated and marked as an REL shaft, it is life-limited in accordance with paragraph (g) of this AD for the remainder of that shaft's airworthy service life.

(c) During or before the next main gearbox overhaul, remove all shafts used in REL or non-REL operations that were repaired using an oversize dowel pin bore repair TS–281 or TS–041–3, and replace the shaft with an airworthy shaft. Shafts repaired using TS–281 or TS–041–3 cannot be reinstalled in any gearbox.

(d) For shafts that have been used in REL operations,

(1) On or before attaining 2,200 hours TIS, remove any shaft that has been modified (modified REL shaft) in accordance with Sikorsky Customer Service Notice 6135–10, dated March 18, 1987, and Sikorsky ASB No. 61B35–53, dated December 2, 1981.

(2) On or before attaining 1,500 hours TIS, remove any shaft that has not been modified (unmodified REL shaft) in accordance with Sikorsky Customer Service Notice 6135–10, dated March 18, 1987, and Sikorsky ASB No. 61B35–53, dated December 2, 1981.

(3) On or before attaining 535 hours TIS, remove any shaft, modified or unmodified, if the total TIS is unknown.

(e) For shafts used exclusively in non-REL operations,

(1) Record the hours TIS. If the total hours TIS cannot be determined, record 12,500 hours TIS.

(2) On or before attaining 42,000 hours TIS, remove any shaft used exclusively in non-REL operations.

(f) This AD revises the airworthiness limitations section of the maintenance manual by establishing for shafts, P/N S6135–20640–001, S6135–20640–002, and S6137–23040–001:

(1) A retirement life for shafts that have been used in REL operations as follows: 1,500 hours TIS for unmodified shafts; 2,200 hours TIS for modified shafts; or 535 hours TIS for modified or unmodified shafts when previous TIS is unknown; and

(2) A retirement life for shafts used exclusively in non-REL operations of 42,000 hours TIS.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

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

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

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

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–9074 Filed 4–11–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 210

RIN 1510–AA84

Federal Government Participation in the Automated Clearing House

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: We're proposing to revise our regulation, 31 CFR part 210 (Part 210), governing the use of the Automated Clearing House (ACH) system by Federal agencies. The proposed rule would govern the conversion of checks to ACH debit entries at Federal agency (agency) points-of-purchase and at lockbox locations where payments to agencies are sent. The check conversion methods proposed represent a departure from the traditional means of how checks presented by the public to agencies are processed. The proposed rule would also govern the origination by agencies of ACH debit entries authorized over the Internet.

The proposed rule supports the continuation of the efforts of the Financial Management Service (FMS) and agencies to move to an all-electronic environment for the processing of payments and collections. More efficient processing of payments received at agency and lockbox locations could result in substantial savings for the Federal government and the taxpayer. In addition, the proposed rule supports the movement of collection activities to the Internet and supports the implementation of the Government Paperwork Elimination Act (GPEA). FMS is in the process of developing and implementing a government-wide collection portal, Pay.gov, which provides for the authorization of both consumer and corporate payments via the Internet. FMS also is conducting a pilot Internet application of the Electronic Federal Tax Payment System (EFTPS).

The proposed rule would generally adopt the ACH rules (ACH Rules) developed by NACHA—The Electronic Payments Association (NACHA) as the rules governing these transactions, with several exceptions.

DATES: Comments must be received by July 11, 2001.

ADDRESSES: You may send comments electronically to the following address: *210comments@fms.treas.gov.* You may also mail your comments to Donna Kotelnicki, Acting Director, Cash Management Policy and Planning Division, Financial Management Service, U.S. Department of the Treasury, Room 420, 401 14th Street, SW., Washington, DC 20227.

You can download this notice of proposed rulemaking at the following World Wide Web address: *http://www.fms.treas.gov/ach.* You may also inspect and copy this notice at: Treasury Department Library, Freedom of Information Act (FOIA) Collection, Room 1428, Main Treasury Building, 1500 Pennsylvania Ave., NW., Washington, DC 20220. Before visiting, you must call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Walt Henderson, Senior Financial Program Specialist, at (202) 874–6705 or walt.henderson@fms.treas.gov; Matthew Helfrich, Financial Program Specialist, at (202) 874–6754 or matthew.helfrich@fms.treas.gov; Natalie H. Diana, Senior Attorney, at (202) 874–6680 or natalie.diana@fms.treas.gov; or Donna Kotelnicki, Acting Director, Cash Management Policy and Planning Division, at (202) 874–6590 or donna.kotelnicki@fms.treas.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Part 210 governs the use of the ACH system by agencies. The ACH system is a nationwide electronic funds transfer (EFT) system that provides for the inter-bank clearing of credit and debit transactions and for the exchange of information among participating financial institutions. Part 210 incorporates the ACH Rules adopted by NACHA, with certain exceptions. From time to time we amend Part 210 in order to address changes that NACHA periodically makes to the ACH Rules.

We are proposing to amend the ACH Rules currently incorporated in Part 210 governing the conversion of checks to ACH debit entries at the point-of-purchase. FMS is testing the conversion of checks to ACH debit entries at the point-of-purchase in on-going pilot programs with several agencies. Pilot check conversion activities are limited to consumer and corporate checks received over-the-counter by these agencies. These limited pilot programs involve patent and trademark filing fees (consumer and corporate), general store sales at hospital canteens (consumer), and gift shop sales (consumer). During the pilot evaluation period of September 1998 to August 2000, 21,717 items worth over $3.4 million were processed. Of the total items processed, 99.61% were successfully processed.

These pilots have demonstrated that point-of-purchase check conversion can be a useful and cost-effective way to collect certain payments made to Federal agencies. However, certain issues have arisen in connection with the operation of the pilot programs, including issues related to the conversion of corporate checks and the way in which the Receiver's authorization is obtained.

At the same time, FMS is evaluating whether the conversion of checks to ACH debits at Government lockboxes could offer significant cost savings as compared with regular check processing. Although we have not piloted accounts receivable check conversion, we are aware that several agencies are interested in testing this technology. We believe, however, that accounts receivable check conversion presents some of the same issues raised by point-of-purchase check conversion.

On February 16, 2001 (66 FR 10578), we published an interim rule amending part 210 in order to address certain amendments to the ACH Rules that NACHA published in its 2001 rule book. Among the NACHA rule amendments that we considered at that time were rules governing the conversion of checks at lockbox locations, as well as rules governing Internet-initiated ACH debit entries. We did not incorporate these ACH rules in our interim rule because we believed that we should seek public comment on the rules before they are adopted. The purpose of this notice of proposed rulemaking is to request comment on proposed rules that would govern point-of-purchase check conversion, lockbox check conversion, and Internet-initiated ACH debit entries, particularly with respect to the issues discussed below.

II. Summary of Issues We Are Seeking Comment On

A. Point-of-Purchase Check Conversion

Our regulation at 31 CFR part 210 currently incorporates the ACH Rules that allow for the conversion of checks to ACH debit entries at the point-of-purchase. Under the ACH Rules, a merchant may use a consumer's check as a source document to initiate a one-time ACH debit entry to the consumer's account for a purchase made in person at the point-of-purchase, using Standard

Entry Class (SEC) code POP (Point-of-Purchase Entry). Corporate checks may not be converted.

The ACH check conversion rule requires that the merchant (Originator) obtain written authorization from the consumer (Receiver)[1] prior to initiating the transaction. The merchant must provide the consumer with a copy of the authorization as well as a receipt containing specific, minimum information relating to both the merchant and the transaction.

Under this model of point-of-purchase check conversion, the merchant voids the consumer's check, scans it (capturing the consumer's routing number, check serial number, and account number) and returns the voided check to the consumer. The captured information is used to initiate an ACH debit entry to the consumer's account. The merchant must either retain the original, a microfilm, or a microfilm-equivalent copy of the consumer's authorization for a period of two years.

In our pilot programs, we have encountered certain difficulties in using this model. Based on input from agencies that have participated in our pilot programs, we are proposing to adopt rules that would allow the use of point-of-purchase check conversion in a way that may be more useful for Federal agencies. We are requesting comment regarding the possible use by Federal agencies of point-of-purchase check conversion using the model discussed in greater detail below.

Presentment of Check Constitutes Authorization

Pilot applications of point-of-purchase check conversion at Federal agency locations have demonstrated that obtaining a separate, written authorization from the customer and providing the customer with a copy of the authorization are major obstacles to the use of this technology. In our pilot programs, it took significantly more time at the point-of-purchase to convert checks to ACH debit entries than to process a regular check transaction. The additional time is a result of the need to explain the conversion process to the customer and have the customer sign an authorization stamped on the back of the check. Thus, agencies that piloted point-of-purchase check conversion experienced longer, slower checkout lines. Despite the cost savings to the Federal government of converting checks to ACH debit entries, individual agencies are reluctant to use any method of payment collection that impedes efficient customer service. Accordingly, we are requesting comment regarding a framework in which Receivers would be notified by signage at the point-of-purchase, as well as by disclosure on receipts and/or literature provided at the point-of-purchase, that presenting a completed, signed check for payment constitutes authorization to convert the check to an ACH debit.

The Federal Reserve Board recently issued revisions to the Official Staff Commentary on Regulation E (12 CFR part 205) that address the treatment under Regulation E of point-of-purchase check conversion transactions. 66 FR 15187, March 16, 2001. As revised, the commentary indicates that a transaction in which a check is converted to an ACH debit entry at the point-of-purchase constitutes an electronic funds transfer (EFT) subject to Regulation E. See Official Staff Commentary, section 205.3(b)(1)(v). Accordingly, consumers whose checks are converted at the point-of-purchase under the model that we are proposing would have the protections provided under Regulation E. We request comment regarding whether, notwithstanding the consumer protections of Regulation E, the model of point-of-purchase check conversion we are proposing to use presents any issues or problems for consumers. The revised commentary also states that a consumer authorizes a one-time EFT (in providing a check to a merchant or other payee for encoding), where the consumer receives notice that the transaction will be processed as an EFT and completes the transaction. Official Staff Commentary, section 205.3(b)(3). We request input regarding whether a posted notice at the point-of-purchase, either alone or in combination with a paper disclosure handed to consumers, is sufficient to ensure that consumers understand that by presenting a check for payment, they are authorizing the conversion of the check to an ACH debit.

Conversion of Corporate Checks

Although the ACH Rules permit the conversion at the point-of-purchase of consumer checks only, in our pilot programs we convert both consumer checks and corporate checks at the point-of-purchase.[2] Some agencies that are participating in point-of-purchase check conversion pilots routinely accept both consumer and corporate checks at the point-of-purchase. For these agencies, converting corporate checks to ACH debit entries offers the same efficiency and cost-savings benefits as converting consumer checks. Moreover, providing for separate processing of corporate checks and consumer checks at point-of-purchase locations where both kinds of checks are accepted would make check conversion more time consuming and costly.

For these reasons, we are proposing to amend part 210 to allow for the conversion of corporate checks at Federal agency points-of-purchase. Because currently there is not a SEC code designed for use in converting corporate checks at the point-of-purchase, we plan to train cashiers to identify corporate checks and to use a Cash Concentration or Disbursement (CCD) SEC code to convert those items. Technology would be employed allowing the cashier to generate the appropriate transaction.

We believe that it is important to use a corporate SEC code because, under the ACH Rules incorporated in part 210, a Receiving Depository Financial Institution (RDFI) is entitled to rely on an entry as complying with the requirements for the particular code that the Originating Depository Financial Institution (ODFI) used. See ACH Rule 4.4.6. Since the ACH Rules restrict the use of the POP SEC code to a debit to a consumer account, it appears that an RDFI that receives a point-of-purchase entry may have the right to treat the debit as one to a consumer account, even if the account is in fact a corporate account. The use of the POP SEC code presumably would mean that the RDFI would be required to recredit the corporate account if the account holder notified the RDFI that the debit is unauthorized within the fifteen day period, and that the RDFI could request an adjustment from an ODFI for the unauthorized debit within 60 days of the settlement date.[3] These are rights that do not normally exist with respect to corporate accounts.

We are aware that the authorization issues in converting corporate checks are more complex than is the case for

[1] In an ACH debit transaction, the Receiver is the person or entity making the payment (i.e., the payor) by authorizing a debit to an account. The ACH Rules permit a check to be converted to an ACH debit only where the Receiver (payor) is a consumer. In this notice, we may refer to a person making a payment to a Federal agency as a payor, a Receiver, or a consumer, as appropriate.

[2] As we indicated in our interim rule adopting the ACH point-of-purchase check conversion rules, our pilot programs may not conform to all of the requirements otherwise imposed under the ACH Rules, in view of the experimental nature of the pilot programs. 68 FR 18866, 18867, April 7, 2000.

[3] The ACH Rules require an RDFI to recredit a consumer's account if the consumer has notified the RDFI of an unauthorized debit within fifteen days after receiving his statement. See ACH Rule 7.6.1. The RDFI may then send an adjustment entry to the ODFI, as long as the adjustment entry is sent within 60 days of the settlement date of the debit at issue. See ACH Rule 7.7.1

consumer checks. In some instances, an individual presenting a corporate check to an agency may not have authority to act with respect to the corporate account. For example, a messenger from a messenger service may be authorized to deliver a check, but would not have authority to act with respect to the corporate account by authorizing the conversion of the check. However, we believe that the provisions of the ACH Rules incorporated in part 210 adequately address the Receiver's rights regarding an unauthorized debit to the Receiver's account. We also believe it is unlikely that corporate payors would wish to disavow a transaction on the basis that the funds were collected through the ACH system rather than through the check collection system.

We also are aware that converting corporate checks raises certain operational issues. For example, a debit entry to a corporate account could be returned as a result of a debit filter or positive pay system in use by a corporate accountholder. It has been our experience in our pilot programs to date that very few corporate entries are returned for these reasons. However, to address this possibility, we are proposing to handle debits to corporate accounts that are returned by generating a paper draft on the account, using the stored check image. Because a corporate debit that is returned due to a debit filter or positive pay system will not be reflected as returned for insufficient funds, it is our understanding that neither the return of the item nor the process of generating a paper draft should result in any consequential damages (such as fines or penalties) to the corporate payor.

We request comment on all aspects of our proposed conversion of corporate checks. We specifically request comment from the perspective of an RDFI and a corporate Receiver on the operational impact and consequences of the conversion of corporate checks when debit filtering or positive pay technology is employed.

B. Accounts Receivable Check Conversion

Accounts receivable check conversion presents some of the same issues raised by point-of-purchase check conversion. Although NACHA has adopted a short-term ACH Rule governing accounts receivable check conversion,[4] we have not incorporated that rule in part 210. The ACH Rule requires the Originator to provide the consumer with notice of the check conversion policy prior to receiving the first check payment that will be converted. The ACH Rules provide that notice be given under one of two scenarios: (1) The Receiver authorizes the entry by a writing that is signed or similarly authenticated (''opt-in''); or (2) the Receiver is notified that if the Receiver does not provide the Originator with written notice *not* to convert the item, the item will be converted (''opt-out''). Only consumer checks received through the U.S. mail may be converted—not over-the-counter payments.

Originators must retain a copy of the consumer's authorization for two years and must be prepared to provide a copy of the authorization to the ODFI if requested to do so. Originators may transmit an accounts receivable converted check debit entry a maximum of three times via the ACH Network. Originators must retain the original check for 90 days from the settlement date of the entry, and must retain a copy of the check for seven years from the settlement date. In certain circumstances, the RDFI may return the entry up to 60 days following the settlement date and the Receiver may request that the RDFI recredit his or her account. Those circumstances include, among other things, where the item was converted without proper authorization, where the Receiver states that the signatures on the check are not authentic or authorized, or where the item has been altered.

The Federal government processes millions of checks annually. In Fiscal Year 1999, we processed over 100 million checks through our lockbox network alone. The checks processed represent a wide-range of payments to agencies, including payments for taxes, fees, permits, licenses, and merchandise or other consumer goods. Payments to Federal government lockboxes can be drawn on either consumer or corporate accounts. We believe that lockbox check conversion may offer the opportunity to lower the cost of our collection activities and bring greater value to the taxpayer.

There are two aspects of the ACH Rules model of accounts receivable check conversion rules that would significantly restrict our ability to implement check conversion technology across the Federal government. First, the ACH Rules require that Receivers consent to conversion of their checks though an opt-in or opt-out process. Second, the ACH Rules prohibit the conversion of corporate checks.

Conversion Without Opt-in or Opt-out Authorization

The ACH opt-in/opt-out requirement would impose substantial costs and inefficiencies on the processing of checks at Federal lockboxes. Checks that are eligible for conversion (because Receivers have consented) would have to be segregated from checks as to which consent to convert has not been obtained. This would necessitate the duplication of lockboxes and maintenance of separate processing systems. These costs are likely to offset any cost-savings and efficiencies that would otherwise be available through check conversion. For these reasons, we are proposing to provide notice that checks received at lockboxes will be converted, and to convert all checks received.

Checks converted to ACH debits at lockboxes under the approach we are proposing would constitute EFTs covered by Regulation E. The Official Staff Commentary to Regulation E indicates that a check mailed to a merchant or other payee or a lockbox and later converted to an ACH transaction constitutes an EFT subject to Regulation E. See Official Staff Commentary, section 205.3(b)(1)(v). The authorization requirements of Regulation E would be met because a consumer who mails a check to a lockbox authorizes an EFT if he or she receives notice that the transaction will be processed as an EFT and completes the transaction. See Official Staff Commentary, section 205.3(b)(3).

We request comment on the extent to which (if any) payors would be disadvantaged if their checks were converted without making available an opt-in, opt-out procedure. We are also seeking comment on how useful the notice of the conversion of checks at lockboxes is for consumers, and how such notice might best be provided. The provision of notice to payors represents an additional burden to agencies in that forms may need to be redesigned and reprinted. Moreover, in some instances, payors send checks to lockbox locations without having received an invoice, rendering prior notice of the conversion of the check difficult.

Conversion of Corporate Checks

As mentioned above, the Federal government processes a large annual volume of both consumer and corporate

[4] The ACH Rules use the phrase ''truncation'' rather than ''conversion'' to refer to the process of using checks received at a lockbox to initiate ACH debit transactions. The use of the term ''truncation'' was intended to indicate that the transaction constituted a check transaction subject to the Uniform Commercial Code rather than an EFT subject to Regulation E. In light of the Federal Reserve Board's recent revisions of the Official Staff Commentary to Regulation E, these transactions do in fact constitute EFTs subject to Regulation E. Therefore we are using the term conversion in both the lockbox and the point-of-sale contexts.

checks. Operational efficiencies are realized in lockbox operations when all checks are subject to the same process. Many lockboxes receive both consumer and corporate checks. If it is necessary to segregate corporate checks and process them separately, the cost efficiencies of check conversion may be defeated. However, converting corporate checks at lockboxes raises legal and operational issues.

The ACH Rules provide that the Prearranged Payment and Deposit (PPD) SEC code is to be used to convert consumer checks at lockbox locations. The ACH Rules require an RDFI to recredit a consumer's account if the consumer has notified the RDFI of an unauthorized debit using the PPD SEC code within fifteen days after receiving his statement. See ACH Rule 7.6.1. The RDFI has a corresponding right to an adjustment from the ODFI. See ACH Rule 7.7.1. Accordingly, we request comment on the issues raised by using the PPD SEC code for both consumer and corporate check conversions, including whether it would be appropriate to extend the consumer and RDFI recredit and adjustment protections to corporate account-holders whose checks are converted at agency lockboxes and their RDFIs.

In addition to requesting comment on the foregoing specific issues, we're requesting comment on all aspects of our proposed accounts receivable check conversion rule.

C. Internet-Initiated ACH Debit Entries

Effective March 16, 2001, the ACH Rules will allow an Originator to use an SEC code, WEB, to initiate ACH debit entries to consumer accounts for purchases made over the Internet. NACHA's Internet-initiated ACH debit rule requires that each ODFI that transmits WEB entries on behalf of its Originators assume additional warranties in addition to the general warranties that cover ODFI transmission of all ACH entries. These additional warranties relate to the following areas: Verification of Routing Numbers; Security of Internet Sessions; Fraud Detection System; ODFI Exposure Limits; and Website Security.

Verification of Routing Numbers

The rule requires Originators to use commercially reasonable procedures to verify that routing numbers are valid.

Security of Internet Sessions

Each Originator that originates WEB entries must establish a secure Internet session prior to and during the key entry by the consumer of any banking information.

Fraud Detection System

The rule requires Originators to employ commercially reasonable fraudulent transaction detection systems in order to both authenticate the purchaser and minimize the risk of fraud related to Internet-initiated payments.

ODFI Exposure Limits

Each ODFI must establish an exposure limit for each Originator of Internet-initiated debit entries and establish procedures to monitor these entries and such exposure limits periodically.

Website Security

Originators must conduct an internal or external audit on an annual basis to ensure that its security practices and policies are adequate to protect the integrity and security of Receivers' financial information.

Internet-Initiated ACH Debit Entry Rules That We Propose to Accept

We are proposing to incorporate in part 210 the provisions of the ACH Rules relating to Internet-initiated ACH debit entries with two exceptions. First, we are proposing to allow agencies to originate WEB entries to corporate accounts as well as to consumer accounts. Second, we are proposing not to adopt the requirement that ODFIs establish exposure limits for Originators of Internet-initiated debit entries.

The purpose of establishing exposure limits is to ensure that ODFIs will verify the identity and creditworthiness of their merchant customers and to ensure that the volume and dollar amount of the transactions that merchants originate are appropriate. While we believe that these ''know-your-customer'' requirements are appropriate for most ODFIs, we do not believe that such requirements are appropriate or necessary for Federal government agencies originating ACH debit entries. The relationship between FMS and the Federal agencies for which we make payments and collections differs in some respects from the relationship between ODFIs and their Originators in the private sector. We do not believe it would be appropriate for FMS to establish transaction limits for Federal agencies. Nor do we believe such limits are necessary, because the collection of payments by agencies over the Internet does not raise the merchant creditworthiness concerns that have emerged in the private sector. Accordingly, we are proposing not to adopt the ODFI exposure limit requirement for WEB entries originated by Federal agencies.

In addition, we are proposing to permit agencies to initiate WEB entries to corporate accounts. While we understand that the primary use of ACH debit for Internet-initiated purchases has been in the context of consumer purchases, we are aware that some agencies are actively pursuing the use of Internet-initiated ACH debit entries to collect funds from corporations. Internet-initiated ACH debit transactions may be a convenient and cost-beneficial way for corporations to make payments to agencies.

Under the ACH Rules, the use of the WEB SEC code for an entry signifies that the entry is a debit to a consumer account. RDFIs are permitted to rely on the SEC code used for an entry as accurately reflecting the underlying transaction. Allowing agencies to use the WEB code for a debit entry to a corporate account raises the issue of whether the RDFI can or must provide the corporate customer with the right of recredit available to consumers under the ACH Rules. Specifically, the ACH Rules require an RDFI to recredit a consumer's account if the consumer has notified the RDFI of an unauthorized debit within fifteen days after receiving his or her bank statement. See ACH Rule 7.6.1. The RDFI may then send an adjustment entry to the ODFI, as long as the adjustment entry is sent within 60 days of the settlement date of the debit at issue. See ACH Rule 7.7.1.

We propose to extend to corporate Receivers of WEB entries, and their RDFIs, the same recredit and adjustment rights, respectively, that apply to debits to consumer accounts. While this is a right that does not normally apply to corporate Receivers of debit entries, we believe that it is appropriate to do so unless or until a separate SEC code is developed for debit entries initiated to corporate accounts over the Internet.

III. Section-by-Section Analysis

Section 210.2(d)

We are proposing to amend the definition of applicable ACH rules at § 210.2(d). Current § 210.2(d) defines applicable ACH rules to mean the ACH Rules with an effective date on or before September 14, 2001, as published in Parts II, III, and IV of the ''2001 ACH Rules: A Complete Guide to Rules & Regulations Governing the ACH Network,'' with certain exceptions. Those exceptions include the ACH rules addressing accounts receivable check conversion (210.2(d)(6)) and Internet-initiated debit entries (210.2(d)(7)). We are proposing to delete the current exceptions contained in subsections (d)(6) and (d)(7) to reflect our adoption

of the ACH rules governing those transactions, with certain limited exceptions that are addressed in § 210.6(h) and (i) of the proposed rule. We are proposing to add a new § 210.2(d)(6) to exclude, in its entirely, ACH Rule 2.10.2.2. from the definition of applicable ACH rules. ACH Rule 2.10.2.2 requires ODFIs to establish exposure limits for Originators of Internet-initiated debit entries.

Section 210.6(g)

We are proposing to amend § 210.6, which sets forth the rights and obligations of agencies that initiate or receive Government entries, by adding a new subsection (g) to specifically address the conversion of checks to ACH debit entries at agency points of purchase. Proposed subsection (g) would permit agencies to convert both corporate and consumer checks to ACH debit entries.

ACH Rule 2.1.2 requires that a debit entry to a consumer account be authorized in writing, signed or similarly authenticated by the consumer, and that the authorization be readily identifiable as such. Proposed § 210.6(g) provides that these requirements are met if the agency posts a notice at the point of purchase stating that presentment of a signed, completed check constitutes authorization to the agency to convert the check to an ACH debit entry and gives the customer the same disclosure in a form that the customer can retain. ACH Rule 3.4 and 3.8 require, respectively, that the Originator provide a copy of the authorization to the consumer and retain a copy of the authorization for two years. Under proposed § 210.6(g) either the check itself or an image of the check is equivalent to a copy of the authorization for purposes of these requirements. Similarly, the ODFI's obligation under ACH Rule 4.1 to provide a copy of the Receiver's authorization to an RDFI may be met by providing an image of the check.

Section 210.6(h)

Proposed § 210.6(h)(1) would allow an agency to originate a PPD Accounts Receivable Truncated Check Debit Entry without the Receiver's authorization or approval. Under proposed § 210.6(h)(1), an agency would be required to provide notice of the transaction, as provided in the ACH Rules, but would not be required to allow the Receiver to opt in or opt out of the transaction.

Proposed § 210.6(h)(2) would allow agencies to originate PPD Accounts Receivable Truncated Check Debit Entries relating to items drawn on corporate accounts. Under this provision, corporate Receivers and their RDFIs would have the same rights of recredit and adjustment that consumer Receivers and their RDFIs have under the ACH Rules 7.6 and 7.7, respectively.

Section 210.6(i)

Proposed § 210.6(i) would provide that an agency may transmit a WEB entry to a corporate account. The Receiver of a WEB entry to a corporate account would have the same right to recredit provided to Receivers of consumer entries in ACH Rule 7.6, and the RDFI would have the same right to adjustment provided with respect to consumer entries in ACH Rule 7.7.

IV. Procedural Requirements

Request for Comment on Plain Language

On June 1, 1998, the President issued a memorandum directing each agency in the Executive branch to write its rules in plain language. This directive is effective for all new proposed and final rulemaking documents issued on or after January 1, 1999. We invite comment on how to make this proposed rule clearer. For example, you may wish to discuss: (1) Whether we have organized the material to suit your needs; (2) whether the requirements of this proposed rule are clear; or (3) whether there is something else we could do to make this rule easier to understand.

Executive Order 12866

This proposed rule does not meet the criteria for a ''significant regulatory action'' as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

Regulatory Flexibility Act Analysis

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

List of Subjects in 31 CFR Part 210

Automated Clearing House, Electronic funds transfer, Financial institutions, Fraud, and Incorporation by reference.

Authority and Issuance

For the reasons set out in the preamble, we propose to amend 31 CFR part 210 as follows:

PART 210—FEDERAL GOVERNMENT PARTICIPATION IN THE AUTOMATED CLEARING HOUSE

1. The authority citation for part 210 continues to read as follows:

Authority: 5 U.S.C. 5525; 12 U.S.C. 391; 31 U.S.C. 321, 3301, 3302, 3321, 3332, 3335, and 3720.

2. Revise § 210.2(d) to read as follows:

§ 210.2 Definitions.

* * * * *

(d) *Applicable ACH Rules* means the ACH Rules with an effective date on or before September 14, 2001, as published in Parts II, III, and IV of the ''2001 ACH Rules: A Complete Guide to Rules & Regulations Governing the ACH Network,'' except:

(1) ACH Rule 1.1 (limiting the applicability of the ACH Rules to members of an ACH association);

(2) ACH Rule 1.2.2 (governing claims for compensation);

(3) ACH Rule 1.2.4; 2.2.1.10; Appendix Eight and Appendix Eleven (governing the enforcement of the ACH Rules, including self-audit requirements);

(4) ACH Rules 2.2.1.8; 2.6; and 4.7 (governing the reclamation of benefit payments);

(5) ACH Rule 8.3 and Appendix Two (requiring that a credit entry be originated no more than two banking days before the settlement date of the entry—see definition of ''Effective Entry Date'' in Appendix Two); and

(6) ACH Rule 2.10.2.2. (requiring that Originating Depository Financial Institutions (ODFIs) establish exposure limits for Originators of Internet-initiated debit entries).

* * * * *

3. Add new paragraphs (g), (h) and (i) to § 210.6 to read as follows:

§ 210.6 Agencies.

* * * * *

(g) *Point-of-purchase debit entries.*

An agency may convert to an ACH debit entry a check drawn on a consumer or corporate account and presented at a point of purchase. The authorization requirements of ACH Rule 2.1.2 shall be met for such transactions if the agency (a) has posted a clear and conspicuous notice at the point of purchase stating that presentment of a signed, completed check constitutes authorization to the agency to convert the check to a ACH debit entry and (b) gives the customer the same disclosure in a form that the customer can retain. For purposes of ACH Rule 3.4, ACH Rule 3.8 and ACH Rule 4.1, either the check itself or an image of the check shall be equivalent to a copy of the authorization.

(h) *Accounts Receivable Check Conversion.*

(1) Conversion following prior notice. Notwithstanding ACH Rules 2.1.4, 2.9.1, and Appendix 2 (definition of

Prearranged Payment and Deposit (PPD)), an agency may initiate a PPD Accounts Receivable Truncated Check Debit Entry if it provides the Receiver with prior notice of the check conversion program. Notwithstanding ACH Rules 7.6.3 and 7.6.4, an agency is not obligated to recredit the amount of a PPD Accounts Receivable Truncated Check Debit Entry to a Receiver's account on the basis that the Receiver provided notice to the agency not to convert the item to which the entry relates.

(2) Notwithstanding ACH Rules 2.9.2 and 13.1.36, an agency may originate a PPD Accounts Receivable Truncated Check Debit Entry relating to an item drawn on a non-consumer account. A Receiver of a PPD Accounts Receivable Truncated Check Debit Entry to a non-consumer account shall have the same right to recredit provided to Receivers of consumer entries in ACH Rule 7.6, and the RDFI shall have the same right to adjustment provided with respect to consumer entries in ACH Rule 7.7, except that the Receiver shall not have a right of recredit on the basis that it provided notice to the agency not to convert the item.

(i) *Internet-Initiated ACH Debit Entries.*

Notwithstanding ACH Rules 2.10, 13.1.52 and Appendix 2 (definition of WEB), an agency may transmit an Internet-Initiated Entry (WEB) to effect a transfer of funds from a non-consumer account. A Receiver of a WEB entry to a Non-Consumer Account shall have the same right to recredit provided to Receivers of consumer entries in ACH Rule 7.6, and the RDFI shall have the same right to adjustment provided with respect to consumer entries in ACH Rule 7.7.

Dated: April 5, 2001.

Richard L. Gregg,

Commissioner.

[FR Doc. 01–9015 Filed 4–11–01; 8:45 am]

BILLING CODE 4810–35–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID–00–001, ID–01–001; FRL–6957–2]

Approval and Promulgation of State Implementation Plans; Transportation Conformity: Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve new sections to the Idaho State Implementation Plan (SIP) that contain the transportation conformity rule. These new sections to Rules for the Control of Air Pollution in Idaho (IDAPA) include IDAPA sections 58.01.01.563 through IDAPA 58.01.01.574, and IDAPA 58.01.01.582. They were submitted to EPA as part of a series of revisions to the SIP on December 6, 2000 and February 9, 2001. In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATE: Written comments must be received in writing by May 14, 2001.

ADDRESSES: Send written comments to: Wayne Elson, Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the state submittal are available at the following addresses for inspection during normal business hours. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. The Idaho Department of Environmental Quality, 1420 North Hilton, Boise Idaho 83706–1255.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Elson, Office of Air Quality, (OAQ–107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553–1463.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: March 9, 2001.

Ron Kreizenbeck,

Acting Regional Administrator, Region 10.

[FR Doc. 01–8930 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–U

Notices

Federal Register

Vol. 66, No. 71

Thursday, April 12, 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

Rural Housing Service

Farm Service Agency

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service (RHS) and Farm Service Agency (FSA), USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for Form RD 1940–59, ''Settlement Statement''.

DATES: Comments on this notice must be received by June 11, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Teresa Sumpter, Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Avenue, SW., Washington, DC 20250, telephone 202–720–1485.

SUPPLEMENTARY INFORMATION:

Title: Form RD 1940–59, ''Settlement Statement''.

OMB Number: 0575–0088.

Expiration Date of Approval: July 31, 2001.

Type of Request: Extension of currently approved information collection.

Abstract: The Agencies are requesting an extension of the OMB clearance for Form RD 1940–59, ''Settlement Statement.'' The Real Estate Settlement Procedures Act (RESPA), as amended, requires the disclosure of real estate settlement costs to home buyers and sellers. The Secretary of the Department of Housing and Urban Development (HUD) was instructed by the RESPA to develop a standard form for the statement of settlement costs to be used for all federally related transactions. Form RD 1940–59 is similar to the HUD–1 Settlement Statement used by HUD, the Veterans Administration, and the private mortgage industry, with some minor adaptations acceptable under RESPA.

Form RD 1940–59 is completed by Settlement Agents, closing attorneys, and title insurance companies performing the closing of RHS loans and credit sales used to purchase or refinance section 502 Housing, Rural Rental Housing and Farm Labor Housing. The same parties performing the closing of FSA Farm Ownership loans and credit sales also complete the form. The information is collected to provide the buyer and seller with a statement detailing the actual costs of the settlement services involved in certain Agency financed real estate transactions.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Settlement Agents, Closing Attorneys, and Title Insurance Companies performing the closing of Agency loans and credit sales.

Estimated Number of Respondents: 17,000.

Estimated Number of Responses per Respondent: 3.4.

Estimated Total Annual Burden on Respondents: 29,000.

Copies of this information collection can be obtained from Jean Mosley, Regulations and Paperwork Management Branch, at (202) 690–0041.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies, including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jean Mosley, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 26, 2001.

James C. Alsop

Acting Administrator, Rural Housing Service.

Dated: April 2, 2001.

James R. Little,

Acting Administrator, Farm Service Agency.

[FR Doc. 01–9046 Filed 4–11–01; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Forest Service

Draft Environmental Impact Statement, Trail 1135 Analysis and Parking Area Development, Medicine Bow-Routt National Forests, Jackson County, Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Forest Service has prepared a Draft Environmental Impact Statement (DEIS) to assess and disclose the environmental effects of determining the future status of Forest Development Trail (FDT) 1135 (Arapaho Ridge Trail) and creating trailhead parking areas at both ends of the trail. FDT 1135 is located on the Routt National Forest in Jackson County, Colorado. Trailhead parking areas would be rough surfaced, and would be built to accommodate horse trailers and other recreational parking for approximately 12 vehicles. Short sections of trail (less than ¼ mile) would be relocated at both ends to tie into parking areas. Forest Development Road (FDR) 711.11 and FDR 711.1A would be closed to motorized use. Physical barriers to prevent motorized access to the roads and trail would be installed where necessary. Informational signing, Interpretive Education bulletin boards, and other area improvements may also be installed in the future. Routine trail maintenance would occur on the rest of the trail, where needed.

Installation of these amenities would be based on public need and the Forest Service budget.

The purpose and need for the proposal is to determine whether or not motorized use is appropriate on FDT 1135. Currently, the area around and including FDT 1135, FDR 711.1, and FDR 711.1A is in a non-motorized Forest Plan Management Area prescription. The analysis will determine the appropriate use of the trail, if user-conflicts or resource impacts are occurring as a result of existing motorized use of the trail, and the types of amenities and parking areas needed at each trailhead.

The Forest Service is giving notice that it has completed a draft environmental impact statement (DEIS) and decision-making process for this proposal so that potentially interested or affected individuals, agencies, or organizations can participate in the process and contribute to the final decision. The Preferred Alternative is the Proposed Action: to close FDT 1135 to all motorized use; nonmotorized use would be allowed to continue; close FDR 711.1 and FDR 711.1A to all motorized use; the development of parking areas, relocation of short sections of trail, installing physical barriers to prevent motorized access, and interpretive signing would be implemented with the final decision. All comments and suggestions on the scope of the analysis and decision-making process are welcome.

Scoping Efforts for the Draft EIS: On January 4, 2000, a formal scoping letter describing background information, purpose and need for the action, potential issues, and decisions to be made was mailed to roughly 60 interested and potentially affected individuals, groups, organizations, and agencies. In an attempt to inform the general public of the proposal, a press release was also mailed to local media contacts on January 6, 2000. Roughly 240 individual comment letters and 250 form letters were received in response to this scoping effort.

On July 5, 2000 a postcard indicating that the Forest Service was intending to prepare an EIS for the FDT 1135 proposal was mailed to all individuals who had submitted comments during the January 4, 2000 scoping effort. On July 25, 2000 the Notice of Intent to prepare an EIS was published in the **Federal Register**. Finally, on August 8, 2000 a press release notifying the general public of the Forest Service's intentions was mailed to local media contacts. An additional 126 comment letters were received in response to the Notice of Intent scoping effort.

SUPPLEMENTARY INFORMATION: Prior to revision of the 1997 Routt National Forest Plan, FDT 1135, FDR 711.1, and FDR 711.1A were located entirely within a Forest Plan Management Area that allowed motorized travel on designated routes. Consequently, the trail was managed to accommodate motorcycle use, as well as other non-motorized uses. Following revision of the Forest Plan, however, most of the area through which FDT 1135 and FDR 711.1 run was changed to a non-motorized Management Area prescription. As a result of this change, the middle portion (roughly 9 miles) of FDT 1135 and most of FDR 711.1 (roughly 1.5 miles), and parts of FDR 711.1A are now located in Forest Plan Management Area 1.32, Backcountry Recreation, Non-motorized with Limited Motorized Use in Winter, whereas both trailheads and roughly 3 miles of the trail are located in Management Area 5.13, Forest Products. Allowing motorized travel to continue on portions of the roads and trail currently falling within the non-motorized prescription conflicts with the 1997 Routt National Forest Plan.

Proposed Action: The Forest Service is proposing to close FDT 1135, FDR 711.1, and FDR 711.1A to all motorized use; all other forms of non-motorized recreation activities would continue to be allowed. The Forest Service would also create trailhead parking areas at both ends of the trail. The parking areas would be rough surfaced, and would be built to accommodate horse trailers and other recreational parking up to 12 vehicles. Physical barriers preventing motorized access to the trail would be installed. Short sections of less than ¼ mile of trail would be relocated to reroute the old trail to the new trailhead parking areas. Informational signing, Interpretive Education bulletin boards, and other area improvements may also be installed in the future. Installation of these amenities would be based on public need and the Forest Service budget.

Preliminary Issues: The following issues were identified as a result of the January 4, 2000 and July 25, 2000 scoping efforts:

- Implement the Revised Routt Forest Plan by closing FDT 1135 to motorized use.
- Amend the Revised Routt Forest Plan to allow continued motorized use.
- Reduce the size of the proposed parking areas.
- Construct physical barriers to prevent motorized use of the trail.
- User conflicts due to use of motorized vehicles in back country settings.
- User conflicts due to potentially reduced motorized trail opportunities.
- Resource impacts from motorized use of FDT 1135.
- Impacts to roadless areas from motorized use of FDT 1135.
- Motorized use of the Continental Divide National Scenic Trail (CDNST).
- Off-trail use by motorized vehicles.
- Inadequate trail signing.
- Increase law enforcement efforts.

Proposed Alternatives: The following alternatives were developed and analyzed in response to the issues identified above:

Proposed Action: Close FDT 1135, FDR 711.1, and FDR 711.1A to Motorized Use (Agency Preferred Alternative)

Under this alternative, the Forest Service would close FDT 1135, FDR 711.1, and FDR 711.1A to all motorized use; all other forms of non-motorized recreation activities would continue to be allowed. Specific components of this alternative include:

- Due to inadequate parking at the existing Grassy Run trailhead, the trailhead would be relocated roughly ¼ mile northeast on FDR 721 to an old clearcut area, and roughly 250 yards of new trail would be constructed to tile into Trail 1135. the old section of trail, between the old trailhead and where the newly constructed trail ties into Trail 1135, would be obliterated. Physical barriers to prevent motorized access of the trial would be installed.
- The Arapaho Ridge trailhead would also be relocated roughly ¼ mile east on FDR 700, and roughly ¼ mile of trail would be constructed to tie into the existing trail. Physical barriers to prevent motorized access of the trail would be installed.
- Physical barriers to prevent motorized access of FDR 711.1 would be installed.
- Gravel surfaced, loop parking areas approximately ¼ mile long would be created at each trailhead. The parking areas would include 12 pullouts, alternated on both side of the loop, and would be designed to accommodate trailer parking. In addition to day use parking areas, the pullouts could be used as dispersed campsites. Smaller parking areas for cars would also be created at each trailhead. The smaller parking areas would also be gravel surfaced.
- 3-panel bulletin boards would be installed at each new trailhead location to display user information.
- An interpretive sign explaining historic harvest activities would be installed at the Grassy Run trailhead on FDR 721.

Alternative 1: No Action

Under the No Action alternative, the Forest Service would allow continued motorized use of FDT 1135, FDR 711.1, and FDR 711.1A and would not amend the Routt National Forest Plan. Trailhead parking areas would not be created, physical barriers to the road and trail would not be installed, and informational signing and Interpretive Education bulletin boards would not be installed. This alternative would not comply with the Routt National Forest Plan; however, it provides a baseline to compare the effects of the action alternatives.

Alternative 2: Change the Management Area Prescription Surrounding FDT 1135, FDR 711.1, and FDR 711.1A to Accommodate Motorized Use

Under this alternative, the Forest Service would crate a motorized Management Area corridor around FDT 1135, FDR 711.1, and FDR 711.1A. This action would change a linear portion of the currently non-motorized Management Area prescription to one that accommodates motorized uses in back country settings for roughly 100 feet on either side of roads and trail. The Management Area change would affect roughly 9 miles of the trail and approximately 3 miles of road. All other activities associated with this alternative would be identical to the Proposed Action, except installation of physical barriers to the road and trail. Selection of this alternative would require an amendment to the Routt National Forest Plan.

Alternative 3: Change the Management Area Prescription Northwest of FDT 1135 and west of FDR 711.1 to 3.31—Backcountry Recreation, Year-round Motorized

Under this alternative, the Forest Service would change the Management Area prescription on the northwest side of FDT 1135 and west side FDR 711.1A from 1.32 (Backcountry Recreation, Non-motorized) to 3.31 (Backcountry Recreation, year-round Motorized). This would allow motorcycle use to continue on FDT 1135, FDR 711.1, and FDR 711.1A. All other activities associated with this alternative would be identical to the Proposed Action, except installation of physical barriers to the trail. Selection of this alternative would require an amendment to the Routt National Forest Plan.

Alternative 4: Change the Entire Management Area Prescription to 3.31—Backcountry Recreation, Year-round Motorized

Under this alternative, the Forest Service would change the entire Management Area prescription surrounding Trail 1135 from 1.32 (Backcountry Recreation, Non-motorized) to 3.31 (Backcountry Recreation, year-round Motorized). This alternative would also allow motorcycle use to continue on trail 1135. All other activities associated with this alternative would be identical to the Proposed Action, except installation of physical barriers to the trail. Selection of this alternative would require an amendment to the Routt National Forest Plan.

Decisions to be Made: The Responsible Official must decide which alternative of those analyzed in the draft EIS to select for implementation. Based on the decision that is made, he will also decide what mitigation measures and monitoring requirements will be required.

Reviewer Obligations: The comment period on the draft EIS will be 45 days from the date the Environmental Protection agency publishes the notice of availability in the Federal Register. The comment period is expected to end May 25, 2001.

Release of Names: Comments received in response to this solicitation, including names and address of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without and address within ten (10) days.

ADDRESSES: Send written comments to Charles T. Oliver, District Ranger, Parks Ranger District, P.O. Box 158, Walden, Colorado, 80480.

FOR FURTHER INFORMATION CONTACT: David Austin, Project Coordinator, Medicine Bow-Routt National Forests, P.O. Box 158, Walden, Colorado, 80480. Telephone: (970)–723–8204.

Responsible Official: Charles T. Oliver, District Ranger; Parks Ranger District; Medicine Bow-Routt National Forests; P.O. Box 158; Walden, CO 80480.

As the Responsible Official, I will decide which, if any of the alternatives to be described in the draft Environmental Impact Statement will be implemented. I will document the decision and reasons for my decision in a Record of Decision.

Dated: April 4, 2001.

Mary H. Peterson,

Forest Supervisor.

[FR Doc. 01–9017 Filed 4–11–01; 8:45 am]

BILLING CODE 3410–GM–M

DEPARTMENT OF AGRICULTURE

Forest Service

Transfer of Administrative Jurisdiction: Hawthorne Army Depot New Bomb Project Interchange, Toiyabe National Forest, Nevada

AGENCY: Forest Service, USDA.

ACTION: Notice of land interchange.

SUMMARY: On December 23, 1999, the agency published a notice of the Hawthorne Army Depot New Bomb Project Interchange, which became effective on that date (64 FR 72067). That original notice did not include a copy of the joint interchange order; therefore, the Forest Service is publishing it as part of this notice.

DATES: The Hawthorne Army Depot New Bomb Project Interchange was effective on December 23, 1999.

FOR FURTHER INFORMATION CONTACT: David M. Sherman, Lands Staff, Forest Service, telephone (202) 205–1362.

SUPPLEMENTARY INFORMATION: On September 15, 1999, and November 4, 1999, the Secretary of the Army and the Secretary of Agriculture, respectively, signed a joint interchange order authorizing the transfer of administrative jurisdiction of approximately 3,183 acres, more or less, lying within the Toiyabe National Forest, Mineral County, Nevada, from the Department of Agriculture to the Department of the Army. Furthermore, the order transfers from the Department of the Army to the Department of Agriculture approximately 488 acres,

more or less, lying adjacent to the exterior boundaries of the Los Padres National Forest, Monterey County, California, for inclusion in the Los Padres National Forest. The 45-day Congressional oversight requirement of the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) has been met.

Dated: May 6, 2001.

James R. Furnish,

Deputy Chief, National Forest Systems.

Hawthorne Army Depot, New Bomb Project Nevada and California

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest System Lands

By virtue of the authority vested in the Secretary of the Army and in the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A–1 and shown on Exhibit A, (maps are on file and available for public inspection in the office of the Chief, USDA Forest Service, Washington, DC), attached hereto and made a part hereof, which lands lie within or adjacent to the exterior boundaries of the Los Padres National Forest, California, are hereby transferred from the Secretary of the Army to the Secretary of Agriculture, subject to outstanding rights or interest of record.

(2) The lands under the jurisdiction of the USDA Forest Service described in Exhibit B–1 and shown on Exhibit B, (maps are on file and available for public inspection in the office of the Chief, USDA Forest Service, Washington, DC), attached hereto and made a part hereof, which are a part of the Toiyabe National Forest, Nevada, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the Secretary of the Army, subject to outstanding rights or interests of record.

(3) Pursuant to section 2 of the aforesaid Act of 26 July 1956, the National Forest System lands transferred to the Secretary of the Army by this order are hereby subject only to the laws applicable to the Department of the Army lands comprising the Hawthorne Army Depot. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereby subject to the laws applicable to lands acquired under the Act of 1 March 1911 (36 Stat. 961), as amended.

(4) Any environmental liability created by Department of the Army's use associated with the lands described in Exhibits A–1 & B–1 shall be the Department of the Army's sole judicial and financial responsibility as provided for the Memorandum of Understanding entered into by the Forest Service and the Department of Agriculture (Exhibit C). In the event the Forest Service encounters any ''Hazardous Material'' contamination on the lands, as that term is defined in Exhibit C, that are a result of Department of the Army's occupancy, the Forest Service will immediately notify the Department of the Army in writing. Any judicial or financial responsibilities, including but not limited to the cleanup of Hazardous Materials, with the exception of acts of negligence on the part of the Forest Service, will be borne by the Department of the Army.

This order will be effective as of the date of publication in the **Federal Register**.

Dated: September 19, 1999.

Louis Caldera,
Secretary of the Army.

Dated: November 4, 1999.

Dan Glickman,
Secretary of Agriculture.

[FR Doc. 01–9107 Filed 4–11–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for 7 CFR part 1944, subpart L, Tenant Grievance and Appeals Procedure.

DATES: Comments on this notice must be received by June 11, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: James E. Vollmer, Senior Loan Specialist, USDA, Rural Housing Service, STOP 0782, 1400 Independence Avenue, SW., Washington, DC 20250–0782. Telephone: (202) 720–1060.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1944, Subpart L, Tenant Grievance and Appeals Procedure.

OMB Number: 0575–0046.

Expiration Date of Approval: August 31, 2001.

Type of Request: Extension of the currently approved information collection.

Abstract: The regulation promulgates the procedure by which tenants, cooperative members, and applicants for occupancy may appeal adverse actions by owner/managers of multi-family housing projects financed by RHS. Such adverse actions include cases whereby tenants, cooperative members, or applicants have received written notice that assistance provided by RHS is being denied, substantially reduced or terminated.

Estimate of Burden: Public reporting burden for this information collection is estimated to average .41 hours per response.

Respondents: Individuals or households, state or local governments, small businesses or other for profit or non-profit organizations.

Estimated Number of Respondents: 200.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 200.

Estimated Total Annual Burden on Respondents: 82 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of Rural Housing Service, including whether the information will have practical utility; (b) The accuracy of Rural Housing Service's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 29, 2001.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. 01–9045 Filed 4–11–01; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

[I.D. 040901A]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Survey to Measure Effectiveness of Community-Oriented Policing for ESA Enforcement.

Form Number(s): None

OMB Approval Number: None

Type of Request:: Regular submission.

Burden Hours: 286

Number of Respondents: 757

Average Hours Per Response: 20 minutes for general citizen survey; 45 minutes for NOAA and state personnel; and 60 minutes for public officials, government managers, and key stakeholders.

Needs and Uses: Community-oriented policing (COP) promotes the use of various resources and policing-community partnerships for developing strategies to identify, analyze, and address community problems at their source. Recognizing the significant role non-traditional enforcement efforts will play in Endangered Species Act enforcement in the Northwest, a new measurement tool has been developed to ensure that the performance outcomes of these non-traditional enforcement (COP) efforts are effectively measured. Through this instrument, COP efforts can be evaluated for success and elements essential for achieving successful outcomes in future programs can be identified and quantified. Anadromous species enforcement will be the focus of the survey.

Affected Public: Individuals or households; state, local, or tribal government, Federal government.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: April 5, 2001.

Madeleine Clayton,

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

[FR Doc. 01–9102 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

[I.D. 040601F]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Interim Capital Construction Fund Agreement and Certificate Family of Forms.

Form Number(s): NOAA Form 88–14.

OMB Approval Number: 0648–0090.

Type of Request: Regular submission.

Burden Hours: 2,250.

Number of Respondents: 1,000.

Average Hours Per Response: 3.5 hours per agreement, 1 hour per certificate.

Needs and Uses: The Capital Construction Fund Program allows commercial fishermen to enter into agreements with the Secretary of Commerce to establish accounts to fund the construction, reconstruction, or replacement of a fishing vessel. Monies placed into the accounts receive tax deferral benefits. Persons must apply for the program to establish their eligibility.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: April 5, 2001.

Madeleine Clayton,

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

[FR Doc. 01–9104 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; George K. Cheng

In the Matter of: George K. Cheng currently incarcerated at: Inmate Registration No: 489–40—053, Allenwood Low FCI, White Deer, Pennsylvania 17887, and with an address at: 9 Judith Drive, Greenlawn, New York 11550.

Order Denying Export Privileges

On February 23, 1999, George K. Cheng (Cheng) was convicted in the United States District Court for the District of Oregon of violating section 38 of the Arm Export Control Act (22 U.S.C.A. section 2778 (1990 & Supp. 2000)) (the AECA). Specifically, Cheng was convicted of knowingly and willfully exporting from the United States to the People's Republic of China items which were designated as defense articles on the United States Munitions List, without first obtaining the required licenses or written approval from the Department of State, Office of Defense Trade Controls.

Section 11(h) of the Export Administration Act 1979, as amended (currently codified at 50 U.S.C.A. app. sections 2401–2420 (1991 & Supp. 200) and Public Law 106–508) (the Act) [1] provides that, at the discretion of the Secretary of Commerce,[2] no person

[1] The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), which had been extended by successive Presidential Notice, the most recent being that of August 3, 2000 (65 **Federal Register** 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. sections 1701–1706 (1991 & Supp. 2000)) until November 13, 2000 when the Act was reauthorized see Public Law 106–508.

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the Act.

convicted of violating the AECA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. parts 730–774 (2000), as amended (65 FR 14862, March 20, 2000)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the AECA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person's export privileges for a period of up to 10 years from the date of conviction and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Cheng's conviction for violating the AECA, and after providing notice and an opportunity for Cheng to make a written submission to the Bureau of Export Administration before issuing an Order denying his export privileges, as provided in Section 766.25 of the Regulations, I, following consultations with the Director, Office of Export Enforcement, have decided to deny Cheng's export privileges for a period of 10 years from the date of his conviction. The 10-year period ends on February 23, 2009. I have also decided to revoke all licenses issued pursuant to the Act in which Cheng had an interest at the time of his conviction.

Accordingly, it is hereby

Ordered

I. Until February 23, 2009, George K. Cheng, currently incarcerated at: Inmate Registration No: 489–40–053, Allenwood Low FCI, White Deer, Pennsylvania 17887, and with an address at: 9 Judith Drive, Greenlawn, New York 11550, may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport or to on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership; possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Cheng by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

VI. In accordance with Part 756 of the Regulations, Cheng may file an appeal from this Order with the Under Secretary for Export Administration. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Cheng. This Order shall be published in the **Federal Register**.

Dated: April 2, 2001.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 01–9079 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–DT–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–703]

Granular Polytetrafluoroethylene (PTFE) Resin From Italy: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Salim Bhabhrawala or Gabriel Adler, Office of AD/CVD Enforcement 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1784 or (202) 482–3813, respectively.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days and for the final results to 180

days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Background

On September 26, 2000, the Department published a notice of initiation of administrative review of the antidumping order on PTFE resin from Italy, covering the period August 1, 1999, through July 31, 2000 (65 FR 58733). The preliminary results are currently due no later than May 3, 2001.

Extension of Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, we are extending the time limit for completion of the preliminary results until no later than August 31, 2001. *See* Decision Memorandum from Gary Taverman to Holly Kuga, dated April 4, 2001, which is on file in the Central Records Unit, Room B–099 of the main Commerce building. We intend to issue the final results no later than 120 days after the publication of the notice of preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: April 4, 2001.

Holly Kuga,

Acting Deputy Assistant Secretary, Import Administration, Group II.

[FR Doc. 01–9099 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–503]

Iron Construction Castings from Canada; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On December 7, 2000, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on iron construction castings (ICC) from Canada (65 FR 76609). This review covers one manufacturer/exporter of the subject merchandise (Canada Pipe, Ltd.). The period of review (POR) is March 1, 1999, through February 29, 2000.

Based on our analysis of the comments received, we have made changes in the margin calculation. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan, Office of AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On December 7, 2000, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on ICC from Canada. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Iron Construction Castings from Canada,* 65 FR 76609 (December 7, 2000).

In response to the Department's invitation to comment on the preliminary results of this review, Canada Pipe Ltd. (Canada Pipe or respondent) filed its case brief on February 23, 2001. No other interested parties filed case or rebuttal briefs.

The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by the order consists of certain iron construction castings from Canada, limited to manhole covers, rings, and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under Harmonized Tariff Schedule (HTS) item numbers 7325.10.0010, 7325.10.0020, and 7325.10.0025. The HTS item number is provided for convenience and Customs purposes only. The written description remains dispositive.

Period of Review

The POR is March 1, 1999 to February 29, 2000.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (Decision Memorandum) from Holly A. Kuga, Acting Deputy Assistant Secretary, Group II, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated April 6, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099, of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculation. These changes are discussed in the relevant sections of the Decision Memorandum.

Final Results of Review

We determine that the following weighted-average percentage margin exists for the period March 5, 1998 through August 31, 1999:

Manufacturer/exporter	Percent margin
Canada Pipe, Ltd.	3.89 percent.

Assessment

The Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. Where the assessment rate is above *de minimis*, we will instruct Customs to assess duties on all entries of subject merchandise by that importer.

The Department will issue appraisement instructions directly to Customs.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of ICC from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Canada Pipe will be the rate shown above; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 7.5 percent, the ''all-others'' rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of administrative review for a subsequent review period.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: April 6, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memorandum

Comments

1. Level of Trade Adjustment
2. Ministerial Errors

[FR Doc. 01–9101 Filed 21–11–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Certain Welded Carbon Steel Pipes and Tubes from Thailand: Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by a Thai manufacturer, Saha Thai Steel Company, Ltd. (''Saha Thai''), two importers, Ferro Union Inc. (''Ferro Union'') and ASOMA Corp. (''ASOMA''), and three domestic producers, Allied Tube and Conduit Corporation, Sawhill Tubular Division—AK Steel Inc., and Wheatland Tube Company (collectively, the ''petitioner''), the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on certain welded carbon steel pipes and tubes from Thailand. This review covers Saha Thai, a Thai manufacturer and exporter of the subject merchandise to the United States. The period of review (''POR'') is March 1, 1999, through February 29, 2000.

We have preliminary determined that the respondent did not sell subject merchandise at less than normal value (''NV'') during the POR. For information on the weighted average dumping margins, see the ''Preliminary Results of Review'' section below. If these preliminary results are adopted in our final results, we will instruct U.S. Customs to liquidate appropriate entries during the POR without regard to antidumping duties.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding should also submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: April 12, 2001.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos or Samantha Denenberg, AD/CVD Enforcement Group III, Room 7866, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2243 and (202) 482–1386, respectively.

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

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1986, the Department published, in the **Federal Register**, an antidumping duty order on circular welded carbon steel pipes and tubes from Thailand (51 FR 8341). On March 16, 2000, the Department published a notice of opportunity to request an administrative review of this order covering the period March 1, 1999, through February 29, 2000 (65 FR 14242). Timely requests for an administrative review of the antidumping order with respect to sales by Saha Thai during the POR were filed by Saha Thai, Ferro Union and ASOMA, and the petitioners. The Department published a notice of initiation of this antidumping duty administrative review on May 1, 2000 (65 FR 25303).

Because the Department determined that it was not practicable to complete this review within the statutory time limits, on November 20, 2000, we published, in the **Federal Register**, a notice of extension of the time limit for this review (65 FR 69734). As a result, we extended the deadline for these preliminary results to March 31, 2001; however, because this date falls on a non-business day, the preliminary results are actually due on April 2, 2001. Unless extended, the deadline for the final results will be 120 days after publication of these preliminary results.

Scope of the Review

The products covered by this administrative review are certain welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches.

These products, which are commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' are hereinafter designated as ''pipe and tube.'' The merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.

Date of Sale

Saha Thai reported invoice date as the date of sale. Invoice date is also the Department's presumptive date for date of sale (*see* section 351.401(i) of the Department's regulations), but in the last administrative review of this proceeding, we determined that contract date better represented the date of sale because it better reflected the date on which the material terms of sale, *i.e.,* price and quantity, were established. For purposes of this review, we also have examined whether invoice date or some other date better represents the date on which the material terms of sale were established. The Department has examined sales documentation, including contracts and invoices, provided by Saha Thai for its U.S. sales, and has found that the material terms of sale are set at the contract date. Specifically, changes in quantity were within the specified contract tolerances and as such were not material. Unit prices for the products themselves did not change between the contract and invoice on any of the sales examined. For the business proprietary details of our analysis of the date of sale issue, *see* the *Memorandum from Javier Barrientos through Sally C. Gannon for The file Regarding Date of Sale Analysis—Certain Welded Carbon Steel Pipes and Tubes from Thailand for the Period March 1, 1999 through February 29, 2000,* dated April 2, 2001 (public version on file in the Department's Central Records Unit). As such, we preliminarily determine that contract date is the appropriate date of sale in this administrative review because it better represents the date upon which the material terms of sale were established. With respect to home market sales, the invoice is the first written document that establishes the material terms of sale. Therefore, we are using the invoice date as the date of sale for home market sales.

Normal Value Comparisons

To determine whether sales of steel pipes and tubes from Thailand to the United States were made at less than NV, we compared the EP to the NV for Saha Thai as specified in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Export Price

Based upon our review of the record evidence, we classified all Saha Thai sales to U.S. customers as EP sales because, as in previous segments of this proceeding, we found that Saha Thai is not affiliated with its U.S. distributors, which are the first purchasers in the United States. *Certain Welded Carbon Steel Pipes and tubes From Thailand: Final Results of Antidumping Duty Administrative Review,* 61 FR 56515 (November 1, 1996). Therefore, we calculated the EP based on the price from Saha Thai to the first unaffiliated purchaser in the United States in accordance with section 772(a) of the Act.

Where appropriate,in accordance with section 772(c)(2) of the Act, we made deductions from the gross price for ocean freight to the U.S. port, foreign inland freight, foreign brokerage and handling, foreign inland insurance, bill of lading charge, U.S. duty and U.S. brokerage and handling charges. In addition, pursuant to section 772(c)(1)(B) of the Act, we have made an adjustment for duty drawback.

Normal Value

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the volume of Saha Tahi's home market sales of the foreign like product to the volume of U.S. sales of subject merchandise, in accordance with section 773(a)(1) of the Act. Based on this comparison, we determined that the aggregate volume of Saha Thai's home market sales of the foreign like product is greater than five percent of the aggregate volume of Saha Thai's U.S. sales. Thus, we determined that Saha Thai had a viable home market during the POR. Consequently, we based NV on home market sales.

We applied the standard arm's length test to Saha Thai's sales to affiliated parties. Where Saha Thai's sales to affiliated parties were not made at arm's length prices, we excluded these sales from our home market normal value calculation.

Pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that Saha Thai had made home market sales at prices below its cost of production (''COP'') in this review because the Department had disregarded sales that failed the cost test in the 1997–1998 administrative review (*i.e.,* the most recently completed review at the time we issued our antidumping questionnaire) (63 FR 55578; October 21, 1999). As a result, the Department initiated an investigation to determine whether Saha Thai made home market sales during the POR at prices below its COP. We calculated the COP based on the sum of respondent's cost of materials and fabrication for the foreign like product, plus amounts for selling, general and administrative expenses (''SG&A'') and packing costs, in accordance with section 773(b)(3) of the Act.

For these preliminary results we are using respondent's reported COP. We compared the COP figures to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. On a product-specific basis, we compared the COP to home market prices, less any applicable movement charges and discounts.

In determining whether to disregard home market sales made at prices below the COP, we examined (1) whether, within an extended period of time, such sales were made in substantial quantities, and (2) whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of the respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to have been made in substantial quantities within an extended period of time in accordance with section 773(b)(1)(A) of the Act. In such cases, because we compared prices to POR weight-averaged costs, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(1)(B) of the Act. Therefore, we disregarded the below-cost sales.

Where appropriate, we adjusted Saha Thai's home market sales for discounts, direct selling expenses and inland freight. In addition, in accordance with

section 773(a)(6), we deducted home market packing costs and added U.S. packing costs, U.S. imputed credit, bank charges, and penalty fees.

In accordance with section 773(a)(4) of the Act, we used constructed value (CV) as the basis for NV when there were no contemporaneous sales of identical or similar merchandise in the comparison market that passed the cost test. We calculated CV, in accordance with section 773(e) of the Act, based on the sum of Saha Thai's cost of materials, fabrication, SG&A, profit, and U.S. packing costs. In accordance with section 773(e)(2)(A) of the Act, we based SG&A and profit on the actual amounts incurred and realized by Saha Thai in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. For selling expenses, we used the average of the selling expenses reported for home market sales that passed the cost test, weighted by the total quantity of those sales. For profit, we first calculated the difference between the home market sales value and home market COP, and divided the difference by the home market COP. We then multiplied this percentage by the COP for each U.S. model to derive a profit amount.

Level of Trade

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (''LOT'') as the EP or the constructed export price (''CEP''). The NV LOT is that of the starting-price sale in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative expenses and profit. For EP, the U.S. LOT is the level of the starting-price sale, which is usually from exporter to importer. For CEP, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make an LOT adjustment under section 773(a)(7)(A) of the Act. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731 (November 19, 1997).

For the U.S. market, Saha Thai reported only one LOT for its EP sales. This single LOT represents large volume sales to unaffiliated trading companies/distributors in the United States. In the home market, Saha Thai claimed that it made sales at one LOT. These sales were made to unaffiliated trading companies and distributors (made at the same LOT as U.S. sales). There are no significant differences in the selling functions Saha Thai performs for these customers in the home market or in the United States. Therefore, we conclude that EP and NV sales are made at the same LOT and no adjustment is warranted.

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A of the Act, based on exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars unless the daily rate involves a fluctuation. It is the Department's practice to find that a fluctuation exists when the daily exchange rate differs from the benchmark rate by more than 2.25 percent. The benchmark is defined as the moving average of the actual daily exchange rates for the eight weeks immediately prior to the date of the actual daily exchange rate. When we determine a fluctuation to have existed, we substitute the benchmark rate for the daily rate, in accordance with established practice. *See Change in Policy Regarding Currency Conversions,* 61 FR 9434 (March 8, 1996).

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margins exist:

Manufactuer/exporter	Period	Margin (percent)
Saha Thai Steel Pipe Company, Ltd.	3/1/99–2/29/00	0.00

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we calculated importer-specific ad-valorem duty assessment rates for the class or kind of merchandise based on entered value. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon the publication of the final results of this administrative review for all shipments of certain welded carbon steel pipes and tubes from Thailand entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for the reviewed company will be that established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.67 percent, the ''All Others'' rate made effective by the LTFV investigation, 51 FR 8341 (March 11, 1986). These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

The Department will disclose to parties to this proceeding the calculations performed in connection with these preliminary results of review within 5 days after publication of these preliminary results in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication of this notice in accordance with section 351.310(c) of the Department's regulations. Any hearing would normally be held 37 days after the publication of this notice or the first workday thereafter, at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) to the extent practicable, an identification of the arguments to be raised at the hearing. Unless otherwise notified by the Department, interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 351.309(c)(2)

of the Department's regulations. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the case brief is filed. If a hearing is held, an interested party may make an affirmative presentation only on arguments included in that party's case brief and may make a rebuttal presentation only on arguments included in that party's rebuttal brief. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 12, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–9100 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.033001A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: The Northwest Indian Fisheries Commission submitted a Tribal Resource Management Plan (Tribal Plan), presented by the Bureau of Indian Affairs on behalf of the Northwest Indian Tribes, pursuant to the protective regulations promulgated for Puget Sound chinook salmon under the Endangered Species Act (ESA). The Tribal Plan describes research and assessment activities that may affect listed Puget Sound chinook salmon. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to how the Tribal Plan addresses the criteria in the ESA.

DATES: Written comments on the Secretary's proposed evaluation must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on May 14, 2001.

ADDRESSES: Written comments and requests for copies of the proposed evaluation should be addressed to Leslie Schaeffer, Protected Resources Division, National Marine Fisheries Service, 525 NE Oregon Street, Portland, OR 97232–2737. Comments may also be sent via fax to 503/230–5435. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Leslie Schaeffer at phone number: 503/230–5433, or e-mail: leslie.schaeffer@noaa.gov.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU).

Background

The Northwest Indian Fisheries Commission submitted a Tribal Plan, presented by the Bureau of Indian Affairs on behalf of the Northwest Indian Tribes, for scientific research and assessment activities within the range of the Puget Sound chinook salmon ESU. The Northwest Indian Tribes conduct, independently and in cooperation with other agencies, a variety of research and assessment projects. These projects provide the technical basis for fishery management and the conservation and restoration of salmon stocks and their habitat. The need for improved and more quantitative understanding of freshwater and early marine survival drives much of the current research. The Tribal Plan includes implementation, monitoring, and evaluation procedures designed to ensure the research is consistent with these objectives. The research activities described in the Tribal Plan span a 5-year period beginning on January 1, 2001.

As required by 50 CFR 223.209, the Secretary must determine whether the Tribal Plan for Puget Sound chinook salmon would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon and other affected threatened ESUs. The Secretary must take comments on how the Tribal Plan addresses the criteria in § 223.209 in making that determination.

Authority

Under section 4 of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal 4(d) rule (65 FR 42481, July 10, 2000) states that the ESA section 9 take prohibitions will not apply to Tribal Plans that will not appreciably reduce the likelihood of survival and recovery for the listed species.

Dated: April 6, 2001.

Phil Williams,

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

[FR Doc. 01–9105 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040501E]

Marine Mammals; File No. 1000–1617

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Whitlow Au, Ph.D., University of Hawaii, Hawaii Institute of Marine Biology, Marine Mammal Research Program, PO Box 1106, Kailua, Hawaii 96734, has applied in due form for a permit to take several species of small cetaceans for scientific research off the coasts of Hawaii and California and in international waters.

DATES: Written or telefaxed comments must be received on or before May 14, 2001.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301) 713–2289;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018; and

Pacific Islands Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu,

HI 96822–2396; phone (808) 943–1221; fax (808) 943–1240.

FOR FURTHER INFORMATION CONTACT: Lynne Barre or Trevor Spradlin, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The overall objective of the proposed research is to determine aspects of the population dynamics and behavior of small cetaceans around Hawaii and California, focusing on the spinner dolphin (*Stenella longirostris*) as a model. The applicant is requesting authorization for genetic sampling and suction-cup tagging to investigate population structure, genetic variability, dispersal patterns, social structure, foraging behavior, and diving behavior. Tissue samples for genetic analyses will be obtained by skin-swabbing techniques, or if this technique does not yield sufficient amounts of DNA, by biopsy sampling. The applicant is also requesting authorization to conduct behavioral observations and photo identification to supplement genetic and tagging data. The permit is requested for five years.

The applicant is requesting authorization to take spinner dolphins (*Stenella longirostris*) both in the Eastern Tropical Pacific (ETP) and in other Pacific waters. For the ETP, the applicant is requesting the following number of animals to be taken annually: 300 for behavioral observations and photo identification; 3 for suction cup tagging; and 50 for tissue sampling. The applicant also requests annual takes of 300 animals incidental to suction tagging, 300 animals incidental to tissue sampling and 300 animals incidental to behavioral observations and photo identification.

Outside the ETP, the applicant is requesting the following number of spinner dolphins to be taken annually: 2000 for behavioral observations and photo identification; 15 for suction cup tagging; and 150 for tissue sampling. The applicant also requests annual takes of 400 animals incidental to suction tagging, 1000 animals incidental to tissue sampling and an unlimited number of animals incidental to behavioral observations and photo identification.

The applicant is also requesting authorization to take the following species of small cetaceans: short-finned pilot whale (*Globicephala macrorhynchus*), melon-headed whale (*Peponocephala electra*), false killer whale (*Pseudorca crassidens*), pygmy killer whale (*Feresa attenuata*), pantropical spotted dolphin (*Stenella attenuata*), striped dolphin (*Stenella coeruleoalba*), short-beaked common dolphin (*Delphinus delphis*), Risso's dolphin (*Grampus griseus*), rough-toothed dolphin (*Steno bredanensis*), bottlenose dolphin (*Tursiops spp.*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), dwarf sperm whale (*Kogia simus*), and pygmy sperm whale (*Kogia breviceps*).

For each species listed above, the applicant is requesting the following number of animals to be taken annually: 300 for behavioral observations and photo identification; 3 for suction cup tagging; and 50 for tissue sampling. The applicant also requests annual takes of 400 animals incidental to suction tagging, 1000 animals incidental to tissue sampling and an unlimited number of animals incidental to behavioral observations and photo identification.

The applicant is currently conducting bioacoustic and behavioral research on spinner dolphins, spotted dolphins, bottlenose dolphins, pilot whales and rough-toothed dolphins pursuant to General Authorization Letter of Confirmation No. 707–1478, and has requested that these activities be incorporated into the requested permit if issued.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 6, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–9103 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 000526158–1016–02]

RIN 0648–XA52

Guidelines for Research, Exploration and Salvage of *RMS Titanic*

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Response to comments; final guidelines.

SUMMARY: These final guidelines have been developed for future research on, exploration of, and if appropriate, salvage of *RMS Titanic*. As directed by the *RMS Titanic* Maritime Memorial Act of 1986 (Act), the guidelines were developed in consultation with the United Kingdom, France, Canada and others. The broad and diverse public interest in *RMS Titanic* was also considered in developing the guidelines. While the guidelines set forth a preferred policy of *in-situ* preservation of *RMS Titanic*, they also set forth the parameters for the research, recovery and conservation of *RMS Titanic* artifacts for the benefit of the public.

DATES: These guidelines are effective April 12, 2001.

ADDRESSES: The final guidelines will be available at the following address: NOAA, 1315 East-West Highway, SSMC III, Silver Spring, MD 20910; attention *RMS Titanic* guidelines.

FOR FURTHER INFORMATION CONTACT: CDR Craig McLean, (301) 713–2427 ext. 132.

SUPPLEMENTARY INFORMATION: These final guidelines are issued under the authority of the RMS Titanic Maritime Memorial Act of 1986 (Act). Section 5(a) of the Act directs the National Oceanic and Atmospheric Administration (NOAA) to enter into consultations with the United Kingdom, France, Canada and others to develop international guidelines for research on, exploration of, and if appropriate, salvage of *RMS Titanic*. The guidelines are to (1) be consistent with the national and

international scientific, cultural, and historical significance of *RMS Titanic* and the purposes of the Act, and (2) promote the safety of individuals involved in such operations.

The purposes of the Act are to: (1) Encourage international efforts to designate *RMS Titanic* as an international maritime memorial to those who lost their lives aboard the ship in 1912; (2) direct the United States to enter into negotiations with other interested nations to establish an international agreement that provides for designation of *RMS Titanic* as an international maritime memorial, and protects the scientific, cultural, and historical significance of *RMS Titanic*; (3) encourage, in those negotiations or in other fora, the development and implementation of international guidelines for conducting research on, exploration of, and if appropriate, salvage of *RMS Titanic*; and (4) express the sense of the United States Congress that, pending such international agreement or guidelines, no person should physically alter, disturb, or salvage *RMS Titanic*.

The Act directs NOAA to consult with the Secretary of State (DOS) and promote full participation by other interested Federal agencies, academic and research institutions, and members of the public with respect to how exploration and research should be conducted, and whether and under what conditions salvage of *RMS Titanic* should occur. NOAA and DOS have consulted with representatives of these interested groups in the course of developing these guidelines.

Section 6 of the Act directs DOS to enter into negotiations with the United Kingdom, France, Canada and other nations to develop an international agreement that provides for: (1) Designation of *RMS Titanic* as an international maritime memorial; and (2) research on, exploration of, and if appropriate, salvage of *RMS Titanic* consistent with the international guidelines developed pursuant to the purposes of the Act. The final guidelines are consistent with the draft rules annexed to the January 5, 2000 draft international agreement that has been negotiated by the U.S., Canada, France and the United Kingdom.

Response to Comments

On June 2, 2000, NOAA published the proposed *Guidelines for Research, Exploration, and Salvage of the RMS Titanic* in the **Federal Register** (65 FR 35326, June 2, 2000). NOAA requested comments on the proposed guidelines from the general public and specifically from members of academia and research institutions. The comment period was from the date of publication through July 3, 2000. NOAA received a total of 64 written comments during the open comment period. Twenty-six common statements or positions were found repeatedly throughout the 64 comments received. NOAA offers the following responses:

NOAA Should Not Be Persuaded by ''Mass Mailings''

Comment 1. One commentor felt that NOAA should not be swayed by a ''mass mailing'' of letters in support of the guidelines that he observed circulating on the Internet.

Response: NOAA views every comment that is received from a different source as separate despite similarities in their wording. When multiple letters are received from the same source but via different media (e.g. fax, email, US Postal Service) the comments are attached to one another and counted as one comment. NOAA appreciates the effort put forth by every person that responded to the **Federal Register** notice regardless of the similarity in some of the comments and the position or views of the commentor. Below, preceding each paraphrased comment, the number and percent of total for each comment is given. This, in no way, is meant to insinuate that the comments received were tallied as votes in a referendum. The percentages are provided merely to give the reader a sense of the level of intensity the pool of commentors felt about the comment. As the reader will see below, NOAA took into account every comment received on the guidelines regardless of how many there were for each position.

Support Implementation of the Guidelines

Comment 2. Thirty-two of the 64 (50%) commentors stated that NOAA should immediately adopt the guidelines as they are currently written.

Response: The guidelines represent the most widely accepted principles in archaeology and are both appropriate and applicable to a Memorial Site. As previously noted, the guidelines are based on such widely accepted international and domestic professional archaeological standards, including the International Council on Monuments and Sites (ICOMOS) International Charter on the Protection and Management of Underwater Cultural Heritage and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

Support Implementation of the Guidelines With Modification

Comment 3. Five of the 64 (8%) commentors were generally in support of the guidelines but offered some minor suggestions for improvement.

Response: NOAA has taken into consideration the accuracy and appropriateness of every suggestion made by these individuals as they relate to the guidelines. All of the items indicated by these commentors have been addressed in this notice through individual responses and some have resulted in slight alterations to the proposed guidelines that are reflected in the final guidelines.

Oppose Implementation of the Guidelines

Comment 4. Twenty of the 64 (31%) commentors were opposed to the implementation of the guidelines in any form.

Response: NOAA acknowledges the controversial nature of putting forth the guidelines, and that there are many people that feel they will adversely affect their livelihood or that government should generally not interfere with private enterprise. However, after carefully evaluating the costs and benefits of putting forth such guidelines, NOAA has determined that it is clearly in the public interest to do so. Those commentors that opposed the guidelines generally elaborated on their reasons for doing so. Their specific concerns are addressed individually below.

Sale or Trade of Artifacts

Comment 5. Thirty-four of the 64 (53%) commentors were opposed to the sale of artifacts from *RMS Titanic* in one form or another. Another commentor suggested inserting ''Underwater cultural heritage is not to be traded as items of commercial value'' at the end of paragraph 30.

Response: Basic professional archaeological standards dictate that artifacts recovered or salvaged from a wreck site should be kept intact as a collection. Such collections should not be dispersed through the sale of individual artifacts to private collectors such as through auction house sales. The guidelines, consistent with Article 3 of the draft international agreement to protect *RMS Titanic*, provide that all artifacts recovered from *RMS Titanic* should be kept together and intact as project collections. Although not expressly delineated, following these guidelines would mean that individual artifacts would not be sold. However, this would not necessarily preclude the

sale, transfer or trade of an entire collection to a museum or other qualified institution, provided that this commercial transaction does not result in the dispersal of artifacts. As long as the collection is kept together and maintained for research, education, viewing and other use of public interest, there should not be restrictions on commercial transactions which are intended to further these public purposes. This guideline is consistent with the *RMS Titanic* Maritime Memorial Act of 1986, as well as the admiralty court orders in the in rem action against *RMS Titanic*. It is also consistent with agreements that the company with salvage rights to *RMS Titanic* entered into with the French Institute IFREMER for salvage of the artifacts from the wrecksite and with the British National Maritime Museum for the display of such salvaged artifacts.

NOAA has decided not to include the referenced sentence at the end of paragraph thirty in the final guidelines. This language is taken from the ICOMOS Charter, and is not warranted for these guidelines for several reasons. First, the final guidelines adequately protect *RMS Titanic* artifacts from sale. Second, the statement appears to go beyond the scope of the guidelines and apply to sites other than the wreckage of the *RMS Titanic*. Finally, the ICOMOS Charter term ''commercial value'' appears overly broad and subject to possible mis-interpretation. Commercial transactions between museums, such as loans and sales of collections, would appear to be prohibited by this language even though such transactions may further the primary objective of protecting the resource. Since the guidelines already require that the collection be kept together and intact in a manner that provides for research, education and other public access, the suggested additional language does not appear necessary or appropriate.

Deaccession of Artifacts

Comment 6. One commentor (2%) expressed that deaccessioning is not as commonplace as it may have been implied in the **SUPPLEMENTARY INFORMATION** section of the June 2, 2000 **Federal Register** notice.

Response: The issue of deaccessioning was raised in the context of the sale of coal taken from the wreck site and current professional museum practices. It was noted that the professional museum community policies for keeping the collection together do not preclude such museums from deciding to exclude certain objects from a collection, or from subsequently determining that a certain object in a collection should no longer be maintained as part of the collection and is therefore deaccessioned. There is little information available as to the amount and frequency of deaccessioning of artifacts by professional museums. However, there was no intent to imply that such deaccessioning occurs on a frequent basis. To the contrary, it is NOAA's understanding that it only occurs after a rigorous process has proved that an artifact no longer holds historical or archaeological significance to a collection. Only then can an artifact be deaccessioned. Once an artifact is deaccessioned it may be disposed of in a variety of ways without violating the general goal of keeping the collection together.

Titanic as a Grave Site

Comment 7. Eight of the 64 commentors (13%) felt that NOAA should not allow further disturbance of the *RMS Titanic* because it is a gravesite for those who died on the ship.

Response: NOAA acknowledges the intense controversy and disagreement over whether the *RMS Titanic* should be considered a gravesite. Most who feel that it is not a gravesite base this view on the fact that no bodies have been found on or near the wreck and that human bone dissolves into seawater at the depth at which the wreck lies. While it is true that no bodies have been found and are not likely to be found on or near the wreck of the *RMS Titanic*, others feel that the wreckage of the *RMS Titanic* should be considered a gravesite. Many people died on the *RMS Titanic* the night it sank and while their actual bodies may not today be on or near the wreckage, the site is their final resting place and should be respected as such. Congress recognized the symbolism of the *RMS Titanic* wreckage to the memory of the victims in its direction to the U.S. State Department to enter into international negotiations to declare the *RMS Titanic* an international maritime memorial. 16 USCS 450rr-4. In the treatment of *RMS Titanic* as a maritime memorial, NOAA has determined that it is appropriate to treat *RMS Titanic* as a gravesite. The scientific and archaeological approach advocated by these guidelines is applicable to a Maritime Memorial as it is consistent with the Congressional intent to recognize the scientific, cultural, and historical significance of the site.

Relevant National Authority

Comment 8. Two commentors (3%) requested clarification as to who exactly is a ''relevant national authority'' as mentioned in paragraphs 17, 26, and 32 of the guidelines.

Response: The phrase ''relevant national authority'' has been deleted from the guidelines to reflect the non-binding nature of the guidelines and to make it clear that NOAA, or any other agency, is not requesting submission of any information from persons conducting activities in relation to the *RMS Titanic*.

Technical Corrections

Comment 9. Three commentors (5%) pointed out some grammatical, spelling or other errors in the June 2, 2000 **Federal Register** notice.

Response: One commentor pointed out that the name of Jean Luc Michel, who accompanied Dr. Robert Ballard on the expedition that discovered the wreck of *RMS Titanic*, was spelled incorrectly. The name should be spelled Jean Louis Michel. This commentor also pointed out that the fourth expedition to the *RMS Titanic* in 1996 was omitted from the notice. There was an expedition to the wreck in 1996, which would make the expedition in 1998 the fifth expedition. NOAA also notes that there was a sixth expedition to the *RMS Titanic* after the FR notice was published on June 2, 2000.

Two commentors stated that NOAA should replace paragraph seventeen with the following statement from the ICOMOS Charter; ''All intrusive investigations of underwater cultural heritage will only be undertaken under the direction and control of a named underwater archaeologist with recognized qualifications and experience appropriate to the investigation.'' NOAA believes that, as written, paragraph seventeen provides adequate assurances that operations to the *RMS Titanic* will be undertaken and supervised by people with ample experience in the field. Whether the experience comes from archaeology or salvage, if the qualified technical and/or professional experts have experience related to the goals of the operation they should be qualified to undertake that operation.

One commentor also indicated that the word ''provenance'' in paragraph 22 should be replaced with the word ''provenience''. According to the Merriam-Webster Collegiate Thesaurus the words provenance and provenience are both synonymous with the word source. That is, both terms refer to ''where an object or artifact came from'' within the ship. This is what was intended by paragraph 22. Either word is appropriate in this situation. It is worth noting at this point that the

proposed guidelines in the June 2, 2000 **Federal Register** notice were the product of an international consultation and the best of attempts were made to ensure consistent wording considering the language differences among the consulting parties.

Scope and Definitions

Comment 10. Three commentors (5%) wanted clarification, modification, or deletion of the terms ''significant threat'', ''qualified institution'', and ''*RMS Titanic*.''

Response: The proposed guidelines did not include a ''scope and definitions'' section. Instead, such a section was added to the ''Supplementary Information'' portion of the June 2, 2000 **Federal Register** notice. NOAA has determined that it would be more appropriate to include an expanded version of this within the final guidelines themselves. In addition to being defined and explained below, two of those terms, as well as some others are defined in the newly added ''scope and definitions'' section in the final guidelines.

The phrase ''qualified institution'' as mentioned in first paragraph of the ''Sale of Artifacts'' section is any facility where the collection is kept together and maintained for the benefit of the public consistent with these guidelines and the Act. This will typically be a museum, but not always. This definition has been added to the final guidelines.

Three commentors requested either deletion or clarification of the phrase ''significant threat'' in paragraph one, the *in-situ* preservation policy, because it is overly vague. If an artifact is subject to a significant threat of loss, its recovery would generally be necessary to preserve it for education, science, or culture. Since the assessment of risk of loss is already a necessary part of the *in-situ* preservation policy and the determination of the public's interest in the recovery of an artifact, the additional phrase ''significant threat'' does not appear necessary. The phrase has been struck from the final guidelines. For further clarification, a definition of the *in-situ* preservation policy has been added. Representatives from NOAA recently visited museum exhibits displaying artifacts salvaged from *RMS Titanic*. NOAA realizes and acknowledges that it is in the public's interest to salvage some of these artifacts. To balance this value with the Congressional intent to manage the site as a Maritime Memorial, NOAA has concluded that the recovery of many of the artifacts from the debris field (with certain exceptions) to be consistent with these final guidelines, including the *in-situ* preservation policy. However, NOAA has also determined that recovery of artifacts from the hull is not consistent with the purposes of a Maritime Memorial.

One person suggested that NOAA insert the statutory definition of the *RMS Titanic* in the guidelines. The *RMS Titanic* Maritime Memorial Act of 1986 (16 U.S.C. 450rr to 450rr-6) defines ''R.M.S. Titanic'' to mean the shipwrecked vessel *RMS Titanic*, her cargo or other contents, including those items which are scattered on the ocean floor in her vicinity (16 U.S.C. 450 rr-1(c)). These guidelines are based primarily on the rules annexed to the January 5, 2000 draft international agreement, particularly the annexed rules for activities aimed at *RMS Titanic*. The guidelines define ''*RMS Titanic*'' and ''artifacts'' separately to better conform to the draft international agreement. The combination of these two definitions is similar to that found in the Act.

In-situ Preservation

Comment 11. Sixteen of the 64 commentors (25%) opposed the application of an ''*in-situ*'' preservation approach to *RMS Titanic.*

Response: Most of the commentors that oppose the concept of *in-situ* preservation do so because they feel that the wreck is decaying at a rapid rate, and that this approach would disallow anyone from the salvage, recovery and viewing of artifacts from the wreck in the future. *In-situ* preservation is simply a precautionary management approach and is not intended to create any legal presumption to preclude recovery or salvage. This is a current professional practice for managing heritage resources in place when the disruption of the site could lead to its destruction. In identifying ''*in-situ*'' preservation as the preferred alternative, NOAA acknowledges the multiple thousands of artifacts that have been recovered from the site prior to the development of these guidelines and that adequate planning for research, recovery and salvage can protect the artifacts, their context, and their interpretation.

Decisions to excavate sites or remove artifacts are made on a case by case basis when the proposed activity: (1) Will meet objective management criteria; (2) will be done in accord with professional standards; and (3) is justified by either educational, scientific or cultural interests, including for mitigatory, protection or preservation purposes. This scientific and archaeological approach is applicable to a Maritime Memorial as it is consistent with the Congressional intent to recognize the scientific, cultural, and historical significance of the site.

NOAA has done an extensive literature review on this topic and has found little, and at times contradictory, information on the rate of decay of the vessel. While a few reliable, peer-reviewed sources of information are available on the subject, most of the support for the claim that the ship is decaying very rapidly is anecdotal and has not yet been peer-reviewed or published. NOAA would be willing to review any additional pertinent literature to the contrary.

Based on the available information on the rate of deterioration, NOAA understands that the wreckage of the *RMS Titanic* is in a state of decay and expects that the hull and structure of the ship may collapse to the ocean floor within the next 50 years, perhaps sooner. The intent of the guidelines, in keeping with the intent of the Act, is to discourage activities that would accelerate the ship's deterioration. Such activities include cutting holes in the ship's hull to access artifacts in the interior of the wreckage. Consistent with an *in-situ* preservation approach, it is also the intent of the guidelines to preserve the wreckage of the *RMS Titanic* as a memorial for those who perished when the ship sank and thus to preserve the integrity of the wreckage.

While the concept of *in-situ* preservation promotes and encourages maintaining the wreckage as it currently exists, it will not prevent recovery or salvage that is determined to be in the public interest. Nor does this approach detract from the educational value of the ship or inhibit the public access to the wrecksite or to any recovered or salvaged artifacts by the general public. If followed correctly, the guidelines will help salvors and archaeologists plan and execute their recovery of artifacts that have educational, scientific, or cultural importance in such a manner so that they are properly preserved and consequently properly displayed for the general public. Furthermore, the guidelines do not discourage the use of remotely operated vehicles (ROVs) within the hull of the ship. Videos and photographs taken from ROVs are as valuable as artifact recovery, if not more so, in exposing the public to the wreckage and educating them about it. As a result of the apparent misconception of the *in-situ* preservation principle, NOAA has made some slight changes to the wording of the guidelines. The final guidelines are conceptually the same as the previously published proposed guidelines, however the re-wording is intended to

more clearly express the intent of the Act and of the guidelines.

Authority of NOAA

Comment 12. Fifteen of the 64 commentors (23%) stated that NOAA has no legal authority to adopt or enforce these guidelines because they are unconstitutional and they unnecessarily contradict the finding of the U.S. Admiralty Court in Norfolk, Virginia.

Response: Congress provided NOAA the authority to develop these guidelines in the *RMS Titanic* Maritime Memorial Act of 1986. The guidelines were developed consistent with the U.S. Constitution, the 1986 Act, and international maritime law.

Regulation of the Salvage Industry

Comment 13. Four of the 64 commentors (6%) felt that NOAA should not regulate the recovery of artifacts from the *RMS Titanic* or impede salvage or scientific research of the wreckage in any way.

Response: As stated in the June 2, 2000 **Federal Register** notice the guidelines are advisory only and are not legally enforceable. All four commentors felt that guidelines would restrict the public from viewing recovered artifacts and learning about the *RMS Titanic.* NOAA does not feel that the guidelines restrict the public viewing of recovered artifacts. To the contrary, the guidelines will facilitate education in that they will assist salvors and researchers in maintaining the historical context of each recovered artifact. The intent of the guidelines is not to regulate the salvage or scientific community working on the wreckage of the *RMS Titanic,* rather to provide them with guidance on how to maintain the ships cultural, social, and historical integrity, in accordance with 16 USCS 450rr–3, while performing operations at the wreckage.

Comment 14. Nine of the 64 comments (14%) stated that NOAA will adversely impact the salvage industry by putting forth these guidelines.

Response: The traditional salvage community is engaged in assisting with the recovery of property associated with recent air and marine casualties and thus will not be impacted by these guidelines. There is a smaller component of the overall ocean industry that search for and recover shipwrecks and the potentially valuable artifacts found there. As the guidelines are advisory in nature and they apply only to the wreckage of the *RMS Titanic,* they are not expected to impact this small sector of the ocean industry either. Should salvors of the *RMS Titanic* or any other submerged cultural resource choose voluntarily to follow these guidelines, NOAA feels that impacts to them financially will be minimal. Salvors may take extra time in formulating and adhering to a well thought out project design, writing and publishing their findings, ensuring that their design will have adequate funding, and securing the appropriate qualified professionals. NOAA believes, however, that in the long term these will actually help salvors save time and money during their expeditions. A small investment of time and money initially could yield large dividends in the form of fewer days at sea, properly catalogued artifacts, and decreased costs.

Public Interest

Comment 15. Three of the 64 commentors (5%) stated that the proposed guidelines are not in the public interest.

Response: The guidelines, based on domestic and international standards as reflected in the draft international agreement on the protection of the *RMS Titanic,* represent the most widely accepted public and professional archaeological and historical preservation principles currently known. Following these guidelines is in the public interest because artifacts will be preserved and recorded so that historical information can be extracted from the wreck without destroying it or compromising the ship's integrity. Not following the guidelines may cause artifacts to be sold individually, historical information to be lost forever, and the deterioration of the ship to be accelerated. These are in all likelihood contrary to the public interest.

UNESCO Treaty

Comment 16. Two commentors (3%) stated their opposition to the United Nations Educational, Scientific and Cultural Organization (UNESCO) treaty and did not want the United States to enter into the agreement.

Response: The commentors did not directly refer to the proposed guidelines, as they are separate and apart from the UNESCO treaty. They felt that the agreement would negatively impact them as members of the salvage community. The guidelines refer only to operations at the wreck of the *RMS Titanic* and will not negatively impact salvors as discussed above.

Artifact Status of Coal

Comment 17. Three of 64 commentors (5%) felt that coal from the wreck of the Titanic is not an artifact of historical or archaeological interest. Eight of the 64 commentors (13%) felt that coal from the wreck is an artifact of historical and archaeological interest.

Response: NOAA recognizes that the current salvor in possession of the *RMS Titanic* has been engaged in the sale of coal specimens recovered from the wreck site.

The Archaeological Resources Protection Act of 1979 defines the term ''archaeological resource'' as ''any material remains of past human life or activities which are of archaeological interest, as determined under the uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.''

NOAA has determined that no definitive study has yet been conducted to indicate whether coal from the *RMS Titanic* has any cultural information to impart. As a bulk-loaded natural material, the coal might not be expected to contain cultural information. However, it is conceivable that coal could have marks that might provide information on activities such as mining technique, modification for loading (ex. broken up to a proscribed size or shape, etc.) or transfer of the coal from the mine to the point where it now rests. Under such conditions, it is conceivable that the *RMS Titanic*'s coal might have some moderate cultural or archaeological value or interest. Such information might provide insight into previously undocumented aspects of maritime or mining culture.

Therefore, NOAA holds the opinion that while the coal may have potential for a low level of cultural information, it does not conform to the definition of ''archaeological resource'' as defined within ARPA. The coal is not likely to be of much historical interest. Though the level of historical or archaeological interest may change over time. Therefore, NOAA recommends that a representative sample of any recovered coal be retained for study should new processes develop, but be allowed for deaccession.

Paperwork Reduction Act (PRA)

Comment 18. Three of the 64 commentors (5%) indicated that the estimate of public reporting burden is too low.

Response: These commentors felt that it would take hundreds of hours to plan, execute and do the proper reports for an expedition, as opposed to just 12 hours for a project design and 12 hours to submit a report. The PRA statement provided with the proposed guidelines was not intended to estimate the entire time required for a professional expedition. Instead, it was intended to estimate the additional time and paperwork burden for those individuals if they voluntarily seek the review and approval of NOAA, or other relevant national authority, as stipulated in the guidelines. Therefore, the difference between NOAA's PRA analysis and this public comment was most likely a misunderstanding as to what exactly the estimate entailed. The PRA analysis was intended to address the additional amount of time that following these guidelines would entail. That is the time over and beyond what professional explorers, salvors, and archaeologists take under current practices. The estimates appear reasonable when compared with PRA estimates made by NOAA for compliance with its archeological guidelines and with Department of Interior/National Park Service estimates for compliance with their archeological guidelines. However, to address the objections raised regarding the application of the PRA, NOAA has removed requests for information.

Public Involvement

Comment 19: One commentor (2%) felt that NOAA did not fully involve the public, interested federal agencies, academia and research institutions in its development of the guidelines, and the international conferences from 1995–2000 allowed limited public involvement.

Response: NOAA did have extensive involvement of interested parties in the development of these guidelines. First, though not required, NOAA published the proposed guidelines in the **Federal Register** on June 2, 2000 (65 FR 35326, June 2, 2000). In that notice, NOAA invited and encouraged public comment on and suggestions for improvement for the proposed guidelines. Sixty-four comments were received. Furthermore, on June 15, 2000, NOAA held a public meeting at which people testified providing their views on the proposed guidelines. All comments were taken into account and the guidelines have been revised in response to these comments. Prior to drafting the proposed guidelines NOAA met with many interested parties including RMS Titanic, Inc. (as the salvor in possession of the *RMS Titanic*), other members of the professional salvage community, and members of the archaeological community to gather information about the wreckage of the *RMS Titanic,* current salvage practices and other information relevant to the preparation of the guidelines. In addition, NOAA participated in seven meetings between 1997 and January of 2000 with delegates from the United Kingdom of Great Britain and Northern Ireland, Canada, and France. RMS Titanic, Inc., as well as various experts in law, science, history, archaeology and salvage were periodically consulted prior to and throughout these meetings.

NAFTA Analysis/International Implications

Comment 20. One commentor (2%) felt that NOAA must consider international trade implications of promulgating the Guidelines. They felt that NOAA must do an analysis of the impact on trade between US, Canada and Mexico under NAFTA.

Response: The guidelines are non-binding. Therefore, there is no government action to be challenged. The NAFTA prohibits NAFTA governments from maintaining or taking measures that violate certain basic principles set out in the agreement, most importantly non-discrimination with respect to foreign goods, service providers and investors (between domestic and foreign, and between foreign). In addition, the NAFTA investment chapter requires that governments do not expropriate or take measures tantamount to expropriation unless they are for a public purpose, non-discriminatory, in accordance with due process and compensated. The commentor did not clearly state what exactly would be the trade implications of guidelines. In addition, there is an exception to the government's services and investment commitments for current and future measures related to water transportation. The exception lets the U.S. Government preserve existing measures and take new measures that would otherwise be inconsistent with the agreement. This maritime exception is found in NAFTA Annex II, and explicitly covers marine salvage (under SIC 4499, Water Transportation Services, not elsewhere classified).

Executive Order 12630

Comment 21. Two commentors (3%) felt that NOAA's analysis of the takings implications of the Guidelines under Executive Order 12630 is incorrect.

Response: As indicated in the Executive Order 12630 analysis found in the Miscellaneous Requirements section below, the guidelines are not mandatory and therefore could not constitute a regulatory taking. To fully demonstrate the non-binding nature of the guidelines, NOAA has altered the wording of the guidelines slightly. Specifically, the word ''shall'' has been replaced by the word ''should'' so that compliance with the guidelines is more clearly voluntary.

Recording Scheme for Artifacts

Comment 22. Two commentors (3%) felt that NOAA's Guidelines indicate a too-strict requirement for recording coordinates of every single artifact recovered—an unnecessary burden.

Response: While the guidelines do not specifically state such a requirement, such recording is reasonable and appropriate. The most widely accepted archaeological principles including the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation require such rigorous documentation of locational data. The goal of the guidelines is to ensure that any disturbance of *RMS Titanic* artifacts be preceded by complete documentation of an artifact's location and any artifacts surrounding it. This data is likely to preserve the provenience of recovered artifacts. If an entity does not have the ability or willingness to record such data, that entity should be discouraged from operating at the wreck of the *RMS Titanic* under these guidelines.

Background Studies

Comment 23. One commentor (2%) was unsure as to who would perform the studies referred to in Section VII (Preliminary Work) of the guidelines that call for ''backgrounds studies'' in the project assessment.

Response: The salvor or operator at the wreck site should perform the background studies.

Disposition of Artifacts

Comment 24. One commentor (2%) felt that the Guidelines should require that the final stage of the *RMS Titanic* exploration project design should involve establishing a permanent public repository for artifacts.

Response: The guidelines encourage that artifacts should be displayed as a collection for the public and not sold individually and suggests what artifacts should be included in such a collection. However, the guidelines do not suggest creating a permanent public repository for these artifacts. NOAA does not

believe it is within the scope or intent of the guidelines to create such a repository. It might be appropriate to consider that those recovering the artifacts from the wreck create such a permanent repository in binding regulations related to these guidelines.

Comment 25: One commentor (2%) stated that since the Code of Ethics of the International Council of Museums (ICOM) prevents display or acquisition of shipwreck artifacts recovered during private-sector salvage activities, one wonders who, exactly, will step up to curate this collection if not the private-sector.

Response: NOAA recognizes that professional salvors have had difficulty in the past finding a museum to exhibit or curate recovered artifacts. While this is generally true, NOAA nonetheless also acknowledges that *RMS Titanic,* Inc. has had considerable success in professionally displaying artifacts from the *RMS Titanic* at several qualified institutions worldwide including the Chicago Museum of Science and Industry and the British National Museum.

Comment 26. One commentor (2%) felt that recovery from artifacts from *RMS Titanic's* hull, as well as care of artifacts and decisions on their exhibition, should be under the control of a panel of recognized experts.

Response: NOAA has the technical expertise to properly implement these final guidelines and advocate the professional scientific approach to manage the Maritime Memorial. Therefore, such a panel of experts is unnecessary. When involved with a situation that requires expertise beyond that of this agency, NOAA will, as a matter of common practice, solicit the advice of experts outside the agency.

Miscellaneous Requirements

Executive Order 12866

This order requires that in deciding whether and how to regulate, federal agencies assess the costs and benefits of proposed regulations upon society, including individuals and business. While the final guidelines are non-binding, NOAA has considered the costs and benefits upon society arising from following the approach described in them. For those already using the professional scientific approach to research, recovery and conservation of artifacts, NOAA does not expect that there will be any additional significant costs from following these final guidelines. However, those explorers or salvors who do not as a matter of practice follow professional scientific standards and policies may have to expend additional costs in order to properly follow the guidelines. These costs could result in the expenditure of tens of thousands of dollars. Since a *RMS Titanic* salvage expedition can costs hundreds of thousands of dollars per day for ships, equipment and personnel, the additional costs for following the guidelines are not expected to be significant. Although using the guidelines may result in additional costs in the careful planning of the expedition, the application of the scientific approach generally results in a more efficient execution of the project and thus may save money in the end. The costs for compliance with the guidelines should also be weighed against the potential benefits to the society from protecting *RMS Titanic* and preserving the artifacts and research for present and future generations. Adherence to proper scientific methodology and approach is in the interest of the public because it preserves the integrity of the site, the artifacts recovered and the story contained at the wrecksite. Following the guidelines may also be viewed as an investment by those that have not followed the scientific standards in the past. The proper recording of information and conservation of artifacts increases the value of the collection to the salvors, researchers, museums and the general public. As a result, the additional costs involved in following the scientific approach are often offset by increased revenue from documentaries, films, and museum receipts. RMST has reported millions of dollars in annual revenues from the display of artifacts in museums. Some argue that keeping the collection together and intact is not as profitable as selling individual artifacts. It is difficult, however, if not impossible, to quantify the cost to society if the artifacts are sold such that the collection is no longer kept together for public use for research, education and viewing by the general public, or how such sale and distribution might denigrate a Maritime Memorial site.

Executive Order 12630

Under this Order, Federal agencies assess the takings implications of proposed policies and actions on private property protected by the Fifth Amendment. The goal is to better inform the agency decision-makers about the potential agency activities. To the extent permitted by law, consistent with their statutory obligations, agencies are then better informed on how to minimize the impacts of such activities on constitutionally protected property rights. As these guidelines are non-binding in nature, they should not raise any regulatory takings implications under the Just Compensation Clause of the Fifth Amendment to the U.S. Constitution.

Executive Order 12114

The purpose of this Order is to enable responsible officials to be informed of pertinent environmental considerations and to take such consideration into account in agency decision-making with regard to major federal actions significantly affecting the environment outside the United States, its territories and possessions. While based on independent authority, this Order furthers the National Environmental Policy Act (''NEPA'') and other laws consistent with the foreign policy and national security policy of the United States. The guidelines are not a ''major federal action'' as defined in DOC DAO 216–12 (Environmental Effects Abroad of Major Federal Actions), because they are advisory in nature. In addition, compliance with the guidelines would not have any significant adverse effects on the environment. However, compliance with the guidelines would further the purposes of NEPA and other laws. Conservation of the environment was carefully considered in developing the guidelines. Compliance with the guidelines would preserve *RMS Titanic* and would correspondingly further preservation of the surrounding natural environment.

A primary objective of the guidelines is preservation of *RMS Titanic* and its surrounding natural environment. In addition, activities that would harm or destroy *RMS Titanic* are discouraged in the guidelines. Since intrusive archaeological research, recovery or salvage can often harm the natural environment, compliance with the guidelines would correspondingly preserve the surrounding natural environment. The guidelines encourage non-destructive and non-intrusive research. Since non-intrusive research inherently avoids destruction of the surrounding natural environment, this guideline would also protect the natural environment. In the event that activities to be conducted may harm *RMS Titanic* and the surrounding natural environment, the guidelines provide for an assessment of environmental consequences. Thus, the guidelines would further the purposes of NEPA, other laws and Executive Order 12114 by conserving *RMS Titanic* and the surrounding natural environment.

National Historic Preservation Act (16 U.S.C. 470)

Compliance with the guidelines will not adversely affect *RMS Titanic*. To the contrary, compliance with the guidelines will fulfill the public's interest in conserving the national and international historical significance of *RMS Titanic* as directed in the Titanic Maritime Memorial Act of 1986. The Advisory Council on Historic Preservation was consulted in developing the guidelines and fully endorses NOAA in putting forth these guidelines.

Paperwork Reduction Act (16 U.S.C. 3541)

There is no requirement or request for the collection-of-information. Therefore, it is not subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA).

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

Guidelines for Research, Recovery and Salvage of *RMS Titanic*

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Authority: 16 U.S.C. 450rr to 450rr–6.

Introduction

It is the sense of Congress that research and limited exploration activities concerning the *RMS Titanic* should continue for the purpose of enhancing public knowledge of its scientific, cultural, and historical significance, Provided, That, pending the adoption of the international agreement or implementation of international guidelines, no person should conduct any such research or exploration activity which would physically alter, disturb, or salvage the *RMS Titanic*.

Scope and Definitions

Scope and applicability: These final guidelines are intended to guide the planning and conduct of activities aimed at *RMS Titanic*, including exploration, research, and if appropriate, salvage. As guidelines, they are advisory in nature. For the purposes of these guidelines the term—

(a) ''artifacts'' means the cargo of the *RMS Titanic* and other contents, including those associated objects that are scattered in its vicinity and any portion of the hull;

(b) ''collection'' means artifacts and records pertaining to a project;

(c) ''project'' means all activities aimed at *RMS Titanic* and/or its artifacts carried out in accordance with these guidelines;

(d) ''*in-situ* preservation'' means that the preservation of *RMS Titanic* at the site of the wreck should be considered as the first option for protection. It is a precautionary approach to management of *RMS Titanic* consistent with the character of a Maritime Memorial. It is not intended as a legal presumption against the recovery or salvage of artifacts conducted in a manner consistent with these guidelines. Recovery or salvage of the artifacts may be justified by educational, scientific or cultural interests;

(e) ''qualified institution'' means any facility where the collection is kept together and maintained for the benefit of the public consistent with these guidelines and the Act. This will typically be a museum, but not always; and

(f) ''*RMS Titanic*'' means the wreck of the *RMS Titanic*.

I. General Principles

1. The preferred policy for the preservation of *RMS Titanic* and its artifacts is *in-situ* preservation. Recovery or excavation aimed at *RMS Titanic* and/or its artifacts should be granted only when justified by educational, scientific, or cultural interests. All artifacts recovered from *RMS Titanic* should be conserved and curated consistent with these guidelines and kept together and intact as project collections.

2. Activities should avoid disturbance of human remains. In particular, entry into the hull sections of *RMS Titanic* should be avoided so that they, other artifacts and any human remains are not disturbed.

3. Activities utilizing non-destructive techniques and non-intrusive surveys and sampling should be preferred to those involving recovery or excavation aimed at *RMS Titanic* and/or its artifacts.

4. Activities should have the minimum adverse impact on *RMS Titanic* and its artifacts.

5. Activities should ensure proper recording and dissemination to the public of historical, cultural and archaeological information.

II. Project Design

6. Activities that should be the object of a project design include:

(a) The objectives of the project;

(b) A general description of the methodology and techniques to be employed;

(c) A description of the anticipated funding;

(d) A provisional timetable for completion of the project;

(e) The composition, qualifications and responsibilities of the anticipated team;

(f) The proposal for or results of all preliminary work;

(g) If applicable, plans for post-fieldwork;

(h) If applicable, a conservation and curation plan;

(i) A documentation program;

(j) A safety policy;

(k) If applicable, arrangements for collaboration with museums and other institutions;

(l) Report preparation, contents, and dissemination;

(m) If applicable, the anticipated disposition of archives, including artifacts; and

(n) if applicable, a program for publication.

7. If unexpected discoveries are made or circumstances change, the project design should be reviewed and amended.

8. Each project should be carried out in accordance with its project design.

III. Funding

9. Projects should be designed to ensure adequate funding in advance to complete all stages of the project including the curation, conservation and documentation of any recovered artifacts, and the preparation and dissemination of the report.

10. The project design should include contingency plans that will ensure conservation of recovered artifacts and supporting documentation in the event of any interruption of anticipated funding.

11. The project design should demonstrate an ability to fund the project through completion.

12. Project funding should not require the sale of artifacts or other material recovered or the use of any strategy that will cause artifacts and supporting documentation to be irretrievably dispersed.

IV. Duration—Timetable

13. Adequate time should be assured in advance to complete all stages of the

project, including the curation, conservation and documentation of any recovered artifacts, and the preparation and dissemination of the report.

14. The project design should include contingency plans that will ensure conservation of artifacts and supporting documentation in the event of any interruption in the anticipated timetable.

V. Objectives, Methodology and Techniques

15. The project design should include the objectives, proposed methodology and techniques.

16. The methodology should comply with the project objectives and with the general principles in section I.

VI. Professional Qualifications

17. Projects should only be undertaken under the guidance of and in the presence of qualified technical and/or professional experts with experience appropriate to the objectives.

18. All persons on the project team should be:

(a) qualified and have demonstrated experience appropriate to their project roles; and

(b) fully briefed and understand the work required.

VII. Preliminary Work

19. The project design should include:

(a) An assessment that evaluates the vulnerability of *RMS Titanic* and artifacts to damage by the proposed activities; and

(b) A determination that the benefits of the project outweigh the potential risk of damage.

20. The assessment should also include background studies and relevant bibliography of available historical and archaeological evidence, and environmental consequences of the proposed project for the long-term stability of *RMS Titanic* and artifacts.

VIII. Documentation

21. Projects should be thoroughly documented in accordance with professional archaeological standards current at the time the project is to be undertaken.

22. Documentation should include, at a minimum, the systematic and complete recording of the provenance of artifacts moved or removed in the course of the project, field notes, plans, sections, photographs and recording in other media.

IX. Artifact Conservation

23. The project design should include a conservation plan that provides for treatment of the artifacts in transit and in the long term.

24. Conservation should be carried out in accordance with professional standards current at the time the project is to be undertaken.

X. Safety

25. All persons on the team should work according to a safety policy prepared according to professional standards and set out in the project design.

XI. Reporting

26. Interim reports should be made available according to a timetable set out in the project design.

27. Reports should include:

(a) An account of the objectives;

(b) An account of the methodology and techniques employed;

(c) An account of the results achieved; and

(d) Recommendations concerning conservation of any artifacts removed during the course of the project.

XII. Curation of Project Collection

28. The project collection, including any artifacts recovered during the course of the project and a copy of all supporting documentation, should be kept together and intact in a manner that provides for public access, curation and its availability for educational, scientific, cultural and other public purposes.

29. Arrangements for curation of the project collection should be agreed before any project commences, and should be set out in the project design.

30. The project collection should be curated according to professional standards current at the time the project is to be undertaken.

XIII. Dissemination

31. Projects should provide for public education and popular presentation of the results.

32. A final synthesis should be made available to the public as soon as possible, having regard to the complexity of the project.

[FR Doc. 01–9023 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration; Notice of a Cooperative Agreement with EDUCAUSE for Management of .edu Domain Name Space

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of a cooperative agreement with EDUCAUSE.

SUMMARY: The National Telecommunications and Information Administration (NTIA) announces that it intends to enter into a cooperative agreement for the management of the .edu domain name space with EDUCAUSE, an association whose mission is to represent the policy, strategy, and operations interests for networking and information technology needs of higher education institutions. This cooperative agreement will facilitate policy development and technical operations of the .edu domain by a single responsible entity and provide a framework for the administration of the .edu domain.

The transition of operational and policy implementation functions for the .edu domain through a cooperative agreement to a single entity with strong ties to the education community is intended to constitute the selection of a successor registry for the .edu domain as described in Amendment 21 of Cooperative Agreement NCR 92–18742 [1] and is consistent with policies outlined in the Department of Commerce's Statement of Policy, often referred to as the White Paper.[2]

Authority: National Science Foundation Act of 1950, as amended, 42 U.S.C. 1861–75, and specifically 42 U.S.C. 1870(c), (j); National Telecommunications and Administrative Organization Act, 47 U.S.C. 901 *et seq.*; and Presidential Memorandum of Electronic Commerce, A Framework for Global Electronic Commerce, 33 Weekly Comp. Presidential Documents 1006 (July 1, 1997), which directs the Secretary of Commerce to transition Domain Name System management to the private sector.

Background

The .edu domain is the top level domain (TLD) of the Internet domain name system (DNS) that was established for use by educational institutions. Currently, it is generally restricted to use by four-year degree granting higher education institutions. Community and two-year colleges are not currently eligible for a .edu domain, although through the award of this cooperative agreement EDUCAUSE intends to implement a policy more responsive to the needs of this community. Also, higher educational institutions are

[1] Cooperative Agreement, as amended, NCR–9218742, see especially Amendment 21, available at www.ntia.doc.gov/ntiahome/domainname/agreements/amendment21.htm.

[2] See Management of Internet Names and Addresses, Statement of Policy, National Telecommunications and Information Administration, Department of Commerce, 63 FR 31741 (June 10, 1998).

generally restricted to one .edu registration. Network Solutions currently provides registry/registrar services for the .edu domain names pursuant to Cooperative Agreement NCR–9218742 with the Department. The cooperative agreement will be made exclusively with EDUCAUSE. No other administering organization is being solicited with this notice. EDUCAUSE has the requisite technical and organizational capability as well as the educational community support to appropriately administer .edu. EDUCAUSE is a non-profit organization that emerged from the consolidation of two prominent higher education technology associations—CAUSE and Educom—since 1964. As an association with over 1,800 college and university members, it has represented the developers of the campus, regional, and national networking for higher education. EDUCAUSE currently operates an extensive web-based information system for external and internal communications with members of the public. One of EDUCAUSE's primary purposes is improving and transforming the use of information technology resources across college and university campuses. EDUCAUSE is uniquely qualified and best able to administer the .edu domain name space because of the following factors:

- EDUCAUSE is a non-profit association that advocates the development and management of networking for higher education and has widespread community respect on issues of Internet policy and technology. It represents information technology issues for higher education.
- With membership of over 1,800 higher educational institutions, EDUCAUSE has the support of significantly interested parties to implement the policy and be the technical administrator of the .edu domain. Specifically, EDUCAUSE's proposal to administer the .edu domain name space has the support of the American Council on Education, Association of American Universities, National Association of State Universities and Land Grant Colleges, American Association of State Colleges and Universities, Council of Independent Colleges, and the American Association of Community Colleges. EDUCAUSE is committed to and has demonstrated that it will represent the interests of .edu stakeholders while administering .edu through a transparent and open policy development process.
- EDUCAUSE has a unique background in higher education institutional technology, resources and networking, and is technically capable of managing the .edu domain services ensuring continued stability of the .edu domain name space.

This cooperative agreement will be awarded for a 5-year period to be renewed indefinitely upon satisfactory performance. The cooperative agreement will be at no cost to the Federal government, and EDUCAUSE will only be able to recover its cost of administering the .edu domain services. Continuation awards within the project period will be made on the basis of satisfactory progress.

FOR FURTHER INFORMATION CONTACT: Stacy Cheney, Office of Chief Counsel, National Telecommunications and Information Administration, telephone (202) 482–1816; or electronic mail, scheney@ntia.doc.gov.

Dated: April 6, 2001.

Kathy Smith,

Chief Counsel.

[FR Doc. 01–8980 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Term Extension

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), and by the USPTO in the performance of its statutory functions of processing applications for patent term extension as required by the Federal Food, Drug and Cosmetic Act, 35 U.S.C. 156, and processing requests for reconsideration or reinstatement of any patent term adjustment under 35 U.S.C. 154(b).

DATES: Written comments must be submitted on or before June 11, 2001.

ADDRESSES: Direct all written comments to Susan K. Brown, Records Officer, Office of Data Management, Data Administration Division, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231; by telephone 703–308–7400; by e-mail at susan.brown@uspto.gov; or by facsimile at 703–308–7407.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Karin L. Tyson, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, DC 20231; by telephone at 703–306–3159; or by facsimile transmission to 703–872–9411.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO), together with the Secretary of Health and Human Services and the Department of Agriculture, administers the Federal Food, Drug and Cosmetic Act, 35 U.S.C. 156. This Act permits the USPTO to restore the patent term lost due to certain types of regulatory review by the Federal Food and Drug Administration or the Department of Agriculture. Only patents for drug products, medical devices, food additives, and color additives are eligible for extension. The maximum length that a patent may be extended (the maximum of patent term that may be restored) is five years.

Under 35 U.S.C. 156(d), an application for patent term extension must identify the approved product, the patent to be extended, the claims of the patent that claim the approved product, a method of use of the approved product, or a method of manufacturing the approved product. In addition, the application for patent term extension must provide a brief description of the activities undertaken by the applicant during the regulatory review period with respect to the approved product and the significant dates of these activities.

The statute (35 U.S.C. 156) requires the USPTO to extend the term of various patents past their original expiration dates, to grant interim extensions, to review applications for patent term extension and final eligibility decisions, to obtain additional information from the public that might influence the extension of the patent term, and to withdraw an application for a patent term extension.

The USPTO administers 35 U.S.C. 156 through 37 CFR 1.705–1.791. These rules permit the public to submit applications to the USPTO to extend the term of a patent past its original expiration date; to petition for reviews of informal extensions of applications, final eligibility decisions, and interim extensions; and to withdraw an application requesting a patent term extension after it is submitted.

The term of a patent which claims a product, a method of using a product, or a method of manufacturing a product shall be extended if the term of the patent has not expired before an application is submitted. The Federal

Food, Drug and Cosmetic Act requires that an application for patent term extension be filed with the USPTO within 60 days of a product (approved product) that was subject to regulatory review receiving permission for commercial marketing or use from the Federal Food and Drug Administration or the Department of Agriculture.

Under 35 U.S.C. 156(e), an interim extension may be granted if the term of a patent for which an application for patent term extension has been submitted under 35 U.S.C. 156(d), and which is eligible for extension, would expire before a certificate of extension is issued.

The patent term provisions of 35 U.S.C. 154(b), as amended by Title IV, subtitle D of the ''Intellectual Property and Communications Omnibus Reform Act of 1999,'' requires the USPTO to notify the applicant of the patent term adjustment in the notice of allowance, and gives the applicant an opportunity to request reconsideration of the USPTO's patent term adjustment determination and to request reinstatement of a reduction in patent term adjustment.

The information supplied to the USPTO by an applicant requesting reconsideration of a USPTO patent term adjustment determination under 35 U.S.C. 154(b) is used by the USPTO to determine whether the USPTO's determination of patent term adjustment under 35 U.S.C. 154(b) is correct, and to determine whether the applicant is entitled to reinstatement of reduced patent term adjustment.

The subsequent application for interim extension under 37 CFR 1.790 is part of the initial application for interim extension and has been reported as such in previous submissions of this collection. Because we are now reporting filing fees as part of the nonhour respondent cost burden, it became necessary to separate out this requirement as the filing fees are different for the two requirements.

The information supplied to the USPTO by an applicant seeking a patent term extension under 35 U.S.C. 156 and a patent term adjustment under 35 U.S.C. 154(b) is used by the USPTO, the Department of Health and Human Services, and the Department of Agriculture to determine the eligibility of a patent for extension and to determine the period of any such extension.

II. Method of Collection

By mail, facsimile, or hand carried to the USPTO when the applicant or agent files an application for a patent term extension with the USPTO, submits papers during the prosecution of the application, files a Petition for Reconsideration of Patent Term Adjustment Determination, files a Petition for Reinstatement of Patent Term Adjustment, or related papers during processing of a patent application.

III. Data

OMB Number: 0651–0020.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: 26,858 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the public anywhere from one to 25 hours, depending upon the complexity of the situation, to gather, prepare, and submit the applications, petitions, and various requests associated with the patent term and interim extensions, review of eligibility decisions, requirement to elect, requests to identify holders of regulatory approval, declarations to withdraw an application, petitions for reconsideration of a patent term adjustment determination, and petitions for reinstatement of reduced patent term adjustment with a showing that the applicant was unable to respond within three months in spite of all due care. There are no forms associated with this information collection.

Estimated Total Annual Respondent Burden Hours: 30,903 hours per year.

Estimated Total Annual Respondent Cost Burden: Using the professional hourly rate of $175 per hour for associate attorneys in private firms, the USPTO estimates $5,408,025 per year for salary costs associated with respondents.

Item	Estimated time for response (in hours)	Estimated annual burden hours	Estimated annual responses
Application to Extend Patent Term under 35 U.S.C. 156	25	1,250	50
Request for Interim Extension under 35 U.S.C. 156(e)(2)	1	1	1
Petition to Review Final Eligibility Decision	25	25	1
Initial Application for Interim Extension under 35 U.S.C. 156(d)(5)	20	20	1
Subsequent Application for Interim Extension under 37 CFR 1.790	1 D1	1	
Response to Requirement to Elect	1	2	2
Response to Request to Identify Holder of Regulatory Approval	2	2	1
Declaration to Withdraw an Application to Extend Patent Term	2	2	1
Petition for Reconsideration of Patent Term Adjustment Determination (35 U.S.C. 154(b))	1	24,000	24,000
Petition for Reinstatement of Reduced Patent Term Adjustment (35 U.S.C. 154(b))	2	5,600	2,800
Totals		30,903	26,858

Estimated Total Annual Nonhour Respondent Cost Burden: $5,976,770. (There are no capitol start-up or maintenance costs associated with this information collection.)

There is annual nonhour cost burden in the way of filing fees associated with this collection. The filing fees related to this collection are considered part of the nonhour cost burden of the collection. Following is a chart listing these filing fees/nonhour cost burden. A zero means that there is no fee associated with that requirement. The total annual filing fees/nonhour cost burden is $5,976,770.

Item	Responses (a)	Filing fees ($)* (b)	Total non-hour cost burden (a) × (b)
Application to Extend Patent Term under 35 U.S.C. 156(d)(1)	50	$1,120	$56,000
Request for Interim Extension under 35 U.S.C. 156(e)(2)	1	0	0
Petition to Review Final Eligibility Decision	1	130	130
Initial Application for Interim Extension under 35 U.S.C. 156(d)(5)	1	420	420
Subsequent Application for Interim Extension under 37 CFR 1.790	1	220	220
Response to Requirement to Elect	2	0	0
Response to Request to Identify Holder of Regulatory Approval	1	0	0
Declaration to Withdraw an Application to Extend Patent Term	1	0	0
Petition for Reconsideration of Patent Term Adjustment Determination (35 U.S.C. 154(b))	24,000	200	4,800,000
Petition for Reinstatement of Reduced Patent Term Adjustment (35 U.S.C. 154(b))	2,800	400	1,120,000
Totals	26,858	2,490	5,976,770

*NOTE: All fees listed are based on per class filing.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;(b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: April 3, 2001.

Susan K. Brown,

Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 01–9080 Filed 4–11–01; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Skills Management Branch, Air Force Personnel Center, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 11, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Skills Management Branch (DPPAE), Air Force Personnel Center, 550 C Street West, Suite 10, ATTN: Mrs. Blanche Thompson, Randolph AFB, TX 78150–4712.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call Mrs. Blanche Thompson at 210–565–2461.

Title, Associated Form, and OMB Number: ''Application for Appointment as Reserves of the Air Force or USAF Without Component,'' Air Force (AF) Form 24, OMB number 0701–0096.

Needs and Uses: The information collection requirement is necessary for providing necessary information to determine if applicant meets qualifications established for appointment as a Reserve (Air National Guard of the United States (ANGUS) and U.S. Air Force Reserves (USAFR)) or in the USAF without component. Use of the Social Security Number (SSN) is necessary to make positive identification of an applicant and his or her records.

Affected Public: Individuals and households.

Annual Burden Hours: 5,899.

Number of Respondents: 5,899.

Responses per Respondent: 1.

Average Burden per Response: 1 Hour.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This is an information collection from person applying for appointment as a member of the Reserves of the Air Force or an Air Force member without a component and entry into active duty. The information contained on AF Form 24 supports the Air Force as it applies to direct appointment (procurement) programs for civilian and military applicants. It provides necessary information to determine if an applicant meets qualifications established for appointment to fill authorized ANGUS and USAFR position vacancies and active duty requirements. Eligibility requirements are outlined in Air Force Instruction 36–2005.

Janet A. Long,

Air Force Federal Register Liaison Officer

[FR Doc. 01–9082 Filed 4–11–01; 8:45 am]

BILLING CODE 5001–05–P

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 (PL 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 16–17 April 2001.

Time of Meeting: 0730–1700, 16 April 2001; 0730–1600, 17 April 2001.

Place: 11493 Sunset Hills Road, Reston, VA 20190–5214.

Agenda: The Army Science Board's (ASB) panel will conduct a study on ''Knowledge Based Management and Information Reliability'' to examine innovative ways of addressing technology issues that have the potential to ''weigh down'' our future Warfighters with massive amounts of data. These meetings will be 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, please contact Mr. Randy Woodson, Office of the DA DCSINT, 703–604–2462, *randy.woodson@hqda.army.mil.*

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 01–9083 Filed 4–11–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Invention for Licensing; Government-Owned Invention

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent Application Serial No. 09/275,272 entitled ''Atmospheric Ozone Concentration Detector,'' Navy Case No. 79,555.

ADDRESSES: Requests for copies of the patent application cited should be directed to the Naval Research Laboratory, Code 1008.2, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Catherine M. Cotell, Ph.D., Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone (202) 767–7230.

(**Authority:** 35 U.S.C. 207, 37 CFR Part 404)

Dated: April 4, 2001.

J. L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–9084 Filed 4–11–01; 8:45 am]

BILLING CODE 3810–FF–P

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Thursday, April 19, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the New York City Municipal Building, One Centre Street, Building One, Room 1019, in lower Manhattan.

The conference among the Commissioners and staff will begin at 10:00 a.m. Topics of discussion will include a progress report on the Commission's Comprehensive Plan; the status of a proposal to improve the flood warning system in the Delaware River Basin; and a summary of the Toxics Advisory Committee meeting of March 23, 2001 and related activities. The session will conclude with a historical slide presentation on the New York City water supply system.

The subjects of the public hearing to be held during the 1:00 p.m. business meeting include, in addition to the dockets listed below, a resolution to amend the Commission's Comprehensive Plan and Water Code to establish water usage reporting requirements.

The dockets scheduled for public hearing are as follows:

1. *New York State Department of Environmental Conservation D–77–20 (Revision 4).* A resolution to continue for one year the experimental augmented conservation release program for the New York City Delaware Basin Reservoirs.

2. *Merrill Creek Owners Group D–77–110 CP (Amendment 11).* A resolution to amend Table A (Revised) of Docket No. D–77–110 CP (Amendment 10) to include the addition of the Liberty Electric Power, LLC facility as a ''Designated Unit''.

3. *Merrill Creek Owners Group D–77–110 CP (Amendment 12).* A resolution to amend Table A (Revised) of Docket No. D–77–110 CP (Amendment 11) to include the addition of the Hay Road Unit #8 as a ''Designated Unit''.

4. *Pechiney Plastic Packaging, Inc. (formerly American National Can Company) D–97–50 RENEWAL.* An application for approval of a ground water withdrawal project to supply up to 14 mg/30 days of water to the applicant's manufacturing facility from new Well No. 5 in the Kittatinny Aquifer and to retain the existing withdrawal limit from all wells of 14 million gallons (mg)/30 days. The project is located in Washington Borough, Warren County, New Jersey.

5. *Bucks County Water & Sewer Authority D–99–66 CP.* An application for approval of a ground water withdrawal project to supply up to 6.4 mg/30 days of water to the applicant's distribution system from new Well No. S–3 in the Brunswick Formation and to limit the withdrawal from all wells to 6.4 mg/30 days. The project is located in Solebury Township, Bucks County, Pennsylvania.

6. *Buckingham Township D–2000–38 CP.* An application for approval of a ground water withdrawal project to supply up to 3 mg/30 days of water to the applicant's public water distribution system from new Well No. F–3 in the Lockatong Formation and to retain the existing withdrawal limit from all wells of 33.2 mg/30 days. The project is located in Buckingham Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Hellertown Borough Authority D–2000–53 CP.* A ground water withdrawal project to provide a standby source of supply for the applicant's public water distribution system which will continue to serve Hellertown Borough and Lower Saucon Township. The applicant requests that the withdrawal from standby Well No. 3 in the Limestone Aquifer be limited to 22 mg/30 days and that the total withdrawal from all sources remain limited to 22 mg/30 days. The project is located in Hellertown Borough, Northampton County, Pennsylvania.

8. *Upper Uwchlan Township D–2000–55 CP.* An application to construct a 0.3 mgd secondary lagoon sewage treatment plant (STP) and spray irrigation system to serve development along the Route 100 North corridor of Upper Uwchlan Township, Chester County, Pennsylvania. No surface water discharge is proposed.

In addition to the public hearing, the Commission will address the following at its 1:00 p.m. business meeting: minutes of the February 28, 2001 business meeting; announcements; report on hydrologic conditions in the

basin; reports by the Executive Director and General Counsel; public dialogue; and resolutions (1) approving a working budget for the Comprehensive Plan and authorizing the Executive Director to issue a request for proposals for consultant services consistent with that budget; and (2) authorizing the Executive Director to issue a request for proposals to initiate a PCB TMDL stakeholder implementation process to implement the Commission's PCB management program.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883–9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883–9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883–9500 ext. 203 or through the New Jersey Relay Service at 1–800–852–7899 (TTY) to discuss how the Commission may accommodate your needs. Driving directions to the meeting location are posted on the Commission's web site, at *www.drbc.net.*

Dated: April 3, 2001.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 01–9085 Filed 4–11–01; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[CFDA NO.: 84.314B]

Even Start Statewide Family Literacy Initiative Grants

AGENCY: Department of Education.

ACTION: Notice inviting State applications for new awards for fiscal year (FY) 2001 funds for Even Start Statewide Family Literacy Initiative grants.

Purpose of Competition: Even Start Statewide Family Literacy Initiative grants are awarded under section 1202(c) of the Elementary and Secondary Education Act of 1965 (ESEA) to States for planning and implementing Statewide family literacy initiatives, consistent with the Even Start Family Literacy Program (Part B of Title I of the ESEA). The purpose of Even Start is to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program. These initiatives coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources to strengthen and expand family literacy services in the State.

Eligible Applicants: One State office or agency from each State, the District of Columbia, and Puerto Rico, provided that the applicant jurisdiction has not previously received an Even Start Statewide Family Literacy Initiative grant. (Section 1202(c)(1), ESEA.)

Applications Available: April 12, 2001.

Deadline for Transmittal of Applications: June 11, 2001.

Deadline for Intergovernmental Review: August 10, 2001.

Available Funds: $1,000,000.

Note: The Secretary intends to reserve about $30,000 from these funds to provide technical assistance to the Even Start Statewide Family Literacy Initiative grantees.

Matching and Use of Funds Requirements: A State receiving a grant for an Even Start Statewide Family Literacy Initiative must make available non-Federal contributions (cash or in-kind) in an amount at least equal to the Federal funds awarded under the grant. (Section 1202(c)(5), ESEA.) These non-Federal contributions may be from State or local resources, or both. Grantees may not use these grant funds for indirect costs, either as a direct charge or as part of the matching requirement. (Section 1204(b)(3), ESEA.)

Estimated Range of Awards: $75,000–$250,000 for each of two years.

Estimated Average Size of Awards: $194,000 for 5 grants.

Estimated Number of Awards: 3–5.

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

Project Period: 24 months (comprised of two one-year grant award periods).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, and 99.

Application, Priorities, and Selection Criteria: The Department will use the application entitled, ''Notice inviting State applications for new awards for fiscal year (FY) 1999 funds for Even Start Statewide Family Literacy Initiative grants'' published in the **Federal Register** on February 24, 1999, at 64 FR 9229. *However, none of the priorities announced in that application (absolute priority and invitational priorities) apply to the present competition. Applicants in this present competition are not required to address any of those priorities.* The Department will use the selection criteria in that same notice (published in the **Federal Register** on February 24, 1999, at 64 FR 9229) for the present competition.

SUPPLEMENTARY INFORMATION: States must conduct Even Start Statewide family literacy initiative activities through a consortium that includes representatives from at least the following programs at the State level—

- Title I of the ESEA, Part A (LEA grants);
- Even Start (Title I, Part B);
- Migrant Education Program (Title I, Part C);
- Comprehensive School Reform Demonstration Program (Title I, Part E, Section 1502);
- Head Start;
- Adult Education and Family Literacy Act; and

All other State-funded preschool programs and State-funded programs providing literacy services to adults.

The State must include in its application a plan developed by the consortium to use a portion of the State's resources (monetary or non-monetary, or both) from one or more of the programs required to be in this consortium, to strengthen and expand family literacy services in the State. (Section 1202(c)(2), ESEA.) The consortium also may include representatives from other Federal programs, such as programs for infants and toddlers with disabilities under Part C of the Individuals with Disabilities Act (IDEA), and programs for children with disabilities under Sections 611 and 619 of the IDEA.

The initiative must coordinate and integrate resources and activities from, at least, the following programs: Part A of Title I of the ESEA (LEA grants); Even Start (Title I, Part B); the Adult Education and Family Literacy Act; Head Start; and the State's block grant under Part A of Title IV of the Social Security Act for Temporary Assistance for Needy Families (TANF). (Section 1202(c)(1), ESEA.) The consortium also must coordinate its activities with the activities of the Reading Excellence Program (REP) reading and literacy partnership for the State established under section 2253(d) of the ESEA if the State educational agency receives a reading and literacy grant under the REP. (Section 1202(c)(2)(C), ESEA.) The consortium is encouraged to coordinate and integrate resources and appropriate activities from other programs as well,

such as programs for infants and toddlers with disabilities and children with disabilities under the IDEA.

The initiative must base any activities relating to reading instruction, such as reading-related professional development or training activities for local Even Start family literacy program providers, on ''scientifically based reading research'' as that term is defined for the REP in Section 2252 of the ESEA. (Section 1202(c)(3), ESEA.) Under that definition, the term ''scientifically based reading research''—

''(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

(B) shall include research that—

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.''

(Section 2252, ESEA.)

FOR APPLICATIONS AND FURTHER INFORMATION CONTACT: Tanielle Johnson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–6132. Telephone: (202) 205–9588. or via Internet: *Tanielle_Johnson@ed.gov*

The application package also is available on the Department's Web site at: *www.ed.gov/GrantApps/#84.314B.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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

Electronic Access to this Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/fedregister.*

To use PDF, you must have Adobe Acrobat Reader, which is available free at that site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. Section 6362(c).

Dated: April 6, 2001.

Thomas M. Corwin,

Acting Deputy Assistant, Secretary for Elementary and Secondary Education.

[FR Doc. 01–9065 Filed 4–11–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–111–000]

Algonquin Gas Transmission Company, Texas Eastern Transmission Corporation; Notice of Application

April 6, 2001.

Take notice that on March 28, 2001, Algonquin Gas Transmission Company (Algonquin) and Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP01–111–000 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to (i) replace two existing 3830 HP Solar Centaur 40 compressor units with two 7150 HP Solar Taurus 60 compressor units at Algonquin's Hanover compressor station, subject to specified cost and fuel reimbursement by Texas Eastern, (ii) a dispatching and compression services arrangement between Algonquin and Texas Eastern (iii) an expansion of 135,000 dekatherms per day, as a result of (i) and (ii) above, of Texas Eastern's system capacity east of Lambertville to the terminus of the Texas Eastern system, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us./online/rims.htm* (call (202) 208–2222 for assistance).

The parties state that Texas Eastern has requested Algonquin to replace the two existing Centaur units at Algonquin's Hanover station with two new Taurus units as part of Texas Eastern's proposal to accommodate a shifting of deliveries from Texas Eastern to Algonquin from Hanover, New Jersey to Lambertville, New Jersey. The parties further state that such compression modifications, in conjunction with the Dispatching Agreement between Texas Eastern and Algonquin, will result in an additional 135,000 dekatherms per day of firm capacity to the Texas Eastern system from the Lambertville compressor station to as far as Texas Eastern's primary delivery terminus into the New York City markets and will contemporaneously provide Texas Eastern customers with additional operational reliability and flexibility downstream of Lambertville, which has historically been an area of constraint on the Texas Eastern system.

It is stated that pursuant to the Dispatching Agreement, Texas Eastern will reimburse Algonquin for the net capital cost of $6.7 million for the replacement of the two existing 3830 HP compressor units at Hanover with two 7150 HP units, will provide the incremental fuel necessary to run these units, and Algonquin will, at Texas Eastern's direction, receive up to 200,000 dekatherms per day at the Lambertville station interconnect instead of the Hanover station interconnect. It is stated that Algonquin will own and operate the compressor units subject to the Dispatching Agreement. It is further stated that shippers with delivery/receipt entitlements at the interconnect points will not be impacted and that no changes in shipper contracts or scheduling procedures will be required.

The parties state that in its next section 4 rate case, Texas Eastern expects to file for rolled-in rate treatment of the net facility-related costs for which it is reimbursing Algonquin; however, a predetermination of rolled-in rate treatment from the Commission is not requested at this time.

The parties state that because the joint proposal can be implemented quickly with minimal construction, the project will provide certain comprehensive benefits which include, but are not limited to, being able to meet growing markets needs in the New York and New Jersey market area for the upcoming 2001–2002 peak winter season at a minimal cost and with minimal environmental impact. Texas Eastern indicates that key project benefits include, but are not limited to, the alleviation of system constraints

downstream of Lambertville, open access goals, increased reliability of service, and no change to existing base rates. Algonquin specifies that the benefits to its system and customers include, but are not limited to, a reduction in peak day fuel consumption at the Hanover station, a new reduction in permitted long-term air emissions, no adverse impact to the existing quality of service to Algonquin customers and no change in existing base rates.

Questions regarding the details of this proposed project should be directed to Steven E. Tillman, Director of Regulatory Affairs for Algonquin Gas Transmission Company and Texas Eastern Transmission Corporation, P.O. Box 1642, Houston, Texas 77251–1642.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before April 27, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, a motion to intervene 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 NGA (18 CFR 157.10). A person obtaining party 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 all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments to intervene as early in the process as possible.

Comments, protests and interventions and 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*.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9030 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–355–044

Baltimore Gas and Electric Company; Notice of Proposed Changes in FERC Gas Tariff

April 6, 2001.

Take notice that on March 30, 2001, Baltimore Gas and Electric Company (BGE) tendered for filing as part of its FERC Gas Tariff, First Revised Sheet No. 1.1.

BGE states that this tariff sheet is being filed to cancel its limited jurisdiction FERC Gas Tariff effective May 1, 2001.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fer.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9026 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–025]

Dominion Transmission, Inc.; Notice of Negotiated Rate

April 6, 2001.

Take notice that on April 3, 2001, Dominion Transmission, Inc. (DTI) tendered for filing to Commission the following tariff sheets for disclosure of a recently negotiated transaction with The East Ohio Gas Company d/b/a

Dominion East Ohio: Original Sheet No. 1413 Sheet No. 1414.

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 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 in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9028 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–033]

Natural Gas Pipeline Company of America; Notice of Filing of Change in Negotiated Rate Agreement

April 6, 2001.

Take notice that on March 30, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing with the Commission, copies of changes to a negotiated rate agreement that is currently on file with the Commission.

Natural states that the purpose of this filing is to implement an election made by Nicor Gas Company to exercise its unilateral MDQ reduction right, to be effective April 1, 2001, pursuant to the Firm Transportation and Storage Negotiated Rate Agreement that is currently on file with the Commission.

Natural concurrently tenders for filing with the Commission, under separate cover letter in this docket, copies of First Revised Sheet No. 26D to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 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 in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9025 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–044]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate

April 6, 2001.

Take notice that on April 3, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing a notice of a change in the rates for the October 18, 2000 Negotiated Rate Agreement between Tennessee and Dynegy Marketing and Trade (Negotiated Rate Agreement) which was accepted by the Commission in Tennessee Gas Pipeline Company, 93 FERC ¶ 61,168 (2000) (November 17 Order). As agreed to in the November 17 Order, Tennessee is providing notice of substitution of a fixed price effective April 1, 2001.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 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 in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9027 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–179–000, et al.]

Lone Oak Energy Center, LLC, et al.; Electric Rate and Corporate Regulation Filings

April 6, 2001.

Take notice that the following filings have been made with the Commission:

1. Lone Oak Energy Center, LLC

[Docket No. EG01–179–000]

Take notice that on April 4, 2001, Lone Oak Energy Center, LLC (Lone Oak) 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.

Lone Oak, a Delaware limited liability company, proposes to own and operate an electric generating facility and sell the output at wholesale to electric utilities, an affiliated power marketer and other purchasers. The facility is a natural gas-fired, combined cycle generating facility, which is under development in Lowndes County, Mississippi.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

2. ACE Cogeneration Company, L.P.

[Docket No. EG01–180–000]

Take notice that on April 4, 2001, ACE Cogeneration Company, L.P.,10000 Stockdale Highway, Suite 100, Bakersfield, CA 93311, 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.

ACE owns and operates a nominal 96 MW, coal-fired, enhanced oil recovery cogeneration power plant that uses a circulating fluidized bed boiler (CFB) combustion system (the Facility). The Facility is located in Trona, California, northeast of Ridgecrest in the California high desert near Death Valley.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

3. UtiliCorp United Inc.

[Docket No. ES01–27–000]

Take notice that on April 3, 2001, UtiliCorp United Inc. (UtiliCorp) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue 2 million shares of UtiliCorp common stock under the UtiliCorp United Inc. Amended and Restated 1986 Stock Incentive Plan.

UtiliCorp also requests a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. VIASYN, Inc.

[Docket No. ER01–1709–000]

Take notice that on April 3, 2001 VIASYN, Inc. (VIASYN) tendered for filing acceptance of VIASYN Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

VIASYN intends to engage in wholesale electric power and energy purchases and sales as a marketer. VIASYN is not in the business of generating or transmitting electric power.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Santa Rosa Energy LLC

[Docket No. ER01–1714–000]

Take notice that on April 3, 2001, Santa Rosa Energy LLC (Santa Rosa) tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1. Santa Rosa proposes that its Rate Schedule No. 1 become effective upon commencement of service of its cogeneration facility at the Santa Rosa Energy Center (the Facility), a 255 MW generation project currently being developed by Santa Rosa in Pace, Florida. The Facility is expected to be commercially operable by approximately the second quarter of 2002.

Santa Rosa intends to sell energy, capacity, and certain ancillary services from the Facility in the wholesale power market at market-based rates, and on such terms and conditions to be mutually agreed to with the purchasing party.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Ameren Energy Marketing Company

[Docket No. ER01–1715–000]

Take notice that on April 3, 2001, Ameren Energy Marketing Company (AEM) tendered for filing informational purposes two amendments to an existing Electric Service Agreement with Soyland Power Cooperative, Inc. currently on file with the Commission.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. PJM Interconnection, L.L.C.

[Docket No. ER01–1717–000]

Take notice that on April 3, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing changes to the PJM Open Access Transmission Tariff (PJM Tariff) and to the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (Operating Agreement) to modify certain provisions regarding compliance with PJM's creditworthiness standards and for termination of service by PJM in the event of a default and failure to cure upon notice thereof.

PJM states that it served copies of its filing on all PJM members and on each state electric utility regulatory commission in the PJM control area.

PJM requests waiver of the Commission's regulations at 18 C.F.R. § 35.15 to permit it to make the proposed tariff changes effective on April 4, 2001.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9049 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1684–000, et al.]

Pacific Gas and Electric Company, et al.; Electric Rate and Corporate Regulation Filings

April 5, 2001.

Take notice that the following filings have been made with the Commission:

1. Pacific Gas and Electric Company

[Docket No. ER01–1684–000]

Take notice that on April 2, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing four agreements entitled Generator Special Facilities Agreement (2001 Summer Reliability Generation) (GSFA) between PG&E and the following parties: Fresno Cogeneration Partners, LP (Fresno); Stockton Sierra Cogeneration, LLC

(Stockton); NEO Corporation—NEO California Power LLC, Chowchilla (NEO Chowchilla); and NEO Corporation—NEO California Power LLC, Red Bluff (NEO Red Bluff) (collectively, Parties).

The GSFAs permit PG&E to recover the ongoing costs associated with installing, owning, operating and maintaining Special Facilities necessary for the interconnection of the Parties to the PG&E transmission system. PG&E has requested certain waivers.

Copies of this filing have been served upon Fresno, Stockton, NEO Chowchilla, NEO Red Bluff, the California Independent System Operator, and the California Public Utilities Commission (CPUC).

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Portland General Electric Company

[Docket No. ER01–1685–000]

Take notice that on April 2, 2001, Portland General Electric Company (PGE) tendered for filing a proposed Attachment K to its Open Access Transmission interconnect new generators with the PGE system or to increase the capacity of generators that are already interconnected with the system. PGE requests that the Commission waive its notice requirements to allow the procedures to become effective on March 21, 2001.

Copies of the filing were provided to the Oregon Public Utility Commission and Bonneville Power Administration.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Idaho Power Company

[Docket No. ER01–1687–000]

Take notice that on April 2, 2001, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission an amendment to its Agreement for the Sale and Purchase of Firm Capacity and Energy under Idaho Power Company FERC Electric Tariff No. 6, Market Rate Power Sales Tariff, between Idaho Power Company and Truckee-Donner Public Utility District.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Southwest Power Pool, Inc.

[Docket No. ER01–1688–000]

Take notice that on April 2, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Reliant Energy Services, Inc. (Transmission Customer). SPP seeks an effective date of October 1, 2001 for this service agreement.

A copy of this filing was served on the Transmission Customer.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Ameren Energy Marketing Company

[Docket No. ER01–1689–000]

Take notice that on April 2, 2001, Ameren Energy Marketing Company (AEM) tendered for filing the partial suspension of an existing power sales agreement between AEM and Illinois Municipal Electric Agency (IMEA).

Copies of this filing have been served on IMEA and the Illinois Commerce Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Megawatt Marketing, LLC

[Docket No. ER01–1690–000]

Take notice that on April 2, 2001, Megawatt Marketing, LLC (Megawatt Marketing), tendered for filing acceptance of Megawatt Marketing Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations. Megawatt Marketing also requested waiver of the 60-day prior notice requirement to allow Megawatt Marketing Rate Schedule FERC No. 1 to become effective April 15, 2001.

Megawatt Marketing intends to engage in wholesale electric power and energy purchases and sales as a marketer. Megawatt Marketing is not in the business of generating or transmitting electric power. Megawatt Marketing is a Nevada limited liability company with its principal place of business in Carson City, Nevada.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. American Electric Power Service Corporation

[Docket No. ER01–1692–000]

Take notice that on April 2, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing executed Firm and Non-Firm Point-to-Point Transmission Service Agreements for Axia Energy, LP. These agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6. AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service billed on and after March 1, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Duke Energy Corporation

[Docket No. ER01–1693–000]

Take notice that on April 2, 2000, Duke Energy Corporation (Duke) on behalf of Duke Electric Transmission, tendered for filing an original and an amended Service Agreement with Duke Power, a division of Duke, for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on March 6, 2001.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. American Electric Power Service Corporation

[Docket No. ER01–1694–000]

Take notice that on April 2, 2001, American Electric Power Service Corporation (AEPSC) submitted Notices of Succession pursuant to 18 CFR §§ 35.16 and 131.51 (2000). AEPSC is succeeding to rate schedules currently on file with the Commission by Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, West Texas Utilities Company (collectively, the Operating Companies), CSW Power Marketing, Inc. and CSW Energy Services, Inc. The Operating Companies, CSW Power Marketing, Inc. and CSW Energy Services, Inc. will continue to provide service under these schedules, but as subsidiaries of American Electric Power Company, Inc.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Cambridge Electric Light Company

[Docket No. ER01–1695–000]

Take notice that on April 2, 2001, Cambridge Electric Light Company (Cambridge) tendered for filing a Standard Form of Interconnection

Agreement as a new attachment to its Open Access Transmission Tariff. Cambridge requests an effective date of May 30, 2001.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Hardee Power Partners Limited

[Docket No. ER01–1697–000]

Take notice that on April 2, 2001, Hardee Power Partners Limited (HPP) tendered for filing a service agreement with the City of Lake Worth, Florida (Lake Worth) under HPP's market-based sales tariff. HPP requests that the service agreement be made effective on March 5, 2001.

Copies of the filing have been served on Lake Worth and the Florida Public Service Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. ER01–1698–000]

Take notice that on April 2, 2001, Southern Company Services, Inc., as agent for Savannah Electric and Power Company (Savannah Electric), tendered for filing the unexecuted Interconnection Agreement between Savannah Electric and Effingham County Power, LLC (Effingham) (the Agreement), as a service agreement under Southern Operating Companies' Open Access Transmission Tariff (FERC Electric Tariff, Fourth Revised Volume No. 5) and is designated as service agreement number 375.

The Agreement provides the general terms and conditions for the interconnection and parallel operation of Effingham's electric generating facility located near the City of Rincon, Effingham County, Georgia. The Agreement terminates forty (40) years from the effective date unless extended or terminated earlier by mutual written agreement.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Pilot Power Group, Inc.

[Docket No. ER01–1699–000]

Take notice that on April 2, 2001, Pilot Power Group, Inc. (Pilot) tendered for filing of Pilot Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations. In its Petition, Pilot has also requested that the Commission grant blanket authority for retail end-use customers of Pilot to sell to Pilot excess electricity not required for delivery to said customers at market-based rates pursuant to Pilot Rate Schedule FERC No. 1, and grant waiver of certain Commission regulations.

Pilot intends to engage in wholesale electric power and energy purchases and sales as a marketer. Pilot is not in the business of generating or transmitting electric power. Pilot is a privately held corporation with no affiliates.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Hardee Power Partners Limited

[Docket No. ER01–1700–000]

Take notice that on April 2, 2001, Hardee Power Partners Limited (HPP) tendered for filing a service agreement with Duke Energy Trading and Marketing, L.L.C. (Duke Energy) under HPP's market-based sales tariff. HPP requests that the service agreement be made effective on March 5, 2001.

Copies of the filing have been served on Duke Energy and the Florida Public Service Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Callaway Golf Company

[Docket No. ER01–1701–000]

Take notice that on April 2, 2001, Callaway Golf Company (Callaway) tendered for filing acceptance of Callaway Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Callaway intends to engage in wholesale electric power and energy purchases and sales as a marketer. Callaway is not in the business of generating or transmitting electric power. Callaway and its subsidiaries and affiliates are in the business of designing, manufacturing, marketing, distributing and selling golf equipment.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Duke Energy Corporation

[Docket No. ER01–1702–000]

Take notice that on April 2, 2001, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with Duke Power, a division of Duke Energy Corporation for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on March 26 2001.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Duke Energy Corporation

[Docket No. ER01–1704–000]

Take notice that on April 2, 2001, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with Duke Power, a division of Duke Energy Corporation for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on March 26, 2001.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Boston Edison Company

[Docket No. ER01–1705–000]

Take notice that on April 2, 2001, Boston Edison Company (BECo) tendered for filing a Standard Form of Interconnection Agreement as a new attachment to its Open Access Transmission Tariff. BECo requests an effective date of May 30, 2001.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Illinois Power Company

[Docket No. ER01–1706–000]

Take notice that on April 2, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, tendered for filing the First Amendment to an Interconnection Agreement entered into with Dynegy Midwest Generation, Inc. (DMG) and subject to Illinois Power's Open Access Transmission Tariff. Illinois Power states that the First Amendment has been entered into for the purpose of correcting one drawing attached to the Interconnection Agreement and an exhibit describing certain points shown on the drawing.

Illinois Power requests an effective date of April 1, 2001 for the First Amendment and seeks a waiver of the Commission's notice requirement. Illinois Power has served a copy of the filing on DMG.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Kansas City Power & Light Company

[Docket No. ER01–1707–000]

Take notice that on April 2, 2001, Kansas City Power & Light Company (KCPL) tendered for filing a Power Sales Agreement, dated February 22, 1996 between Kansas City Power & Light Company (KCPL) and the Board of Public Utilities of Springfield, Missouri (Springfield). KCPL proposes an effective date of June 1, 2001 and requests any necessary waiver of the Commission's notice requirement.

This Power Sales Agreement provides for capacity, energy and includes transmission services.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Carolina Power & Light Company

[Docket No. ER01–1708–000]

Take notice that on April 2, 2001, Carolina Power & Light Company (CP&L) tendered for filing an executed Service Agreement between CP&L and the following eligible buyer, South Carolina Public Service Authority. Service to this eligible buyer will be in accordance with the terms and conditions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for sales of capacity and energy at market-based rates.

CP&L requests an effective date of June 1, 2001 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Mill Run Windpower LLC

[Docket No. ER01–1710–000]

Mill Run Windpower LLC (Mill Run) petitioned the Commission on April 2, 2001, tendered for filing authority to sell electricity at market-based rates under Section 205(a) of the Federal Power Act, 16 U.S.C. 824d(a); for granting of certain blanket approvals and for the waiver of certain Commission regulations. Mill Run is a limited liability company that proposes to engage in the wholesale sale of electric power in the state of Pennsylvania.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Florida Power Corporation

[Docket No. ER01–1711–000]

Take notice that on April 2, 2001, Florida Power Corporation tendered for filing informational filing of Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service that were executed with South Carolina Public Service Authority (SCPSA). Service will be in accordance with the terms and conditions of SCPSA's Open Access Transmission Tariff.

Copies of the filing were served upon the Florida Public Service Commission and the South Carolina Public Service Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Florida Power & Light Company

[Docket No. ER01–1712–000]

Take notice that on April 2, 2001, Florida Power & Light Company (FPL) tendered for filing a Construction, Indemnification and Interconnection Modification Agreement By and Among FPL, The City of Lake Worth Florida, and Lake Worth Generation, LLC (the Agreement). FPL requests an effective date of March 30, 2001 for the Agreement.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Florida Power Corporation

[Docket No. ER01–1713–000]

Take notice that on April 2, 2001, Florida Power Corporation (FPC) tendered for filing a Service Agreement and Transaction Agreement with Florida Power & Light Company under FPC's Cost-Based Rates Tariff, FERC Electric Tariff No. 9.

FPC is requesting an effective date of April 1, 2001 for this Agreement.

A copy of this filing was served upon the Florida Public Service Commission.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Monongahela Power Company

[Docket No. ER01–1716–000]

Take notice that on April 2, 2001 Monongahela Power Company (Monongahela) tendered for filing with the Commission a letter indicating its intent to continue a process of reviewing transmission/distribution facilities separation with the Ohio Public Utilities Commission. Monongahela states that, once the Ohio Public Utilities Commission has completed its review, it will submit the details of that delineation to this Commission in a supplemental filing seeking appropriate regulatory and accounting treatment.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Cabrillo Power I, LLC; El Segundo Power, LLC; Long Beach Generation LLC

[Docket No. ER01–1718–000]

Take notice that on April 2, 2001, Dynegy Power Marketing, Inc., acting as agent for Cabrillo Power I LLC, El Segundo Power, LLC and Long Beach Generation LLC, tendered for filing a long-term power sales agreement with the California Department of Water Resources, to be in effect as of March 6, 2001. Confidential treatment of this agreement, pursuant to 18 C.F.R. § 385.112 (2000), has been requested.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Delano Energy Company, Inc.; Mountainview Power Company L.L.C.; Riverside Canal Power Company, Inc.; AES Ecotek Holdings, L.L.C.

[Docket No. EC01–86–000]

Take notice that on April 3, 2001, Delano Energy Company, Inc. (Delano), Mountainview Power Company L.L.C. (Mountainview), Riverside Canal Power Company, Inc. (Riverside) and AES Ecotek Holdings, L.L.C. (AES Ecotek) filed with the Commission an application pursuant to section 203 of the Federal Power Act for authorization of a change in control over jurisdictional facilities whereby the stock of the parent company to Delano, Mountainview, and Riverside will be sold and transferred to AES Ecotek. Delano is a 48 MW biomass-fired qualifying small power production facility located in Kern County, California. Mountainview owns two 63 MW oil- or gas-fired generating units and interconnecting facilities located in San Bernadino, California. Riverside owns two 33 MW units and two 44 MW units each that are oil- or gas-fired, in Grand Terrace, California. Authorization is requested for both the sale and the purchase of the jurisdictional facilities. This application contains a request for confidential treatment by the Commission of certain sections of the Stock Purchase Agreement and the affidavit of Mr. Stephen Henderson.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Santa Rosa Energy LLC

[Docket No. EG01–175–000]

Take notice that on April 3, 2001, Santa Rosa Energy LLC (Applicant) with its principal office c/o Calpine Corporation—Eastern Region Office, The Pilot House, 2nd Floor, Lewis Wharf, Boston, MA 02110, filed with the Federal Energy Regulatory Commission

(Commission) an application for determination of ''exempt wholesale generator'' status pursuant to Part 365 of the Commission's regulations.

Applicant states that it will be engaged in owning and operating a cogeneration facility (the Facility) at the Santa Rosa Energy Center consisting of one natural gas fueled combustion turbine generating unit, one separately-fired heat recovery boiler, and one extraction/condensing steam turbine generating unit with a total electrical output of approximately 255 MW. The Facility will be constructed in Santa Rosa County, at Pace, Florida. The Applicant also states that it will sell electric energy exclusively at wholesale.

Comment date: April 26, 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.

30. Mill Run Windpower, LLC

[Docket No. EG01–176–000]

Take notice that on April 3, 2001, Mill Run Windpower, LLC (Mill Run) filed with the Federal Energy Regulatory Commission an Application for Determination of Exempt Wholesale Generator Status pursuant to part 365 of the Commission's regulations and section 32 of the Public Utility Holding Company Act of 1935.

Mill Run is developing a wind-powered eligible facility with a capacity of 15 megawatts, powered by approximately ten (10) wind turbine generators, which will be located in Fayette County, Pennsylvania.

Comment date: April 26, 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.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9024 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–65–000]

Eastern Shore Natural Gas Company; Notice of Site Visit

April 6, 2001.

On April 20, 2001, the Office of Energy Projects (OEP) staff will conduct a precertification site visit of Eastern Shore Natural Gas Company's (Eastern Shore) 2001 System Expansion and Capacity Stabilization Project in Chester County, Pennsylvania and Cecil County, Maryland. We will discuss the environmental impact of the proposed construction and operation of facilities along the project route and possible route variations. All parties may attend. Those planning to attend must provide their own transportation. We will be meeting at 8:30 a.m. at the Comfort Inn on 1120 S. College Ave. in Newark, Delaware. Representatives of Eastern Shore will be accompanying the OEP staff.

For further information on attending the site visit, please contact the Commission's Office of External Affairs at (202) 208–0004.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9029 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–260–000]

Texas Gas Transmission Corporation; Notice of Settlement Conference

April 6, 2001.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10:00 am on Wednesday, April 18, 2001, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of discussing the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 19 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact William J. Collins at (202) 208–0248 or Michael D. Cotleur at (202) 208–1076.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9031 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

April 6, 2001.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests

only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Exempt

1. CP01–64–000—3–30–01—Medha Kochhar, FERC
2. CP01–64–000—3–30–01—John J. Wisniewski, FERC
3. CP98–150–000 and CP98–151–000—3–30–01—David A. Stilwell
4. Project No. 6032—3–30–01—David A. Stilwell
5. Project No. 1354—4–3–01—Dixie Jackson
6. Project No. 2042–013—4–4–01—Mark Cauchy, et al.
7. Project No. 2042–013—4–4–01—Doug Morrill
8. Project No. 184—4–5–01—William L. Wilkins
9. CP98–150–000 and CP98–151–002—4–6–01—Jennifer Kerrigan, FERC

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–9032 Filed 4–11–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6964–81]

Agency Information Collection Activities: Proposed Collection: Comment Request; Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators

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): New Source Performance Standard for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators, EPA ICR Number 1730.2, and OMB Control Number 2060–0363, expiration date September 30, 2001. 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 June 11, 2001.

ADDRESSES: United States Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Office of Compliance, Compliance Assistance and Sector Programs Division, Mail Code 2224A; 1200 Pennsylvania Avenue, NW., Washington, DC 20460. A hard copy of the ICR may be obtained without charge, by calling the information contact or from the Internet at: *http://www.epa.gov/icr.*

FOR FURTHER INFORMATION CONTACT: Jonathan Binder, (202) 564–2516 or (202) 564–7083 or binder.jonathan@epa.gov and refer to EPA ICR Number 1730.2, and OMB Control Number 2060–0363.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which own or operate hospital/medical/infectious waste incinerators for which construction is commenced after February 27, 1995 or for which modification commenced after June 20, 1996.

Title: Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators OMB Control No. 2060–0263; EPA ICR No. 1730.02. expiring 9/30/01.

Abstract: This ICR outlines the records and reports that are necessary to ensure that the Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators are being achieved on a continuous basis. Records and reports are required by 40 CFR part 60, subpart A (General Provisions) and Subpart Ec.

HMIWI burning hospital waste and/or medical infectious waste are subject to the specific reporting and recording keeping requirements Notification reports are required related to the construction, reconstruction, or modification of a HMIWI. Also required are one-time-only reports related to initial performance test data and continuous measurements of site specific operating parameters. Annual compliance reports are required related to a variety of site-specific operating parameters, including exceedances of applicable limits. Semiannual compliance reports are required related to emission rate or operating parameter data that were not obtained when exceedances of applicable limits occurred. Affected entities must retain for five years the reports and records that are required under this NSPS and the General Provisions.

Co-fired combustors and incinerators burning only pathological, low-level radioactive, and/or chemotherapeutic waste are required to submit notification reports on an exemption claim, and an estimate of the relative amounts of waste and fuels to be combusted. These co-fired combustors and incinerators are also required to maintain records on a calendar quarter basis of the weight of hospital waste combusted, the weight of medical/infectious waste combusted, and the weight of all other fuels combusted.

All reports required under the NSPS and the General Provisions are submitted to the respondent's State or local agency, whichever has been delegated enforcement authority by the EPA. The information is used by EPA solely to determine that all sources subject to the NSPS are in compliance with the NSPS and that the control system installed to comply with the standards is being properly operated and maintained. Based on reported information, EPA can decide which facilities should be inspected and what records or processes should be inspected at the facilities. The records that sources maintain would indicate to EPA whether facility personnel are operating and maintaining control equipment properly.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

Comments: 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 recordkeeping burden for this collection is estimated at 1000 hours per response. The 14 estimated respondents are expected to be subject to 2 responses per year. The cost burden to respondents or recordkeepers resulting from the collection of information is estimated at $33.00 total capital and start-up cost component annualized over its expected useful life, and a $241.00 total operation and maintenance component. 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: April 4, 2001.

David N. Lyons,

Acting Director, Compliance Assistance Sector Programs Division, Office of Compliance.

[FR Doc. 01–9054 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6965–8]

Adequacy Status of Motor Vehicle Budgets in Submitted State Implementation Plans for Transportation Conformity Purposes; Maryland; Revised Phase II Plan for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy status.

SUMMARY: EPA is announcing that the revised motor vehicle emissions budgets contained in the revised Phase II Plan for the Maryland portion (Cecil County) of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area are adequate for transportation conformity purposes. On December 28, 2000, the Maryland Department of the Environment (MDE) submitted its revised Phase II Plan to EPA as State Implementation Plan (SIP) revision. Maryland revised the 2005 attainment plan of its Phase II Plan to amend the motor vehicle emissions budgets of that plan to reflect the benefits of the Tier 2/Sulfur-in-Fuel Rule. The State also revised the 2005 rate of progress (ROP) plan of the Phase II plan to amend the motor vehicle emissions budgets to reflect rule effectiveness corrections and further reductions from the application of graphic arts rules to additional sources. EPA has found the amended budgets in Maryland's December 28, 2000 Phase II SIP revision adequate for transportation conformity purposes.

DATES: The findings that the budgets are adequate were been made in a letter dated March 26, 2001 from EPA Region III to the Maryland Department of the Environment. These adequacy findings are effective on April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Paul T. Wentworth, P.E., U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA. 19103 at (215) 814–2183 or by e-mail at: wentworth.paul@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. The word ''budgets'' refers to the motor vehicle emission budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO_X). The word ''SIP'' in this document refers to the revised Phase II Plan for the Philadelphia-Wilmington-Trenton nonattainment area submitted by MDE on December 28, 2000. The revisions to the Phase II Plan consist of amendments to the 2005 attainment demonstration plan for the one-hour ozone National Ambient Air Quality Standard (NAAQS) for the Philadelphia-Wilmington-Trenton nonattainment area and to the 2005 ROP plan for the Maryland portion of the Philadelphia-Wilmington-Trenton nonattainment area (Cecil County).

On March 2, 1999, the D.C. Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. On December 28, 2000, the MDE formally submitted a SIP revision to the Phase II Plan for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. On January 17, 2001, we posted the availability of the Revised Phase II Plan and the budgets on our conformity website for the purpose of soliciting public comment on the adequacy of the budgets. The comment period closed on February 16, 2001. We did not receive any comments. On March 26, 2001, EPA Region III sent a letter to the MDE which constitutes final Agency actions on the adequacy of the budgets contained in the revised Phase II Plan. Those actions were EPA's findings that the budgets in the revised Phase II plan submitted by MDE on December 28, 2000 are adequate for transportation conformity purposes. As a result of our March 26, 2001 findings, the budgets of the 2005 attainment plan and the budgets of the 2005 ROP in Maryland's December 28, 2000 revised Phase II SIP for its portion the Philadelphia-Wilmington-Trenton nonattainment area may be used for future conformity determinations.

This is an announcement of adequacy findings that we already made on March 26, 2001. The effective date of these findings is April 27, 2001. These findings will also be announced on EPA's website: *http://www.epa.gov/oms/traq* (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of Submissions for Conformity''). The website will contain a detailed analysis of our adequacy findings.

Transportation conformity is required by section 176 of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. The criteria by which we determine whether a SIP's budgets are adequate for conformity purposes are outlined in 40 CFR 93.118 (e) (4). Please note that an adequacy finding for budgets contained in a SIP is separate from EPA's completeness determination of the SIP submission, and separate from EPA's action to approve or disapprove the SIP. Even if we find budgets adequate, the SIP could later be disapproved. We describe our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''. We followed this guidance in making these

adequacy findings of the budgets in Maryland's revised Phase II plan. You may obtain a copy of this guidance from EPA's conformity web site: *http://www.epa.gov/oms/traq* (once there, click on the ''Conformity'' button) or by calling the contact name listed in ''For Further Information Contact'' section of this notice.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 29, 2001.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 01–9058 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6965–7]

Air Quality Criteria for Particulate Matter (External Review Draft)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a draft for public review and comment.

SUMMARY: On or about April 12, 2001, the National Center for Environmental Assessment (NCEA), within EPA's Office of Research and Development, will make available for public review and comment a second external review draft of the Air Quality Criteria for Particulate Matter. Required under sections 108 and 109 of the Clean Air Act, the purpose of this document is to provide an assessment of the latest scientific information on the effects of airborne particulate matter (PM) on the public health and welfare for use in the next periodic review of the National Ambient Air Quality Standards (NAAQS) for PM.

DATES: Comments on the draft document must be submitted in writing no later than July 12, 2001. Send the written comments to the Project Manager for Particulate Matter, National Center for Environmental Assessment-RTP (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

ADDRESSES: A copy of the Air Quality Criteria for Particulate Matter (Second External Review Draft) will be available on CD ROM from NCEA–RTP. Contact Ms. Diane Ray by phone (919–541–3637), fax (919–541–1818), or email (ray.diane@epa.gov) to request the document. Please provide the document's title, Air Quality Criteria for Particulate Matter (Second External Review Draft), as well as your name and address to properly process your request. Internet users will be able to download a copy from the NCEA home page. The URL is *http://www.epa.gov/ncea/.*

FOR FURTHER INFORMATION CONTACT: Dr. Dennis Kotchmar, National Center for Environmental Assessment-RTP (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919–541–4158; fax: 919–541–1818; e-mail: kotchmar.dennis@epa.gov.

SUPPLEMENTARY INFORMATION: The EPA is updating and revising, where appropriate, the EPA's Air Quality Criteria for Particulate Matter. Sections 108 and 109 of the Clean Air Act require that the EPA carry out a periodic review and revision, where appropriate, of the scientific criteria and the NAAQS for ''criteria'' air pollutants such as particulate matter. Details of the EPA's plans for the review of the NAAQS for PM were announced in a previous **Federal Register** notice (62 FR 55201, October 23, 1997). The first external review draft of the Air Quality Criteria for Particulate Matter was made available for public review in October 1999 (64 FR 57884, October 27, 1999). Following that public review period and the ensuing Clean Air Scientific Advisory Committee (CASAC) meeting in December 1999 (64 FR 61875, November 15, 1999), the document has undergone revision to incorporate comments from the public review and the CASAC meeting, as well as many recently completed studies on the health effects of particulate matter. After the end of the comment period on the second external review draft, the EPA will again present the draft document for review by the CASAC in a public meeting. A subsequent **Federal Register** notice will inform the public of the exact date and time of that meeting. Following the CASAC meeting, the EPA will again incorporate revisions to the document in response to public comments and CASAC review.

The EPA's Office of Air Quality Planning and Standards will prepare a Staff Paper (SP) for the Administrator, drawing on information in the criteria document. The SP will evaluate the policy implications of the key studies and scientific information contained in the criteria document and identify critical elements that EPA staff believes should be considered in reviewing the standards. The SP is intended to bridge the gap between the scientific review in the criteria document and the public health and welfare policy judgments required of the Administrator in reviewing the NAAQS for PM.

Dated: March 30, 2001.

Arthur F. Payne,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–9057 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00713; FRL–6779–3]

Notice of Availability of Regional Environmental Stewardship Program Grants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of approximately $497 thousand in fiscal year 2001 grant/cooperative agreement funds under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, for grants to States and federally recognized Native American Tribes for research, public education, training, monitoring, demonstrations, and studies.

DATES: Applications must be received by the appropriate EPA Regional Office on or before June 11, 2001. EPA will make its award decisions by July 2, 2001.

FOR FURTHER INFORMATION CONTACT: Your EPA Regional Pesticide Environmental Stewardship Program (PESP) Coordinator listed under Unit V. of this notice.

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 eligible applicants for purposes of funding under this grant program to include the 50 States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State including State universities, and all federally recognized Native American tribes.

II. Availability of FY'01 Funds

With this publication, EPA is announcing the availability of approximately $497 thousand in grant/cooperative agreement funds for fiscal year 2001. The Agency has delegated grant making authority to the EPA Regional Offices.

III. Eligible Applicants

In accordance with the Act ''. . .Federal agencies, universities, or others as may be necessary to carry out the purposes of the act, . . .'' are eligible to receive a grant; however, because of restrictions associated with the funds appropriated for this program, the eligible applicants are limited. Eligible applicants for purposes of funding under this grant program include the 50 States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State including State universities, and all federally recognized Native American Tribes. For convenience, the term ''State'' in this notice refers to all eligible applicants. Local governments, private universities, private nonprofit entities, private businesses, and individuals are not eligible. The organizations excluded from applying directly are encouraged to work with eligible applicants in developing proposals that include them as participants in the projects. Contact your EPA Regional PESP Coordinator for assistance in identifying and contacting eligible applicants. EPA strongly encourages this type of cooperative arrangement.

IV. Activities and Criteria

A. General

The goal of PESP is to reduce the risks associated with pesticide use in agricultural and non-agricultural settings in the United States. The purpose of the grant program is to support the establishment and expansion of integrated pest management (IPM) as a tool to be used to accomplish the goals of PESP. Projects that address the risk reduction goals of the PESP, pesticide pollution prevention, IPM, IPM in schools, children's health issues related to pesticides, or those research methods for documenting the trends toward the adoption of IPM or the reduction of risks associated with pesticide use will receive priority consideration. Other projects will be considered as they complement these goals through public education, training monitoring, demonstrations and studies and other activities.

EPA specifically seeks to build State and local IPM capacities or to evaluate the economic feasibility of new IPM approaches at the State level (*i.e.,* innovative approaches and methodologies that use application or other strategies to reduce the risks associated with pesticide use). Funds awarded under the grant program should be used to support the goal of reducing the risk/use of pesticides. State projects might focus on, for example:

- Researching the effectiveness of multimedia communication activities for, including but not limited to: promoting local IPM activities, providing technical assistance to pesticide users; collecting and analyzing data to target outreach and technical assistance opportunities; developing measures to determine and document progress in pollution prevention; and identifying regulatory and non-regulatory barriers or incentives to pollution prevention.
- Researching methods for establishing IPM as an environmental management priority, establishing prevention goals, developing strategies to meet those goals, and integrating the ethic within both governmental and non-governmental institutions of the State or region.
- Initiating research or other projects that test and support: innovative techniques for reducing pesticide risk or using pesticides in a way to reduce risk, innovative application techniques to reduce worker and environmental exposure.

A list of projects funded in fiscal year 2000 may be obtained at http://www.epa.gov/oppbppd1/PESP/regional_grants.htm or from your Regional PESP Coordinator.

B. Criteria

EPA Regional Offices are responsible for the solicitation of interest, screening of proposals, and selection of projects. A generic request for proposal will be available on EPA's PESP web site on or before April 19, 2001, at http://www.epa.gov/oppbppd1/PESP/regional_grants.htm. Interested applicants must contact the appropriate EPA Regional PESP Coordinator to obtain specific instructions, Regional criteria, guidance, and format for submitting proposals.

Proposals will be evaluated based on the following criteria:

1. Qualifications and experience of the applicant relative to the proposed project.

- Does the applicant demonstrate experience in the field of the proposed activity?
- Does the applicant have the properly trained staff, facilities, or infrastructure in place to conduct the project?

2. Consistency of applicant's proposed project with the risk reduction goals of the PESP.

3. Does the project provide for a quantitative or qualitative evaluation of the project's success at achieving the stated goals.

- Is the project designed in such a way that it is possible to measure and document the results quantitatively and qualitatively?
- Does the applicant identify the method that will be used to measure and document the project's results quantitatively and qualitatively?

4. Likelihood the project can be replicated to benefit other communities or the product may have broad utility to a widespread audience. Can this project, taking into account typical staff and financial restraints, be replicated by similar organizations in different locations to address the same or similar problem?

C. Program Management

Awards of fiscal year 2001 funds will be managed through the EPA Regional Offices.

V. Regional Pesticide Environmental Stewardship Program Contacts

Region I: (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Robert Koethe, (CPT), 1 Congress St., Suite 1100, Boston, MA 02114–2023; telephone: (617) 918–1535; e-mail address: koethe.robert@epa.gov.

Region II: (New Jersey, New York, Puerto Rico, Virgin Islands), Audrey Moore, (MS-500), Raritan Depot, 2890 Woodbridge Ave., Edison, NJ 08837–3679; telephone: (732) 906–6809; e-mail address: moore.audrey@epa.gov.

Region III: (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia), Racine Davis, (3WC32), 1650 Arch St., Philadelphia, PA 19103–2029; telephone: (215) 814–5797; e-mail address: davis.racine@epa.gov.

Region IV: (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Lora Schroeder, 61 Forsyth St., SW, Atlanta, GA 30303–8960; telephone: (404) 562–9015; e-mail address: schroeder.lora@epa.gov.

Region V: (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Heather McDonald, (DT-8J), 77 W Jackson Blvd, Chicago, IL 60604–3507; telephone: (312) 886–3572; e-mail address: mcdonald.heather@epa.gov.

Region VI: (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Jerry Collins, (6PD-P), 1445 Ross Ave., Suite 1200, Dallas, TX 75202–2733; telephone: (214) 665–7562; e-mail address: collins.jerry@epa.gov.

Region VII: (Iowa, Kansas, Missouri, Nebraska), John Tice, (WWPD-PEST), 901 N 5th St., Kansas City, KS 66101; telephone: (402) 437–5080; e-mail address: tice.john@epa.gov.

Region VIII: (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Debbie Kovacs, (8P2-TX), 999 18th St., Suite 300 Denver, CO 80202–2466; telephone: (303) 312–6417; e-mail address: kovacs.debbie@epa.gov.

Region IX: (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Karen Heisler, (CMD-4-3), 75 Hawthorne St., San Francisco, CA 94105; telephone: (415) 744–1100; e-mail address: heisler.karen@epa.gov.

Region X: (Alaska, Idaho, Oregon, Washington), Karl Arne, (ECO-084), 1200 6th Ave., Seattle, WA 98101; telephone: (206) 553–2576; e-mail address: arne.karl@epa.gov.

VI. Submission to Congress and the Comptroller General

Under the Agency's current interpretation of the definition of a ''rule,'' grant solicitations such as this which are competitively awarded on the basis of selection criteria, are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection.

Dated: March 28, 2001.

Phil Hutton,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–9059 Filed 4–11–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6966–6]

Gulf of Mexico Program Policy Review Board Meeting; Change of Location

AGENCY: Environmental Protection Agency (EPA).

ACTION: Change of location of meeting.

SUMMARY: On April 3, 2001 (66 FR 17706), EPA gave notice of a meeting of the Gulf of Mexico Program (GMP) Policy Review Board (PRB). The location for the meeting has changed.

DATES: The PRB meeting will be held on Wednesday, May 2, 2001, from 10:30 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held in the Victoria Room at the Marriott Houston Airport Hotel, 18700 Kennedy Boulevard, Houston, Texas 77032 (at Bush Intercontinental Airport), (281) 443–2310.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda items will include: Review PRB Recommendations.

The meeting is open to the public.

Dated: April 5, 2001.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. 01–9055 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6966–1]

Office of Research and Development; Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C., App. 2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), Board of Scientific Counselors (BOSC), will hold an Executive Committee Meeting.

DATES: The Meeting will held on May 7–8, 2001. On Monday, May 7, the Meeting will begin at 1:00 p.m., and will recess at 4:30 p.m. On Tuesday, May 8, the Meeting will reconvene at 9:00 a.m. and will adjourn at approximately 4:30 p.m. All times noted are Eastern Time.

ADDRESSES: The Meeting will be held at the Ronald Reagan Building, 1300 Pennsylvania Avenue, N.W., Meridan D&E Conference Room, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: Agenda items will include, but not be limited to: BOSC upcoming activities, including Laboratory/Center Sub-Committee appointments and agenda for site visits, BOSC's work plan for the Communications Sub-Committee, and presentations of ORD's Laboratory/Center Strategic Plans.

Anyone desiring a draft agenda may fax their request to Shirley R. Hamilton at (202) 565–2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the meeting should contact Shirley Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Board of Scientific Counselors, Office of Research and Development (8701R), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; or by telephone at (202) 564-6853. In general each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, (8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564-6853.

Dated: April 4, 2001.

Peter W. Preuss,

Director, National Center for Environmental Research.

[FR Doc. 01–9053 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–1014; FRL–6776–9]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1014, must be received on or before May 14, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1014 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1014. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1014 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1014. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency

of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

FMC Corporation

PP 7F4795

EPA has received a pesticide petition (PP 7F4795) from FMC Corporation, Agricultural Products Group, 1735 Market Street, Philadelphia, PA 19103 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of carfentrazone-ethyl (ethyl-α-2-dichloro-5[-4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzene-propanoate) and the metabolite carfentrazone-ethyl chloropropionic acid (α, 2-dichloro-5[-4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoic acid) in or on the raw agricultural commodity (RAC) cotton at 3.5 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of carfentrazone-ethyl in plants is adequately understood. Corn, wheat, and soybean metabolism studies with carfentrazone-ethyl have shown uptake of material into plant tissue with no significant movement into grain or seeds. All three plants extensively metabolized carfentrazone-ethyl and exhibited a similar metabolic pathway. The residues of concern are the combined residues of carfentrazone-ethyl and carfentrazone-ethyl-chloropropionic acid.

2. *Analytical method*. There is a practical analytical method for detecting and measuring levels of carfentrazone and its metabolites in or on food with a limit of quantitation (LOQ) that allows monitoring of food with residues at or above the levels set in the tolerances. The analytical method for carfentrazone-ethyl involves separate analyses for parent and its metabolites. The parent is analyzed by gas chromatography/electron capture detector (GC/ECD). The metabolites are derivatized with boron trifluoride and acetic anhydride for analysis by gas chromatography/mass spectrometry detector (GC/MSD) using selective ion monitoring.

3. *Magnitude of residues*. Carfentrazone-ethyl 40 DF or 2EC was applied (early soil and late foliar applications) to 13 cotton trials in the appropriate EPA regions. The RACs were harvested at the appropriate growth stages and subsequent analyses determined that the residues of carfentrazone-ethyl and its metabolites would not exceed the proposed tolerances of 3.5 ppm in or on cotton gin byproduct and 0.2 ppm in or on cottonseed (undelinted).

B. Toxicological Profile

1. *Acute toxicity*. Carfentrazone-ethyl demonstrates low oral, dermal and inhalation toxicity. The acute oral LD_{50} value in the rat was greater than 5,000 milligrams/kilograms (mg/kg), the acute dermal LD_{50} value in the rat was greater than 4,000 mg/kg and the acute inhalation LC_{50} value in the rat was greater than 5.09 milligrams/Liter (mg/L)/4h. Carfentrazone-ethyl is non-irritating to rabbit skin and minimally irritating to rabbit eyes. It did not cause skin sensitization in guinea pigs. An acute neurotoxicity study in the rat had a systemic no observed adverse effect level (NOAEL) of 500 mg/kg based on clinical signs and decreased motor activity levels; the NOAEL for neurotoxicity was greater than 2,000 mg/kg highest dose tested (HDT) based on the lack of neurotoxic clinical signs or effects on neuropathology.

2. *Genotoxicty*. Carfentrazone-ethyl did not cause mutations in the Ames assay with or without metabolic activation. There was a positive response in the chromosome aberration assay without activation but a negative response with activation. The mouse micronucleus assay (an *in vivo* test which also measures chromosome damage), the chinese hampster ovary/hypoxanthine guanine phophoribosyl transferase (CHO/HGPRT) forward mutation assay and the unscheduled DNA synthesis (UDS) assay were negative. The overwhelming weight of the evidence supports the conclusion that carfentrazone-ethyl is not genotoxic.

3. *Reproductive and developmental toxicity*. Carfentrazone-ethyl is not considered to be a reproductive or a developmental toxin. In the 2–generation reproduction study, the NOAEL for reproductive toxicity was greater than 4,000 ppm; (greater than 323, greater than 409 mg/kg/day). In the developmental toxicity studies, the rat and rabbit maternal NOAELs were 100 mg/kg/day and 150 mg/kg/day, respectively. The developmental NOAEL for the rabbit was greater than 300 mg/kg/day, which was the HDT and for the rat the NOAEL was 600 mg/kg/day based on increased litter incidences of thickened and wavy ribs at 1,250 mg/kg/day. These two findings (thickened and wavy ribs) are not considered adverse effects of treatment but related delays in rib development which are generally believed to be reversible.

4. *Subchronic toxicity*. Ninety–day feeding studies were conducted in mice, rats and dogs with carfentrazone-ethyl. The NOAEL for the mouse study was 4,000 ppm (571 mg/kg/day), the rat study was 1,000 ppm (57.9 mg/kg/day for males; 72.4 mg/kg/day for females) and for dogs was 150 mg/kg/day. A 90–day subchronic neurotoxicity study in the rat had a systemic NOAEL of 1,000 ppm (59.0 mg/kg/day for males; 70.7 mg/kg/day for females) based on decreases in body weights (bwt), body weight gains and food consumption at 10,000 ppm; the neurotoxicity NOAEL was greater than 20,000 ppm (1,178.3 mg/kg/day for males; 1,433.5 mg/kg/day for females) which was the highest dose tested.

5. *Chronic toxicity*. Carfentrazone-ethyl is not carcinogenic to rats or mice. A 2–year combined chronic toxicity/oncogenicity study in the rat was negative for carcinogenicity and had a chronic toxicity NOAEL of 200 ppm (9 mg/kg/day) for males and 50 ppm (3 mg/kg/day) for females based on red fluorescent granules consistent with porphyrin deposits in the liver at the 500 and 200 ppm levels, respectively. An 18–month oncogenicity study in the mouse had a carcinogenic NOAEL that

was greater than 7,000 ppm (>1,090 mg/kg/day for males; >1,296 mg/kg/day for females) based on, no evidence of carcinogenicity at the highest dose tested. A 1–year oral toxicity study in the dog had a NOAEL of 50 mg/kg/day based on isolated increases in urine porphyrins in the 150 mg/kg/day group (this finding was not considered adverse). Using the guidelines for carcinogen risk assessment, carfentrazone-ethyl should be classified as Group ''E'' for carcinogenicity--no evidence of carcinogenicity--based on the results of carcinogenicity studies in two species. There was no evidence of carcinogenicity in an 18–month feeding study in mice and a 2–year feeding study in rats at the dosage levels tested. The doses tested are adequate for identifying a cancer risk. Thus, a cancer risk assessment is not necessary.

6. *Animal metabolism*. The metabolism of carfentrazone-ethyl in animals is adequately understood. Carfentrazone-ethyl was extensively metabolized and readily eliminated following oral administration to rats, goats, and poultry via excreta. All three animals exhibited a similar metabolic pathway. As in plants, the parent chemical was metabolized by hydrolytic mechanisms to predominantly form carfentrazone-ethyl-chloropropionic acid, which was readily excreted.

7. *Endocrine disruption*. An evaluation of the potential effects on the endocrine systems of mammals has not been determined; however, no evidence of such effects was reported in the chronic or reproductive toxicology studies described above. There was no observed pathology of the endocrine organs in these studies. There is no evidence at this time that carfentrazone-ethyl causes endocrine effect.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Acute dietary*. Based on the available toxicity data, EPA has established an acute reference dose (RfD) for carfentrazone-ethyl of 5 mg/kg/day. The RfD for carfentrazone-ethyl is based on acute neurotoxicity study in rats with a threshold NOAEL of 500 mg/kg/day and an uncertainty factor (UF) of 100.

ii. *Chronic dietary*. Based on the available toxicity data, EPA has established a RfD for carfentrazone-ethyl of 0.03 mg/kg/day. The RfD for carfentrazone-ethyl is based on a 2–year chronic toxicity/carcinogenicity study in rats with a threshold NOAEL of 3 mg/kg/day and an UF of 100. For purposes of assessing the potential chronic dietary exposure, a Tier 1 dietary risk assessment was conducted based on the theoretical maximum residue contribution (TMRC) from the established and proposed tolerances for carfentrazone-ethyl. The tolerances are as follows:

- 0.1 ppm in or on grain.
- 0.3 ppm in or on hay.
- 0.2 ppm in or on straw.
- 1.0 ppm in or on cereal grain forage (except corn and sorghum).
- 0.1 ppm in or on sorghum and corn (sweet and field) forage.
- 0.15 ppm in or on stover.
- 0.1 ppm in or on sweet corn, K + CWHR (kernels plus cob with husk removed), in or on the RAC soybeans.
- At 0.1 ppm in or on soybean seed, in or on the RAC cotton.
- At 3.5 ppm in or on cotton gin byproducts.
- 0.2 ppm in or on cottonseed (undelinted).

The TMRC is a ''worse case'' estimate of dietary exposure since it is assumed that 100% of all crops for which tolerances are established are treated and that pesticide residues are present at the tolerance levels. In conducting this exposure assessment, the following very conservative assumptions were made--100% of soybeans, cotton, and cereal grains will contain carfentrazone-ethyl residues and those residues would be at the level of the tolerance which result in an overestimate of human exposure.

i. *Food*. Dietary exposure from the proposed uses would account for 0.1% or less of the RfD in subpopulations (including infants and children). Dietary exposure from the proposed uses would account for 3.2% or less of the RfD in subpopulations (including infants and children).

ii. *Drinking water*. Studies have indicated that carfentrazone-ethyl will not move into ground water, therefore water has not been included in the dietary risk assessment.

2. *Non-dietary exposure*. No specific worker exposure tests have been conducted with carfentrazone-ethyl. The potential for non-occupational exposure to the general population has not been fully assessed. No specific worker exposure tests have been conducted with carfentrazone-ethyl.

D. Cumulative Effects

EPA is also required to consider the potential for cumulative effects of carfentrazone-ethyl and other substances that have a common mechanism of toxicity. EPA consideration of a common mechanism of toxicity is not appropriate at this time since EPA does not have information to indicate that toxic effects produced by carfentrazone-ethyl would be cumulative with those of any other chemical compounds; thus only the potential risks of carfentrazone-ethyl are considered in this exposure assessment.

E. Safety Determination

1. *U.S. population*. Using the conservative exposure assumptions described and based on the completeness and reliability of the toxicity data, the aggregate exposure to carfentrazone-ethyl will utilize 0.06% of the RfD and 1.4% of the RfD for the United States population. EPA generally has no concern for exposures below 100% of the RfD. Therefore, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, there is a reasonable certainty that no harm will result from aggregate exposure to residues of carfentrazone-ethyl, including all anticipated dietary exposure and all other non-occupational exposures.

2. *Infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of carfentrazone-ethyl, EPA considers data from developmental toxicity studies in the rat and rabbit and the 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development. Reproduction studies provide information relating to effects on the reproductive capacity of males and females exposed to the pesticide. Developmental toxicity was not observed in developmental toxicity studies using rats and rabbits. In these studies, the rat and rabbit maternal NOAELs were 100 mg/kg/day and 150 mg/kg/day, respectively. The developmental NOAEL for the rabbit was greater than 300 mg/kg/day, which was the HDT and for the rat was 600 mg/kg/day based on increased litter incidences of thickened and wavy ribs. These two findings are not considered adverse effects of treatment but related delays in rib development, which are generally believed to be reversible.

In a 2–generation reproduction study in rats, no reproductive toxicity was observed under the conditions of the study at 4,000 ppm, which was the HDT.

FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base. Based on the current toxicological data requirements, the data base relative to prenatal and postnatal effects for children is complete and an additional

UF is not warranted. Therefore at this time, the RfD of 0.03 mg/kg/day is appropriate for assessing aggregate risk to infants and children.

Reference dose. Using the conservative exposure assumptions described above, the percent of the RfD that will be utilized by aggregate exposure to residues of carfentrazone-ethyl for non-nursing infants (<1 year old) would be 0.08% RfD and 3.0% RfD; for children 1 to 6 years of age would be 0.08% RfD and 3.2% RfD, (the most highly exposed group). Based on the completeness and reliability of the toxicity data and the conservative exposure assessment, there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the residues of carfentrazone-ethyl including all anticipated dietary exposure.

F. International Tolerances

There are no Codex Alimentarius Commission (Codex) maximum residue levels (MRLs) for carfentrazone-ethyl on any crops at this time. However, MRLs for small grains in Europe have been proposed which consist of carfentrazone-ethyl and carfentrazone-ethyl-chloropropionic acid.

[FR Doc. 01–9060 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6965–6]

Notice of Availability of 2001 Update: Aquatic Life Criteria Document for Cadmium

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of 2001 Update: Aquatic Life Criteria Document for Cadmium.

SUMMARY: Section 304(a)(1) of the Clean Water Act requires the Environmental Protection Agency (EPA) to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. EPA has revised its aquatic life criteria for cadmium and is notifying the public about the availability of the completed document in accordance with the Agency's new process for developing or revising criteria (63 FR 68354, December 10, 1998).

EPA notified the public about the availability of the draft document and the peer review on August 17, 2000 (65 FR 50201). At that time, the Agency solicited views from the public on issues of science pertaining to the information used in deriving the draft criteria EPA considered the comments from the peer reviewers and the public and has revised the document accordingly. The completed document is now available.

ADDRESSES: Copies of the completed criteria document entitled, 2001 Update of Ambient Water Quality Criteria for Cadmium, may be obtained from EPA's National Services Center for Environmental Publications (NSCEP formally NCEPI) by phone at 800–490–9198, or by e-mail to ncepimal@one.net or by conventional mail to U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, Ohio, USA, 45242–2419. Alternatively, the document and related fact sheet can be obtained from EPA's web site at http://*www.epa.gov/waterscience/criteria/* on the Internet.

FOR FURTHER INFORMATION CONTACT: Cindy Roberts, Health and Ecological Criteria Division (4304), US EPA, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460; (202) 260–2787; *roberts.cindy@epa.gov*

SUPPLEMENTARY INFORMATION:

What Are Water Quality Criteria?

Section 304(a)(1) of the Clean Water Act requires the EPA to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. Water quality criteria developed under section 304(a) are based solely on data and scientific judgments. They do not consider economic impacts or the technological feasibility of meeting the criteria in ambient water.

Under the CWA, States and Tribes are to establish water quality criteria to protect designated uses. EPA has promulgated regulations to implement this requirement (see 40 CFR part 141). EPA's recommended water quality criteria do not substitute for the Act or regulations, nor is it a regulation itself. Thus, EPA's recommended water quality criteria cannot impose legally binding requirements on EPA, States, Tribes or any other regulated community, and may not apply to a particular situation based on the circumstances. State and Tribal decisionmakers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance when appropriate. EPA may change this guidance in the future.

EPA emphasizes that, in the course of carrying out its responsibilities under section 303(c), it reviews State and Tribal water quality standards to assess the need for new or revised water quality criteria. EPA generally believes that five years from the date of EPA's publication of new or revised water quality criteria is a reasonable time by which States and authorized Tribes should take action to adopt new or revised water quality criteria necessary to protect the designated uses of their waters. This period is intended to accommodate those State and authorized Tribes that have begun a triennial review and wish to complete the action they have underway, deferring initiating adoption of new or revised section 304(a) criteria until the next triennial review. Thus, EPA expects State and authorized Tribes to adopt criteria for cadmium that ensure the protection of designated uses no later than 2006.

How Did EPA Involve the Public in Revising the Aquatic Life Criteria for Cadmium?

In following the Agency's new process for developing criteria, EPA notified the public of its intentions to revise the aquatic life criteria for cadmium in the **Federal Register** on October 29, 1999 (64 FR 58409). At that time, EPA made available to the public all references identified by a recent literature review and solicited any additional pertinent data or scientific views that would be useful in revising the aquatic life criteria. EPA revised the aquatic life criteria for cadmium based on the new data and prepared a draft document. EPA then announced the peer review and the availability of the peer review draft on August 17, 2000 (65 FR 50201). Again, EPA solicited views from the public on issues of science pertaining to the information used in deriving the draft criteria. EPA considered the comments from the peer reviewers and the public and has revised the document accordingly.

Where Can I Find More Information on EPA's Revised Process for Developing New or Revised Criteria?

The Agency published detailed information about its revised process for developing and revising criteria in the **Federal Register** on December 10, 1998 (63 FR 68354) and in the EPA document entitled, National Recommended Water Quality—Correction (EPA 822–Z–99–001, April 1999). The purpose of the revised process is to provide expanded opportunities for public input, and to make the criteria development process more efficient.

Is the Completed Document Different Than the Draft Document?

In addressing the peer reviewers' comments and the scientific issues raised by the public, revisions were made to the draft document. These

revisions resulted in no changes in the saltwater criterion maximum concentration (CMC or ''acute criterion'') or the saltwater criterion continuous concentration (CCC or ''chronic criterion''), but did result in significant changes in the freshwater CMC and CCC.

The freshwater CMC changed due to several factors including the addition of data for bull trout and rainbow trout, the elimination of some data and the recalculation of species mean acute values (SMAVs) for a few species. Two SMAVs were recalculated based on all applicable data rather than only giving preference to flow-through measured test results, as in the draft.

EPA's freshwater metals criteria are expressed as hardness dependent values because water quality characteristics such as hardness (and other parameters that covary with hardness) influence the toxicity of metals on aquatic organisms. Therefore, hardness slopes were established to normalize all freshwater acute and chronic values to the same hardness in order to derive the criteria. These hardness slopes were revised in the completed document. The revision to the acute slope was minor, but the chronic slope revision was more significant and resulted in a less stringent CCC compared to the draft document. The revised CCC, however, is still more stringent than EPA's 1995 CCC.

A number of comments were received stating that EPA should not proceed with the cadmium update until the biotic ligand model (BLM), a model that estimates the bioavailable portion of dissolved metals in the water column based on site-specific water quality parameters such as alkalinity, pH and dissolved organic carbon, is available for cadmium. To date, EPA has not completed any BLM criteria and is still in the preliminary evaluation phase of the model for cadmium and so does not agree that the update should wait for the development of the BLM. The cadmium criteria may be revised in the future based on the BLM, yet development is contingent upon resources and sufficient data being available to develop the model.

What Are the New Criteria?

	Fresh water [1]		Salt water	
	CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)
Total	$e^{(1.0166[\ln(\text{hardness})]-3.924)}$	$e^{(.7409[\ln(\text{hardness})]-4.719)}$	40.28	8.846
Dissolved	1.0	0.15	40	8.8

1–@ 50 mg/L hardness measured as $CaCO_3$

CMC conversion factor = 1.136672 − [(ln hardness)(0.041838)]

CCC conversion factor = 1.101672 − [(ln hardness)(0.041838)]

Dated: April 4, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–9056 Filed 4–11–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 4, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 14, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: *OMB Control No.:* 3060–XXXX.

Title: Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to section 332 (c)(7)(B)(v) of the Communications Act of 1934.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 10 respondents; 10 responses.

Estimated Time Per Response: .5 hours.

Frequency of Response: Third party disclosure requirement.

Total Annual Burden: 5 hours.

Total Annual Cost: N/A.

Needs and Uses: This collection of information will be used to ensure that petitions seeking relief from impermissible State and Local regulation of personal wireless service facilities based on the environmental effects of radio-frequency emissions under 47 U.S.C. 332(c)(7)(B)(v) will be resolved efficiently with an opportunity for all interested parties to participate. The service requirements instructs petitioners to serve a copy of such petitions on those state and local governments that are subject of the petitions, as well as those state and local governments otherwise specifically identified in the petitions whose actions petitioners argue are inconsistent with federal law.

The information received will be used to ensure that petitioners seeking relief under 47 U.S.C. 332(c)(7)(B)(v) will be resolved efficiently, with an opportunity for all interested parties to participate.

OMB Control No.: 3060–0754.

Title: Children's Television Programming Report.

Form No.: FCC Form 398.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,250 respondents; 5,000 responses.

Estimated Time Per Response: 6 hours per quarter.

Frequency of Response: Recordkeeping requirement and quarterly reporting requirement.

Total Annual Burden: 30,000 hours.

Total Annual Cost: $490,000.

Needs and Uses: The FCC Form 398 requests information to identify the individual station and children's educational and informational programs it airs to meet its obligation under the Children's Television Act of 1990. The form also requests information on educational and informational programs that the station plans to air in the next quarter and on each preempted core program. This standardized form will facilitate consistency of reporting among all licensees and assist in efforts by the public and the Commission to monitor compliance with the Children's Television Act.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9040 Filed 4–11–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 7, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. BNCCorp, Inc., Bismarck, North Dakota; to acquire 100 percent of the voting shares of BNC National Bank of Arizona, Tempe, Arizona, a *de novo* bank.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Industry Bancshares, Inc., Industry, Texas; to merge with Coupland Bancshares, Inc., Coupland, Texas, and thereby indirectly acquire Coupland Bancshares-Nevada, Inc., Carson City, Nevada, and Coupland State Bank, Coupland, Texas.

Board of Governors of the Federal Reserve System, April 6, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–8996 Filed 4–11–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of January 30-31, 2001.

In accordance with § 271.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on January 30-31, 2001.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with reducing the federal funds rate to an average of around 5-1/2 percent.

By order of the Federal Open Market Committee, March 27, 2001.

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 01–8995 Field 4–11–01; 8:45 am]

BILLING CODE 6210–01–S

[1] Copies of the Minutes of the Federal Open Market Committee meeting of January 30-31, 2001, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Meeting: Secretary's Advisory Committee on Genetic Testing

Pursuant to Public Law 92–463, notice is hereby given of the ninth meeting of the Secretary's Advisory Committee on Genetic Testing (SACGT), U.S. Public Health Service. The meeting will be held from 9:00 a.m. to 5:00 p.m. on May 2, 2001 and 8:30 a.m. to 3:00 p.m. on May 3, 2001 at the National Institutes of Health, Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892. The meeting will be open to the public with attendance limited to space available.

The Committee will discuss a number of topics, including continuing FDA activities to develop a review template for genetic tests and FDA's labeling authorities as they pertain to genetic tests, as well as interagency progress on the development of coordinated genetic testing information systems. The Committee will begin exploring best practices in the development of clinical guidelines for genetic testing and hear progress reports from the Committee's work groups. There will be time provided for public comment and interested individuals should notify the contact person listed below. The Committee is particularly interested in hearing from members of the public about FDA's draft review template for genetic tests. Copies of the draft template can be obtained from SACGT staff listed below.

Under authority of 42 U.S.C. 217(a), Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established SACGT to advise and make recommendations to the Secretary through the Assistant Secretary for Health on all aspects of the development and use of genetic tests.

The SACGT is directed to (1) recommend policies and procedures for the safe and effective incorporation of genetic technologies into health care; (2) assess the effectiveness of existing and future measures for oversight of genetic tests; and (3) identify research needs related to the Committee's purview.

The draft meeting agenda and other information about SACGT will be available at the following web site: *http://www4.od.nih.gov/oba/sacgt.htm.* Individuals who wish to provide public comments or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the SACGT Executive Secretary, Ms. Sarah Carr, by telephone at 301–496–9838 or E-mail at *sc112c@nih.gov.* The SACGT office is located at 6705 Rockledge Drive, Suite 750, Bethesda, Maryland 20892.

Dated: April 4, 2001.

Sarah Carr,

Executive Secretary, SACGT.

[FR Doc. 01–9012 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Contract Review Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Technical Review Committee (TRC) meeting. This TRC's charge is to provide review of contract proposals and recommendations to the Director, AHRQ, with respect to the technical merit of proposals submitted in response to a Request for Proposals (RFPs) regarding ''National Electronic Web-Based Morbidity and Mortality Conference Site.'' The RFP was published in the Commerce Business Daily on February 6, 2001.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) of 5 U.S.C., Appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR section 315.604(d). The discussions at this meeting of contract proposals submitted in response to the above-referenced RFP are likely to reveal proprietary information and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: The Agency for Healthcare Research and Quality—''National Electronic Web-Based Morbidity and Mortality Conference Site.''

Date: May 14, 2001 (Closed to the public).

Place: Agency for Healthcare Research & Quality, Conference Center, Conference Room A, 6010 Executive Boulevard, 4th Floor, Rockville, Maryland 20852

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Marge Keyes, Center for Quality Improvement and Patient Safety, Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 502, Rockville, Maryland, 20852, 301–594–1824.

Dated: April 4, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–9034 Filed 4–11–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Annual Publication of HHS Privacy Act System Notices.

SUMMARY: The Agency for Agency for Healthcare Research and Quality (AHRQ) has conducted a comprehensive review of all Privacy Act systems of records and is publishing a Table of Contents of active systems and a comprehensive publication of all its active systems consolidating minor changes in accordance with the Office of Management and Budget Circular No. A–130, Appendix I, Federal Agency Responsibilities for Maintaining Records About Individuals.

SUPPLEMENTARY INFORMATION: AHRQ has completed the annual review of its systems notices and has determined that minor changes are needed. AHRQ has consolidated such minor changes to make a comprehensive publication of all of its system notices. Published below are: (1) A Table of Contents which lists all active systems of records in AHRQ, and (2) a complete text of all notices consolidating minor changes which affect the public's right or need to know, such as changes in the system location of records, the designation and address of system managers, clarification of system name, records retention and disposal, and minor editorial changes.

Dated: March 29, 2001.

John M. Eisenberg,

Director.

Table of Contents

09–35–0001 Agency Management Information System/Grants (AMIS/GRANTS and CONTRACTS), HHS/AHRQ/OM.

09–35–0002 Agency for Healthcare Research and Quality, Medical Expenditure Panel Survey (MEPS) and National Medical Expenditure Survey 2 (NMES 2), HHS/AHRQ/CCFS.

09–35–0001

SYSTEM NAME:

Agency Management Information System/Grants (AMIS/GRANTS) and CONTRACTS), HHS/AHRQ/OM. The ''Agency Management Information System/Grants and Contracts (AMIS/GRANTS and CONTRACTS), HHS/AHRQ/OM'' was previously named the ''Agency for Healthcare Research and Quality Grants Information and Tracking System with Contracts Component (GIAnT), HHS/AHRQ/OM''.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Agency for Healthcare Research and Quality, Office of Management, Executive Office Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852.

Program Support Center, Office of Management, Division of Acquisition Management, Parklawn building, Room 5C–10, 5600 Fishers Lane, Rockville, Maryland 20857.

For a list of contractors, please write to the system manager at the address listed below.

Inactive records will be stored at: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20746–8001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research training and career development grant applicants and principal investigators, research training grant program directors, and research fellowship recipients; peer and other special reviewers; contract project directors and other contractor key personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research grant, research training grant, research career development, research fellowship, and contract files,

including applications, proposals, award notices, and summary comments of peer reviewers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

AHRQ grants and contract administration authorities: secs. 902, 922, 924, 926 Public Health Service (PHS) Act (42 U.S.C. 299a, 299c–1, 299c–3, 299c–5); Sec. 1142 of the Social Security Act (42 U.S.C. 1320b–12) and sec. 487 PHS Act (42 U.S.C. 288) (National Research Service Awards).

PURPOSES(S):

The information in this system is used to facilitate day-to-day grants and contracts management operations and for purposes of review, analysis, planning and policy formulation by AHRQ staff members and by other components of DHHS which conduct research. AHRQ also may refer these records to the appropriate office in the Department for the purpose of monitoring payback; if necessary, debt collection; and investigation of alleged scientific misconduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. Disclosure may be made to a congressional office from the records of an individual in response to an inquiry from the congressional office made at the request of the individual.

2. The Department may disclose information from this system of records to the Department of Justice, to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose of which the records were collected.

3. AHRQ may disclose information about an individual grant or contract applicant or fellowship applicant to credit reporting agencies to obtain a credit report in order to determine his/her credit worthiness.

4. Disclosure may be made to the National Technical Information Service (NTIS), U.S. Department of Commerce, to contribute to the Smithsonian Science Information Exchange, for dissemination of scientific and fiscal information on funded awards (abstracts and relevant administrative and financial data.)

5. Disclosure may be made to qualified experts, not within the definition of Department employees, for opinions, as a part of the grant application review award process.

6. Disclosure may be made to an AHRQ grantee or contractor for the purposes of (a) carrying out research, or (b) providing services relating to grant review, or for carrying out quality assessment, program evaluation, and/or management reviews. They will be required by written agreement to maintain Privacy Act safeguards with respect to such records.

7. Disclosure may be made to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit of the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

8. Where Federal agencies having power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

9. Disclosure may be made to the cognizant Audit Agency for auditing.

10. In the event that a system of records maintained by the Department indicates a violation of potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in system of records may be referred for purposes of litigation, as a routine use, to the appropriate agency, whether Federal (e.g., the Department of Justice), or State (e.g., the State's Attorney General's Office) charged with the responsibility of investigating or processing such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

11. Disclosure may be made to the grants/contractor institution in connection with performance or administration under the terms and condition of the award, or in connection with problems that might arise in performance or administration if an award is made on a grant/contract proposal.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681ff. or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal Government; typically, to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency program under which the claim arose. This disclosure will be made only after the procedural prerequisites of 31 U.S.C. 3711 have been followed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING,RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on hard disks with magnetic tape backup was well as in manual files (file folders).

RETRIEVABILITY:

Electronic records are retrievable by key data fields such as investigator name, application, grant or contract number. Paper records are retrievable by name of principal investigator and/or grant/contract number.

SAFEGUARDS:

1. *Authorized users*: All AHRQ staff who work with grants or contracts have access to the system. Level of access will be granted by the System Manager. Only staff members of the Division of Grants Management and Division of Contracts Management have regular access to their Division's paper grant and contract files. Limited access to official grant and contract files is granted to other AHRQ and DHHS staff with need-to-know about AHRQ research projects, only with authorization of the responsible Division Director.

2. *Physical safeguards*: File servers and database servers are maintained in areas secured by combination lock. Data is backed up from hard drive to magnetic tape daily. Paper records are

secured in locked file cabinets in locked offices. All file cabinet and computer equipment is maintained under general building security.

3. *Procedural safeguards*: Access to electronic records by non-AHRQ personnel is through the Systems Manager only. DHHS staff may inspect AHRQ grant and contract records on a need-to-know basis only, with the approval of the responsible of the responsible Division Director. Visitors are not left unattended in the office containing the files. Offices are locked when not in use. Grant and contract records are either transmitted in sealed envelopes or are hand-carried.

4. *Technical safeguards*: Initial electronic access is through the AHRQ local area network which is controlled by password. Subsequent level of security exist for access to the Agency Management Information System/Grants and contracts (AMIS/GRANTS and CONTRACTS) system itself and, within the system, individual users are granted appropriate levels of access (read on, read/write) depending upon individual need. Levels of access are granted by the System Manager.

RETENTION AND DISPOSAL:

Electronic records containing portions of information from the paper applications and proposal of unfunded grant and contract applications will be retained and accessible at AHRQ for ten years. The complete paper applications and proposals of unfunded grants and contracts will be retired to the Federal Records Retention Center after one year and subsequently disposed of in accordance with the records retention schedule. Electronic records containing portions of information from the paper applications of funded grants or contracts will be retained and made accessible at AHRQ for fifteen years following final payment. Paper records of funded grant applications and contracts and their respective files are retained at AHRQ for one year beyond the termination date of the grant or until after the final report is received, whichever is sooner. They are then retired to the Federal Records Center and disposed of twelve years after final payment in accordance with the National Archives and Records Administration General Records Schedule. The pertinent records retention control schedule may be obtained by writing a System Manager at the following address.

SYSTEM MANAGER(S) AND ADDRESS:

For administrative information: AMIS/GRANTS and CONTRACTS Policy-Coordinating Official/ Administrator, 301–594–1439

For grants information: Director, Division of Grants Management, 301–594–1447

For contracts information: Director, Division of Contracts Management, 301–594–1445

All System Managers are located at the following address: Office of Management, AHRQ, Executive Officer Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be. The requester should specify name or number of grant/contract. The requester must also sign a statement indicating an understanding that the knowing and willful request for acquisition of information from a protected record pertaining to an individual under false pretense is a criminal offense under the Act, punishable by a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requester should also reasonably specify the record contents being sought. Positive identification of the requester as above is required. Subject individuals may also request an accounting of disclosures that have been made of their record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under the System Manager subheading above and reasonably identify the record, specify the information being contested, and state the corrective action sought and reason(s) for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Grant applications, contractor project directors, reports and correspondence from the research community, and statement from grant review committees; consumer reporting agencies; DHHS System of Records 09–25–0036, Extramural Awards: IMPAC (Grant/Contract/Cooperative Agreement Information), HHS/NIH/DRG.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–35–0002

SYSTEM NAME:

Medical Expenditure Panel Survey (MEPS) and National Medical Expenditure Survey 2 (NMES 2), HHS/ AHRQ/CCFS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Cost and Financing Studies, AHRQ, Executive Office Center, Suite 500, 2101 E. Jefferson Street, Rockville, Maryland 20852–4993.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals and members of households selected by probability sampling techniques to be representative of the civilian noninstitutionalized population of the United States; health care providers, staff responding on behalf of health insurers and the employers of members of sampled households; (2) residents and next-of-kin of such residents of nursing and personal care homes, selected by probability sampling techniques to be representative of residents of such homes, and facilities and the staff responding on behalf of such facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on: (1) The incidence of illness and accidental injuries, prevalence of diseases and impairments, the extent of disability, the use, expenditures and sources of payment for health care services, and other characteristics of individuals obtained in household interviews (demographic and socioeconomic characteristics such as age, martial status, education, occupation and family income) and the names, telephone numbers and addresses of the responding staffs of health care providers, health insurers, and employers; (2) the utilization of long-term care, nursing home care, care in personal care homes through data on residents (demographic and social characteristics, health status and charges and sources of payment for care); through data facility characteristics (general characteristics, certification, services offered and corresponding expenses), and through data on next-of-kin or representative of residents (demographic and social characteristics, health status, and expenditures for health care of residents); and (3) Medicare claims records of members of sampled households and of sampled residents of nursing and personal care homes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 913 and 306 of the Public Health Service (PHS) Act (42 U.S.C. 299b–2 and 242k(b)). Sections 924(c) and 308(d) of the PHS Act (42 U.S.C. 299c–3(c) and 242m(d)) provide authority for additional restrictions on identifiable information about individuals.

PURPOSES:

The data are used in aggregated form for statistical and health services research purposes respecting analysis and evaluation of health care costs, and the accessibility, planning, organization, distribution, technology, utilization, quality, and financing of health services and systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department has contracted with private firms for the purpose of collecting, analyzing, aggregating, or otherwise refining records in this system. Relevant records are collected by and/or disclosed to such contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, magnetic tapes, CD ROM and secure network servers.

RETRIEVABILITY:

Information can be retrieved by respondent name and address. However, this information is not stored in routinely used analytic files.

SAFEGUARDS:

AHRQ and its contractors implement personnel, physical, and procedural safeguards as follows:

1. *Authorized users:* Access is limited to persons authorized and needing to use the records, including project directors, contract officers, interviewers, health care researchers and analysts, statisticians, statistical clerks and data entry staff on the staffs of AHRQ and the MEPS contractors.

2. *Physical safeguards:* The hard-copy records are stored in locked safes, locked files, and locked offices when not in use. Computer terminals used to process identifiable data are located in secured areas and are accessible only to authorized users. Automated backup files are stored in locked, fire proof safes.

3. *Procedural safeguards:* All employees of AHRQ and contractor personnel with access to AHRQ records are required, as a condition of employment, to sign an affidavit binding them to nondisclosure of individually identifiable information. Periodic training sessions are conducted to reinforce the statutorily-based confidentiality restrictions. Actual identifiers are maintained in separate files linked only if there is a specific need as authorized by the System Manager. Data stored in computers both at AHRQ and the contractor sites are accessed through the use of passwords/keywords unique to each user and changed at least every 45 days. An automated audit trail will be maintained. Contractors who maintain records in this system are instructed to make no further disclosure of the records other than those requested by AHRQ/CCFS. Privacy Act requirements and the restrictions of 42 U.S.C. 242m(d) are specifically included in contracts for survey, research and data processing activities related to this system. The DHHS project directors, contract officers and project officers oversee compliance with these requirements.

4. These safeguards are in accordance with chapter 45–13, ''Safeguarding Records Contained in Systems of Records,'' of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13; Part 6, ''ADP Systems Security,'' of the HHS ADP Systems Manual, and the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Hard-copy records will be burned or shredded following verification that such data were correctly entered into a machine readable format.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Survey Operations, CCFS/AHRQ, Executive Office Center, Suite 501, 2101 East Jefferson Street, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager, giving your full name and address.

RECORD ACCESS PROCEDURES:

The system is exempt from the requirements of the Privacy Act; however, a subject individual may be granted access to his/her records at the System's Manager's discretion. Positive identification is required from anyone seeking access.

CONTESTING RECORD PROCEDURES:

If access has been granted and some information is being contested, contact the System Manager and reasonably identify the record, specify the contested information, and state the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Respondents in the survey samples including: Members of households, physicians, hospitals, health insurers, employers, staff of nursing and personal care homes, the next-of-kin of residents of such homes and facilities, and Systems 09–70–0005, Medicare Bill File (Statistics), HHS/HCFA/BDMS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4) and (e)(4)(G) and (H), in accordance with the provisions of subsection 552a(k)(4) of the Privacy Act of 1974. This system has been exempted because it contains only records which are required by statue to be maintained and used solely as statistical records.

[FR Doc. 01–9033 Filed 4–11–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 01050]

Program to Build Capacity to Conduct Environmental Health Education Activities Related to Iodine-131; Notice of Availability of Funds.

A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program to Build Capacity to Conduct Environmental Health Education Activities. This program addresses the ''Healthy People 2010'' areas of Educational and Community-Based Programs; Environmental Health; and Maternal, Infant, and Child Health.

The purpose of the program is to develop, promote, and disseminate environmental health education within communities that are located near Department of Energy (DoE) sites where Iodine-131 (I-131) is identified as a contaminant of concern. The program

should focus particular emphases on providing environmental health education related to I-131 to groups such as healthcare providers, public health officials, community members, and other interested parties who live in communities near DoE sites where I-131 is a contaminant of concern.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, state and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations that provide environmental health education to communities. Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $200,000 is available in FY 2001 to fund approximately 1–2 awards. It is expected that the average award will be $100,000, ranging from $50,000 to $150,000. It is expected that the awards will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may be expended for reasonable program purposes, such as personnel, travel, supplies and services, including contractual services. ATSDR funding is generally not to be used for the purchase of furniture or equipment. Any equipment purchased will be returned to ATSDR at the end of the funding period. The direct and primary recipient in a cooperative agreement program must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and ATSDR will be responsible for the activities listed under 2. (ATSDR Activities).

1. Recipient Activities

a. Develop and implement an environmental health education program for Iodine 131 (I-131). Special efforts should be made to closely coordinate the educational efforts with federal agencies such as the National Cancer Institute (NCI) and others who are working to address I-131 issues at DoE sites.

b. Develop environmental health education materials and programs related to I-131 for reference and use by community residents and other interested parties.

c. Distribute environmental health materials, including the ATSDR I-131 Case Study in Environmental Medicine, nationwide to health officials, healthcare providers, and other interested parties. Particular interest should be in communities that are located near DoE facilities that have I-131 as a contaminant of concern.

d. Provide information regarding the health impacts of hazardous substances, particularly I-131 to state and local health officials, healthcare providers, and other interested parties around DoE sites throughout the United States. Activities should include sharing information about the unique vulnerabilities and special needs of children.

e. Develop health education programs and materials, in collaboration with health officials, healthcare providers, and other interested parties for residents in communities who live near DoE sites.

f. Gain access to healthcare providers, physicians, nurses, and other practitioners, local, state, and federal public health officials, community groups, and educational institutions such as colleges and universities for the purposes of conducting I-131 health education. Specific efforts should be made to reach members of these groups who live or practice near DoE facilities where I-131 is a contaminant of concern.

g. Develop and maintain a database that includes data such as contact information to contact participants for training sessions.

h. Evaluate each of the implemented environmental health education activities and the impact of the overall program.

2. ATSDR Activities

a. Provide technical assistance in developing environmental health education materials and activities.

b. Provide information, instructional resources, technical assistance and collaboration for National Priorities List (NPL) site-specific activities and materials.

c. Provide assistance in establishing communication and resource networks between recipients and groups such as other federal agencies; state and local health departments; tribal governments; non-governmental environmental and health professional organizations; and academic, medical, and clinical associations.

d. Assist in the development of the evaluation plans, such as providing technical assistance in the establishment of measurable objectives and evaluation of activities.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 25 double-spaced pages (excluding appendices), printed on one side, with one inch margins, and unreduced font.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161–1 [OMB Number 0920–0428]. Forms are available in the application kit. On or before May 30, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be reviewed and evaluated individually against the following criteria by an ATSDR-convened objective review panel.

1. Proposed Program—40 percent

a. Ability to develop environmental health education materials and messages for distribution to target audiences; address specific environmental health concerns, plan, conduct, and evaluate environmental health education or training activities; and collaborate effectively with a variety of public health partners including other federal agencies who are working to address I-131 issues at DoE sites.

b. Documented access or the ability to gain access to healthcare providers such as physicians, nurses, and other practitioners, local, state, and federal public health officials and practitioners, community groups, and educational institutions such as colleges and universities. Special emphasis should be placed on groups who live or practice near DoE facilities throughout the United States where I-131 is identified as a contaminant of concern.

c. Clearly stated understanding of the environmental public health problems to be addressed, including the proximity of DoE sites and any special risks to children as a susceptible population.

d. Clear and reasonable environmental public health goals and clearly stated project objectives which are realistic, measurable, and related to program requirements.

e. Ability to identify specific target audiences and their environmental health education needs.

f. Specificity and feasability of proposed time line for implementing project activities.

2. Proposed Personnel—20 percent

a. Ability of the applicant to provide adequate program staff and support staff, including any proposed consultants or contractors.

b. Experience of proposed staff in developing environmental health education materials, implementing environmental health education activities, and conducting program evaluation related to health education. Special emphasis should be placed on experience with I-131 information.

3. Capability—20 percent

a. Appropriateness of the health education activities for the proposed target groups.

b. Plans for collaborative efforts and appropriate letters of support.

4. Evaluation Plan—20 percent

a. Extent to which the evaluation plan includes strategies and methods to measure program processes and outcomes of program activities, such as changes in participants' knowledge, attitudes, and behaviors.

b. Extent to which the evaluation plan includes specific approaches and methods to measure overall program effectiveness and impacts, such as achievement of stated public health goals and effect of the program on stated public health problem.

5. Budget—(not scored)

The extent to which the proposed budget is reasonable, clearly justified with a budget narrative, and consistent with the intended use of funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC/ATSDR with an original plus two copies of

1.Semiannual progress reports;

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial and performance reports, no more than 90 days after the end of the project period. Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 104 (i) (14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604 (i) (14), (15)]. The Catalog of Federal Domestic Assistance Number is 93.161.

J. Where to Obtain Additional Information

This and other CDC/ATSDR announcements can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.'' To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888 472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from:

Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone number: 770–488–2722, Email address: nag@cdc.gov

For program technical assistance, contact: Theresa NeSmith, Health Education Specialist, 1600, Clifton Road, Mail Stop-E–42, Atlanta, GA 30333, Telephone number: 404–639–6230, Email address: tbn8@cdc.gov

Dated: April 6, 2001.

Donna Garland,

Acting Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 01–9069 Filed 4–11–01; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 01037]

The Great Lakes Human Health Effects Research Program; Notice of Availability of Funds

A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2001 funds for a grant program for The Great Lakes Human Health Effects Research Program. This program addresses the ''Healthy People 2010'' focus area(s) which include Educational and Community-Based Programs, Environmental Health, and Maternal, Infant, and Child Health. The purpose of the program is to assess the adverse effects of water pollutants via the diet, *i.e.*, consumption of contaminated fish in the Great Lakes on the health of persons in the Great Lakes states.

B. Eligible Applicants

Eligible applicants are the Great Lake States and political subdivisions thereof, including federally recognized Indian tribal governments. State organizations, including state universities, state colleges, and state research institutions, must affirmatively establish that they meet their respective

state's legislative definition of a state entity or political subdivision to be considered an eligible applicant. The Great Lake States include Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin, consistent with section 106, subsection 118(e) of the Great Lakes Critical Programs Act of 1990 (33 U.S.C. 1268(e)). ATSDR encourages collaborative efforts among these potential applicants.

Note: Title 2 of the United States Code, chapter 26, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $1,000,000 is available in FY 2001 to fund approximately 10 awards. It is expected that the average award will be $120,000, ranging from $100,000 to $140,000. It is expected that the awards will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may be expended for reasonable program purposes, such as personnel, travel, supplies and services. Funds for contractual services may be requested; however, the grantee, as the direct and primary recipient of ATSDR grant funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Equipment may be purchased with grant funds. However, the equipment proposed should be appropriate and reasonable for the research activity to be conducted. Property may be acquired only when authorized in the grant. The grantee, as part of the application process, should provide a justification of need to acquire property, the description, and the cost of purchase versus lease. At the completion of the project, the equipment must be returned to ATSDR.

Funding Preferences

Although applications for new Great Lakes research are encouraged, funding preference will be given to competing continuation applications over applications for programs not already receiving support under the ATSDR Great Lakes Human Health Effects Research Program.

D. Program Priority Areas of Research

Priority areas of research for this program include:

1. Characterizing exposure and determining the profiles and levels of Great Lakes contaminants in biological tissues and fluids in high risk populations;
2. Identifying sensitive and specific human health endpoints, *i.e.*, reproductive/developmental, behavioral, endocrinologic, and immunologic effects and correlating them to exposure to Great Lakes contaminants (several of these contaminants have been identified as endocrine disruptors); and
3. Determining the short- and long-term risk(s) of adverse health effects in children which result from parental exposure to Great Lakes contaminants.

Proposed projects covering these priority areas should include strategies (risk communication and health intervention) to inform susceptible populations about the potential human health impact of consuming contaminated fish from the Great Lakes.

Based upon research findings, longer term priority research areas may include, but are not limited to:

1. Establishing the chemical etiology between exposure, body burden levels, and adverse health effects;
2. Investigating the feasibility of, or establishing registries and/or surveillance cohorts in the Great Lakes region; and
3. Establishing a chemical mixtures database with emphasis on tissue and blood levels in order to identify new cohorts, conduct surveillance and health effects studies, and establish registries and/or surveillance cohorts.

E. Program Requirements

The research objectives of this program are to: (1) Build upon and amplify the results from past and on-going research in the Great Lakes; (2) develop information, databases, and research methodology that will provide long-term benefit to human health effects research in the Great Lakes; (3) provide direction for future health effects research; (4) provide health information to state and local health officials, the concerned public and their medical health care professionals; (5) in concert with State and local health officials, increase the public awareness regarding the potential health implications of toxic pollution in the Great Lakes basin; and (6) coordinate as necessary with relevant research programs and activities of other agencies, including those of the Food and Drug Administration (FDA), Centers for Disease Control and Prevention (CDC), National Institutes of Health (NIH), and the Indian Health Service (IHS), as well as the Environmental Protection Agency (EPA), and State and local health departments, to ameliorate adverse public health impacts of persistent toxic substances in the Great Lakes basin.

ATSDR will provide financial assistance to applicants in conducting studies on potential human health effects which result from human consumption of contaminated fish from the Great Lakes, particularly in the 31 areas of concern within the U.S. boundaries identified by the International Joint Commission. ATSDR encourages the submission of applications that emphasize research that will extend existing studies. ATSDR is also interested in funding applicant programs that identify populations which have a higher risk of short- and long-term adverse health effects, *i.e.*, Native Americans, sport anglers, urban poor, the elderly, Asian Americans, and other non-English speaking populations, and fetuses and nursing infants of mothers who consume contaminated Great Lakes fish.

F. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 25 single-spaced pages, printed on one side, with one inch margins, and unreduced font.

Although this program does not require in-kind support or matching funds, the applicant should describe any in-kind support in the application. For example, if the in-kind support includes personnel, the applicant should provide the qualifying experience of the personnel and clearly state the type of activity to be performed.

The application pages must be clearly numbered, and a complete index to the application and its appendices must be included. The original and each copy of the application must be submitted unstapled and unbound. All material must be typed single-spaced, with un-reduced type on a 8½″ by 11″ paper, with at least 1″ margins, and printed on one side only.

G. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189) on or before June 15, 2001. Submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in 1. or 2. above are considered late applications, will not be considered, and will be returned to the applicant.

H. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by ATSDR according to the following criteria:

1. Proposed Research—60 percent

The extent to which the applicant's project addresses:

(a) The scientific merit of the hypothesis of the proposed project, including the originality of the approach and the feasibility, adequacy, and rationale of the design (the design of the study should ensure statistical validity for comparison with other research projects);

(b) The technical merit of the methods and procedures (analytic procedures should be state of the art), including the degree to which the project can be expected to yield results that meet the program objective as described in the **Purpose** section of this announcement;

(c) The proposed project schedule, including clearly established and obtainable project objectives for which progress toward attainment can and will be measured;

(d) The proposed mechanism to be utilized as a resource to address community concerns and opinion, and create lines of communication; and

(e) The proposed method to disseminate the study results to state and local public health officials, tribal governments, Indian Health Service, community residents, and to other concerned individuals and organizations.

(f) The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

(1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

2. Program Personnel—30 percent

The extent to which the proposal has described:

(a) The qualifications, experience, and commitment of the Principal Investigator, and his/her ability to devote adequate time and effort to provide effective leadership; and

(b) The competence of Associate Investigators to accomplish the proposed study, their commitment, and time devoted to the study.

3. Applicant Capability—10 percent

Description of the adequacy and commitment of the institutional resources to administer the program and the adequacy of the facilities as they impact on performance of the proposed study.

4. Program Budget—(Not Scored)

The extent to which the budget is reasonable, clearly justified, and consistent with intended use of grant funds.

5. Human Subjects—(Not Scored)

Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects?

I. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. Annual progress reports;

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–3 Animal Subjects Requirements
AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobby Restrictions
AR–17 Peer and Technical Reviews of Final Reports of Health Studies—ATSDR
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR
AR–22 Research Integrity

J. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized in sections 104(i)(5)(A) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9604(i)(5)(A) and (15)); and section 106, subsection 118(e) of the Great Lakes Critical Programs Act of 1990 (33 U.S.C. 1268(e)). The Catalog of Federal Domestic Assistance number is 93.208.

K. Where to Obtain Additional Information

This and other ATSDR announcements can be found on the CDC home page Internet address at *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888 472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Ms. Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone

number 770–488–2722. Email address: nag9@cdc.gov.

For program technical assistance, contact: Dr. Heraline E. Hicks, Research Implementation Branch, Division of Toxicology, 1600 Clifton Road, N.E., Mail Stop E–29, Atlanta, Georgia 30333, (404) 639–5097. Email address: heh2@cdc.gov.

Dated: April 6, 2001.

Donna Garland,

Acting Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 01–9070 Filed 4–11–01; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–23–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: 2nd Injury Control and Risk Survey (ICARIS2)—New—The National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention, (CDC)—This project will use data from a telephone survey to measure injury-related risk factors and guide injury prevention and control priorities, including those identified as priorities in *Healthy People 2010* objectives for the nation. Injuries are a major cause of premature death and disability with associated economic costs over 150 billion dollars in lifetime costs for persons injured each year. *Healthy People 2010* objectives and the recent report from the Institute of Medicine, *Reducing the Burden of Injury*, call for reducing this toll. In addition to national efforts, NCIPC funds injury control programs at the state and local levels. These programs need data both to establish their prevention priorities and monitor their performance. The use of outcome data (e.g., fatal injuries) for measuring program effectiveness is problematic because cause-specific events are relatively rare and because data on critical risk factors (e.g., was a helmet worn in a fatal bike crash, was a smoke detector present at a fatal fire?) are often missing. Because these risk factors are early in the causal chain of injury, they are what injury control programs target to prevent injuries. Accordingly, monitoring the level of injury risk factors in a population can help programs set priorities and evaluate interventions.

The first Injury Control and Risk Survey (ICARIS), conducted in 1994, was a random digit dial telephone survey that collected injury risk factor and demographic data on 5,238 English and Spanish speaking adults (≥18 yrs-old) in the United States. Proxy data were collected on 3,541 children <15 years old. More than a dozen peer-reviewed scientific reports have been published from the ICARIS data, on subjects including dog bites, bicycle helmet use, residential smoke detector usage and fire escape practices, attitudes towards violence, suicidal ideation and behavior, and compliance with pediatric injury prevention counseling. Five years have elapsed since ICARIS, and a repeat survey is needed for monitoring the injury risk factor status of the nation at the start of the millennium. Further, by using data collected in ICARIS as a baseline, ICARIS2 can measure changes and gauge the impact of injury prevention policies. ICARIS2 may also serve as the only readily available source of data to measure several of the Healthy People 2010 injury prevention objectives. The total burden hours is estimated to be 5,897.

Respondents screening	Number of respondents	Number of responses/ respondent	Avg. burden per response (in hrs.)
Non-households	5,800	1	0.5/60
Unable to reach sampled adult after 6 attempts	2,100	6	2/60
Refusals	1,800	3	3/60
Break-offs	675	1	5/60
CATI-Survey			
Completed Interviews	8,500	1	35/60
Supplemental Questions	8,500	1	1/60

Dated: April 6, 2001.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9071 Filed 4–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–24–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: NIOSH Research Study for the Prevention of Work-related Musculoskeletal Disorders (MSDs)—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC). The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all

people through research and prevention. There is evidence of causal relationships between physical job stressors (e.g., repetitive or static exertion, forcefulness, awkward postures) and MSDs, and some quantitative information is available on how much rates of MSDs change at varying levels of exposure to each stressor and combination of stressors (exposure-response relationships). Additional information would foster the further development of effective strategies for prevention.

A research project is proposed to conduct a prospective cohort study to quantify the risk for upper limb and low back MSDs at varying levels of exposure to physical job stressors (repetitive, forceful exertion, awkward postures, vibration, manual handling, etc.). This research will involve multiple work sites from the service and manufacturing industries with job tasks that represent a range of exposures to physical job stressors that can result in musculoskeletal disorders of the upper limb (e.g., carpal tunnel syndrome, hand-wrist tendinitis, medial and lateral epicondylitis, hand-arm vibration syndrome (HAVS)) and low back disorders. Because of the limitations of cross-sectional and retrospective studies, it is widely agreed that a prospective study design is the best approach for the investigation of this problem. Up to 2000 workers will be enrolled into the study and will participate in three annual data collection surveys. The surveys will be comprised of a self-administered questionnaire and standard health tests to identify MSDs, including HAVS. Job tasks will be studied using uniform exposure assessment methods to quantify physical stressors. The study data will be used to test and expand existing guidelines for limiting exposure to physical job stressors, and for developing new guidelines where none exist. The results from this research study will provide practitioners in occupational health critical data that will facilitate their ability to quickly and reliably discriminate job tasks that represent low, moderate and high risk for MSDs among workers employed across different industries. In addition, the results of this study will provide guidance on effective job design to reduce the burden of work-related MSDs. The total estimated annual burden for this data collection is 1,993 hours.

Data collection activity	Number of respondents	Number of responses per respondents	Response per hour
Study Announcement Response	100	1	15/60
Questionnaire Administration:			
Core Questionnaire	2,100	3	45/60
Work Environment Module	2,100	3	15/60
Back Module	200	3	6/60
HAVS Module	400	2	45/60
Intervention Module	225	4	6/60
Physical Examination:			
Upper Limb MSDs	1,000	3	45/60
Hand-Arm Vibration Syndrome	400	2	2.00
Lumbar Motion Functional Assessment	200	3	30/60

Dated: April 6, 2001.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9072 Filed 4–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF–PA–CCB–2001–02]

Technical Assistance Child Care Grant

AGENCY: Administration on Children, Youth and Families (ACYF), ACF, DHHS.

ACTION: Announcement of availability of competitive financial assistance for private, nonprofit intermediaries to demonstrate the provision of technical assistance to child care providers to improve the quality and supply of child care facilities.

SUMMARY: The purpose of this program announcement is to announce the availability of fiscal year (FY) 2001 funds, authorized under the FY 2001 Consolidated Appropriations Act (Pub. L. 106–554), for grants to qualified private, nonprofit intermediaries to increase the quality and supply of child care facilities in low-income communities. Eligible intermediaries are private, nonprofit intermediary organizations that have demonstrated experience and results in providing technical assistance to child care providers in the renovation or construction of facilities and in securing private sources for capital financing of child care facilities in low-income communities.

DATES: The closing date for submission of applications is June 11, 2001. Mailed applications postmarked after the closing date will be classified as late.

Deadline: 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: Administration on Children, Youth and Families, Child Care Bureau Program Announcement No. ACYF–PA–CCB–2001–02, 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private Metered postmarks shall not be acceptable as proof of timely mailing.

Applications hand-carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the

Administration on Children, Youth and Families, Child Care Bureau Program Announcement, 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209, between Monday and Friday (excluding Federal holidays). (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 which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its applications will not be considered in the current competition.

Extension of Deadlines: ACF may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, when there is widespread disruption of mail service, or for other disruptions of services, such as a prolonged blackout, that affect the public at large. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

FOR FURTHER INFORMATION CONTACT: Eleanor M. Wagoner, Administration for Children and Families, Child Care Bureau, Room 2313, Mary E. Switzer Building, 330 C Street, S.W., Washington, DC 20447, Phone: (202) 205–8087, Fax: (202) 690–5600, E-mail: ewagoner@acf.dhhs.gov

Notice of Intent to Submit Application:

If you intend to submit an application, please contact ACYF's Operations Center at 1–800–351–2293 with the following information: the number and title of this announcement; your organization's name and address; and your contact person's name, phone number, fax number, and e-mail address. This information will be used to determine the number of expert reviewers needed to evaluate applications and to update the mailing list for program announcements.

SUPPLEMENTARY INFORMATION: The ACF Uniform Discretionary Grant Application Form covering all ACF announcements, contained in the Application Kit, and this Supplementary Information section contain all the forms and instructions needed to apply for a grant under this announcement. No additional application materials are needed.

The Supplementary Information section consists of seven parts. Part I provides general information about funding requirements, and application procedures for child care grants under this program announcement. Part II provides background information on the Child Care Bureau, and the context for the work to be accomplished by this grant. Part III describes child care goals and priorities related to this announcement. Part IV provides instructions for the Uniform Project Description. Part V describes the evaluation criteria and selection process. Part VI describes the application process. Part VII provides information on the content of the application and submission instructions. The contents are outlined below:

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Part I. General Information

A. Purpose

The purpose of this program announcement is to provide funding for ten or more private, nonprofit intermediaries [1] for the provision of technical assistance to child care providers to improve the quality and supply of child care facilities in low-income communities and to document the changes.

B. Citations

1. Sponsorship

Grants being awarded under this announcement are sponsored by the Child Care Bureau (the Bureau) of the Administration on Children, Youth and Families (ACYF) in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (DHHS). The Bureau will manage the projects.

2. Funding Authority

Funding is being provided by ACF, authorized under the Fiscal Year 2001 Consolidated Appropriations Act (Pub. L. 106–554). The estimated total funding available under this announcement is $2,500,000.

3. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number is 93.647.

C. Number of Awards

Ten or more projects will be funded in fiscal year 2001 (awards will be dated September 30, 2001), subject to the availability of funds and results of the application review process. At least one grant of up to $250,000 may be made to an applicant who targets the proposed technical assistance project to serve tribes and tribal organizations, on a national basis.

D. Project Duration

The total project period will be 17 months.

E. Funding Levels and Budget Periods

Awards will be for a 17-month budget and project period. Amounts will range

[1] Intermediaries are organizations that offer a broad range of entrepreneurial training and technical assistance to child care providers to enable them to become ''loan ready'' for the establishment or renovation of child care facilities. Intermediary organizations may be banks, collaboratives, investment funds, foundations, or other entities with the capacity to serve as intermediaries between child care providers and financing entities.

between $150,000 and $250,000 for a budget period of 17 months.

F. Non-Federal Share of Project Costs

Grantees must provide at least 20 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF 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. Therefore, a project requesting $250,000 in Federal funds must provide a match of at least $62,500 (20% total approved project cost). Grantees will be held accountable on the grant award for match commitments of non-Federal resources even if the approved amount exceeds the minimum match required. Failure to provide the match commitment amount specified on the grant award can result in a disallowance of Federal funds.

G. Eligibility

Private nonprofit intermediary organizations that have demonstrated experience and results in providing training and technical assistance to child care providers in low-income communities in one or more of the following areas are eligible to apply for funding under this program announcement:

(1) Renovating and/or constructing child care or other public facilities using a variety of funding sources;

(2) Generating revenue from public and private sources for capital financing of public projects (such as child care facilities); and

(3) Increasing the skills of child care providers to develop and access new funding sources.

Priority consideration will be given to applications that target recipients for technical assistance to:

(1) Those in low-income communities[2] (*i.e.*, localities in which the median family income is no more than 85% of the Statewide median); or

(2) Those child care providers who serve a minimum of 25% low-income children (*i.e.*, children eligible for Federal Child Care and Development Fund or other State or Federal child care subsidies, including Head Start).

Primary recipients of technical assistance provided by grantees funded under this project may be nonprofit or for profit providers of child care services. Additional recipients could be community stakeholders with a vested interest in the availability and provision of quality child care services in the community. Potential stakeholders include, but are not limited to, parents, employers, educators, representatives of financial institutions, civic and business leaders, child and family advocates, housing experts, and representatives of local, State, and tribal governments.

Every effort should be made to inform the State lead agency for the Child Care and Development Fund, and, if different, the State agency responsible for licensing child care facilities, of the communities and programs targeted for technical assistance under this announcement and to invite their participation, as appropriate.

Any nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission. The nonprofit agency can accomplish this by: (1) 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 (2) providing a copy of the currently valid IRS tax exemption certificate, or (3) providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Part II. Background and Context

A. The Child Care Bureau

The Child Care Bureau was established in 1994 to provide leadership into efforts to enhance the quality, affordability, and supply of child care available for all families. The Child Care Bureau administers the Child Care and Development Fund (CCDF), which includes $4.5 billion for child care subsidies and activities to improve the quality and availability of child care. CCDF was created after later amendments to ACF child care programs by Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which consolidated the Federal funding from the former AFDC/JOBS Child Care, Transitional Child Care, and At-Risk Child Care and subjected it to the requirements of the Child Care and Development Block Grant.

The Child Care Bureau and ACF Regions work closely with States, Territories and Tribes to assist with, oversee, and document implementation of new policies and programs in support of State, local and private sector administration of child care services and systems. In addition, the Bureau collaborates extensively with other offices throughout the Federal government to promote integrated, family-focused services and coordinated child care delivery systems. In all of these activities, the Bureau seeks to enhance the quality, availability, and affordability of child care services, support children's healthy growth and development in safe child care environments, enhance parental choice and involvement in their children's care, and facilitate the linkage of child care with other community services.

B. Current Availability of Affordable Child Care in Low-Income Communities

Having access to high-quality child care is a critical factor in enabling moderate and low-income families to be gainfully employed and, in some cases, to exit the welfare system. The scarcity of child care in low-income communities is consistently identified as one of the principal barriers to employment. Regular child care arrangements are often beyond the reach of working poor families. Recent research confirms that family and center-based care is far more available in affluent communities than in low-income areas. Further, the Government Accounting Office has determined that child care services in low-income communities do not meet the level necessary to serve the families required to exit the welfare caseload. In a 1999 publication on ''Access to Child Care for Low-Income Working Families,'' the ACF concluded that, while the child-care picture varies from State to State, it is clear that there is a large unmet need for child care assistance throughout the country.

Although States are fully utilizing Federal child care assistance from the Child Care and Development Fund (CCDF) and from State sources, only a small percentage of children eligible under Federal guidelines are actually being served. As a result, child care consumes a major portion of many low-income families' budgets; parents are unable to work productively or take better paying jobs that require longer working hours; and children's health, as well as their social, emotional, and cognitive development suffer when parents are forced to accept inadequate arrangements.

Compounding the child care problem for low-income families is the fact that low-income communities also face a severe shortage of quality child care. The need in low-income communities is expected to worsen as increasing numbers of welfare recipients enter the workforce. Research has shown that low-income communities are significantly underserved by licensed home-based child care providers, and

[2] Information on community income levels, based on 1990 census figures, is available on the Census Bureau website at: www.census.gov.people.income.

are twice as likely as higher income communities to have no center-based child care at all. Moreover, providers in low-income communities lack access to the technical and financial resources they need to appropriately expand the capacity and quality of their programs by addressing their physical capital needs.[3]

C. Need for Technical Assistance

Although child care providers often have training in early childhood development and in caring for young children, they are much less likely to have had training, or be knowledgeable, in the principles of financial management, fundraising, or facility renovation or construction of the child care facilities in which they provide services. This is especially true in low-income communities. Thus, there is a critical need for child care providers in low-income communities to receive appropriate technical assistance if the availability of quality child care in low-income communities is to be increased.

Most large or small businesses are typically able to borrow funds when they need to improve or expand their facilities. However, child care businesses often have trouble securing loans. This is especially true of the child care programs located in low-income neighborhoods. Recent research indicates that there are clear reasons why these problems exist. Many child care providers may be uncomfortable in the world of finance, renovation, and facility construction. Moreover, many child care programs often do not have the equity necessary to secure a loan.[4] Further, the facilities are designed for the very specific purpose of accommodating young children, and as a result they may not appraise well.[5] Thus, for these and other reasons, child care programs, especially those in low-income neighborhoods, simply do not have the assets—technically or financially—to secure the capital they need to expand or improve the quality of their facilities.

In recent years, a tested strategy for addressing the child care problems in low-income communities has begun to emerge, based on related efforts to stimulate economic development activities in the nation's most distressed communities. Nonprofit community development organizations, in concert with nonprofit ''intermediaries,'' have become successful at using government and philanthropic grants to leverage significant private sector capital investments in housing, community facilities, and commercial enterprises. Some efforts have begun to be made to strengthen the child care industry in these communities. By broadening the investment in experienced intermediary institutions through public-private partnerships, community development organizations are able to expand and strengthen the availability of quality child care in low-income communities.

Consistent with this emerging strategy for addressing the severe shortage of adequate child care space in low-income communities, the FY 2001 Consolidated Appropriations Act (Pub. L. 106–554) allocated $2.5 million ''for grants to qualified private, nonprofit intermediaries to demonstrate the provision of technical assistance to child care providers to improve the quality and supply of child care facilities in low-income communities and to document the changes.'' The remainder of this Announcement sets out the application requirements and other relevant information necessary for qualified private intermediaries to apply for a technical assistance grant under the provisions of Public Law 106–554.

D. Definitions

This program announcement is based on the following definitions:

Categories of Care—Center-based child care, group home child care, and family child care.

Center-Based Child Care Provider—under applicable State or local law, a provider licensed or otherwise authorized to provide child care services for fewer than 24 hours per day per child in a non-residential setting, unless care in excess of 24 hours is due to the nature of the parent(s)' work.

Child Care and Development Fund (CCDF)—the child care programs conducted under the provisions of the Child Care and Development Block Grant Act, as amended.

Child Care Facilities—real property or modular units appropriate for use by a grantee to carry out a child care program, that meets State and local health and safety standards.

Child Care Providers—a center-based child care provider, a group home child care provider, or a family child care provider for compensation that is licensed, regulated, or registered under applicable State or local law as described in 45 CFR 98.40; and satisfies State and local requirements, including those referred to in 45 CFR 98.41, applicable to the child care services it provides.

Construction—the erection of a facility that does not currently exist.

Discretionary Funds—the funds authorized under the FY 2001 Consolidated Appropriations Act (Pub. L. 106–554).

Family Child Care Provider—one individual who provides child care services, under applicable State or local law, for fewer than 24 hours per day per child, as the sole caregiver, in a private residence other than the child's residence, unless care in excess of 24 hours is due to the nature of the parent(s)' work.

Group Home Child Care Provider—two or more individuals who provide child care services, under applicable State or local law, for fewer than 24 hours per day per child, in a private residence other than the child's residence, unless care in excess of 24 hours is due to the nature of the parent(s)' work.

Indian Tribe—any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. section 1601 *et seq.*) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Intermediaries—private nonprofit organizations that serve as intermediaries between child care providers and financing entities and have experience in providing training and technical assistance for the construction and renovation of physical facilities, and for the development of investment partnerships for the

[3] Fuller, B. and Kagan, S., Remember the Children: Mothers Balance Work and Child Care Under Welfare Reform—A Growing Up In Project, Wave 1 Findings, February, 2000.

Stokeley, J., Early Childhood Facilities Development and Finance in Low-Income Neighborhoods, National Economic Development and Law Center, 1995.

[4] ''The Business Need of Child Care: An Analysis of the Financing and Technical Assistance Needs of North Carolina's Child Care Providers,'' Center for Community Self-Help, Durham, NC, April 1994.

''The Capital Needs of North Carolina's Head Start Programs: Results of a 1995 Survey Co-sponsored by the NC Dept of Human Resources and the NC Head Start Association.'' Center for Community Self-Help, Durham, NC, March, 1996.

R. Ferlato, C. Owen, D. Solomon, ''The Child Care Credit Crunch: A Survey of Lending for Child Care Facilities'', Center for Policy Alternatives. Washington, DC, June 1993.

Hoskins, A. ''Reinvesting in Child Care: Opportunities and Responsibilities for Banks in New York State''. Center for Policy Alternatives. Washington DC, November 1990.

''Financing Early Childhood Facilities: Investment Strategies for California's Low-Income Communities'' National Economic Development and Law Center, January 1996.

Kershaw, A. ''Making Space for Children: A Toolkit for Starting a Child Care Facilities Fund'' Washington, DC: The Finance Project. In press.

[5] Stoney, L. ''Moving Toward Solutions: Breaking the Barriers to Facilities Expansion,'' a paper prepared for the New York City Expanding Child Care Opportunities initiative, November, 1997.

financing of child care facilities or other public facilities in low-income communities.

Licensing or Regulatory Requirements—requirements necessary for a provider to legally provide child care services in a State or locality, or for the facility in which such services are provided.

Major Renovation—(1) Structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility, or the extension of a facility to increase its floor area; or (2) extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change.

Provider—the individual 18 years of age or older, or organization providing child care services.

Part III. Child Care Grants: Goals and Priorities

A. Regulatory and Statutory Requirements

In designing a project under this announcement, the applicant should consider the goals of the amended Child Care and Development Block Grant Act, provided at 45 CFR 98.1.

Grants awarded under this announcement in conformance with statutory requirements, are for the provision of technical assistance leading to an increase in the availability and quality of child care facilities by:

(1) Establishing new quality child care facilities in low-income areas that have been previously underserved and/or have unmet needs;

(2) Improving existing facilities to meet State and local health, safety, and licensing standards; and

(3) Building the capacity of child care providers to create new funding partnerships, leverage private funds and resources, and increase the supply of child care in rural and low-income communities.

In addition, the Child Care Bureau is especially interested in projects that will increase the availability of services for infants and toddlers and children with special needs.

B. Allowable Use of Funds

Grants awarded in accordance with this program announcement will be subject to the uniform administrative requirements found at 45 CFR Part 74 (nonprofits). Additional requirements will be specified in the terms and conditions, reporting requirements, and other materials that accompany the award notice. Intermediaries that receive funds under this grant announcement may use the funds to provide technical assistance in areas that result in improvements to child care facilities. Such areas may include: facilities assessment, feasibility studies, cost estimating, and market needs assessment studies. Assisting communities to establish referral services for child care providers to resources that help purchase buildings or building space, relocate programs, expand facilities, or make capital improvements to building or playground areas is another acceptable use of these funds.

By drawing upon the knowledge of child care and community experts, the grantees(s) may provide technical assistance to child care providers and appropriate stakeholders in a variety of areas including, but not limited to:

- establishing facilities and business development partnerships;
- helping organizations seeking to build or expand child care facilities to put together a comprehensive financing package;
- assisting child care providers to become ''loan ready;'' and
- other areas that will ensure the improvement of the quality and supply of child care facilities in low-income communities (e.g., community planning for child care development; creating statewide policy collaborations for child care facilities and business development; etc.).

Grant award funds under this announcement may not be used for the actual construction or renovation of child care facilities, or for making direct loans for these purposes.

C. Coordination

The applicant must describe how it will coordinate the delivery of technical assistance services to child care providers, and, if applicable, other State and local child care, early childhood development programs, and before- and after-school care services. It is also important that the applicant describe how it will coordinate with and inform the State lead agency for the Child Care and Development Fund, and, if different, the State agency responsible for licensing child care facilities, about the technical assistance being offered, the communities targeted for assistance, and the child care providers participating as recipients of the technical assistance. The technical assistance must assist the participants in developing linkages with funding and resource sources in the community, who will be willing to engage in partnerships for increasing the quality and supply of child care facilities in low-income communities.

D. Public Participation

The applicant, if awarded a grant under this announcement, is encouraged to engage in a planning process that includes parents, providers, and other relevant stakeholders in the community to be served. Following the grant award, the applicant should provide public notice to child care providers, families in need of child care services, and other community stakeholders who may be able to contribute to the success of the project. Such public notice should include information that the technical assistance project will be provided in the targeted community and should also include language encouraging interested parties to participate in the technical assistance training project.

E. Services to a Range of Providers

One of the goals of the Child Care and Development Block Grant Act is ''to promote parental choice to empower working parents to make their own decisions on the child care that best suits their family's needs.'' In support of this goal, the applicant is encouraged to design and implement a technical assistance project to increase the availability of child care that promotes parental choice in selecting CCDF-funded child care providers, and addresses the child care needs of families for infant-care, or care for children with special needs.

F. Replicability and Sustainability of Project

To maximize the Federal investment in providing technical assistance to improve the quality and supply of child care facilities in low-income communities, the applicant must provide information to demonstrate how the results of the project will have a lasting impact in the community beyond the 17-month project period.

General Instructions for the Uniform Project Description

The applicant is required to submit a full project description and shall prepare the project description statement in accordance with the following instructions. The pages should be numbered and be limited to 50 type-written pages, printed on one side with one inch margins, and using a standard font-size that is no smaller than 12. A table of contents must be included for easy reference.

The evaluation criteria listed in Part V of this Application Package should be used as a way to organize the uniform project description, by providing specific information that addresses, under the appropriate corresponding

heading in the application, all components of each criterion (*i.e.*, Objectives and Need for Assistance; Results or Benefits Expected; Approach; Staff and Position Data and Organizational Profiles; and Budget).

It is in the applicant's best interest to ensure that the project description is easy to read, logically developed in accordance with the evaluation criteria and adheres to page limitations. In addition, the applicant should be mindful of the importance of preparing and submitting applications using language, terms, and concepts that are generally known to the child care and early childhood fields.

The following ACF Uniform Project Description has been approved under OMB Control Number 0970–0139. This format is to be used to submit an application under this announcement.

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 each reference.

A. 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 the project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

B. Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

C. 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.

D. Results or Benefits Expected

Identify the results and benefits to be derived. For example, describe the improvements that will be made to the quality and supply of specified child care facilities in the community or communities in which the technical assistance is provided. Specify who will receive technical assistance, and where and how technical assistance will be provided. Describe how the technical assistance services will benefit the child care providers, children, families, and community, and result in improvement to the quality and supply of child care services in the communities in which the technical assistance is provided. Describe the ways in which the technical assistance provided will result in the development of capacity building skills in the child care community.

E. 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. 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 are 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.

F. Evaluation

Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

G. 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.

H. Additional Information

Following are requests for additional information that need to be included in the application:

1. 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.

2. Plan for Project Continuance Beyond Grant Support

Provide a plan for securing resources and continuing project activities after Federal assistance has ceased.

3. 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 nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission.

The nonprofit 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.

4. 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.

5. 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.

6. 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.

7. 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.

a. 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.

b. 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.

c. 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.

d. 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.

e. Equipment

Description: ''Equipment'' means an article of non-expendable, 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.

f. 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.

g. 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 sub-recipients, 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 USC 403(11) (currently set at $100,000). Recipients might be required to make available to ACF such pre-award review and procurement documents as requests 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.

h. 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 (non-contractual), 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.

i. 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.

j. 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.

k. Non-Federal Resources

Description: Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424.

Justification: The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process. A detailed budget must be prepared for each funding source.

l. Total Direct Charges, Total Indirect Charges, Total Project Costs.

[Self-explanatory]

Part V. Evaluation Criteria and Selection Process

The five criteria that follow will be used to review and evaluate each application. Each of these criterion should be addressed in the project description section of the application. The point values indicate the maximum numerical weight each criterion will be accorded in the review process. Note that the highest possible score an application can receive is 100 points.

A. Evaluation Criteria

Criterion 1. Objectives and Need for Assistance (10 Points)

The applicant must:

1. Specify the goals and objectives of the project and how implementation will fulfill the purposes of the ''Technical Assistance Grants'' provision in the FY 2001 Consolidated Appropriations Act (*i.e.*, ''for grants to demonstrate the provision of technical assistance to child care providers to improve the quality and supply of child care facilities in low-income communities and to document the changes.'').

2. Demonstrate a thorough understanding of the purposes of the Child Care and Development Fund, and the federal regulations that apply to CCDF grants administered by the Child Care Bureau.

3. State the need for assistance by identifying and discussing the critical issues impacting the availability of quality child care in low-income communities and the impact this has on families moving toward economic self-sufficiency.

4. Describe the communities targeted for technical assistance, and indicate the current status of child care facilities in those locations and demonstrate knowledge of potential resources that may be targeted for partnerships in increasing the quality and supply of child care facilities. Maps and other demographic aids may be attached.

Criterion 2. Results and Benefits Expected (30 Points)

The applicant must:

1. Describe the results and benefits expected from the technical assistance to be provided to child care providers and other stakeholders in one or more low-income community(ies). The description must include:

(a) Identifying information about the community(ies) and facility(ies) that are expected to benefit;

(b) A description of the capacities and skills recipients of the technical assistance will develop;

(c) Detailed information about the specific results and benefits expected to be made to the facility(ies) with respect to expansion or improvement of quality child care space and services, including the use of quantitative outcome measures.

2. Describe the criteria to be used to evaluate the results of the technical assistance effort, in terms of:

(a) The specified public and private agencies that have become involved in a partnership whose mission is directed, in whole or in part, at developing, expanding, or improving quality child care facilities in low-income communities;

(b) The amount of State, local and private resources (financial and other) that have been generated; and.

(c) The written plans (with timelines) to actually demonstrate an increase in the supply and/or quality of available child care services in communities receiving technical assistance under this grant award, as a result of that assistance.

Criterion 3. Approach (30 Points)

The applicant must:

1. Include a detailed plan that identifies goals and objectives, and provide a work plan identifying specific activities necessary to accomplish the stated goals and objectives and the

communities targeted for technical assistance, including any factors which may accelerate or decelerate the work. Include a timeline that will ensure completion of the project within the 17-month project period.

2. Include participant and beneficiary information, and address how technical assistance will develop the capacity of child care providers to create partnerships leading to the generation of revenue for improving the quality and supply of child care facilities. The following information must be included:

(a) The types of technical assistance to be provided;

(b) The recipients (e.g., child care providers, parents, business and professional members of the community, etc) who are targeted for technical assistance;

(c) The ways in which the technical assistance will develop the capacity of recipients to improve the quality and supply of child care facilities in low income communities;

(d) How the technical assistance will help child care providers assess their community's need for additional or improved services, select suitable sites, leverage funding, and increase the affordability of child care for low-income families; and

(e) The plan for compiling and distributing reports and lessons learned from this project to colleagues and the public.

3. Describe how the applicant will coordinate the delivery of technical assistance to child care providers who will serve children who are eligible to receive CCDF subsidies, and the extent to which other Federal, State, and local public and private businesses, organizations, and parent consumers may be included as technical assistance service recipients. Supporting documentation of need, interest, and participation from community groups may be included. Priority consideration will be given to applications that include a statement from the State Child Care lead agency administrator supporting the proposed project in the targeted community(ies).

4. Describe how the applicant will coordinate with and inform the State lead agency for the Child Care and Development Fund, and, if different, the State agency responsible for licensing child care facilities, about the technical assistance being offered, the communities targeted for assistance, and the child care providers participating as recipients of the technical assistance. Also describe the extent, if any, to which the Lead Agency may participate in the grantee's technical assistance project.

5. Explain how the applicant will address the facility requirements, accommodations, supply, and program needs for infants and children with special needs.

6. Describe how the applicant will develop and implement technical assistance leading to collaboration between child care providers, Head Start programs, other early childhood programs, and traditional and non-traditional community organizations, regarding—(a) the need for new or improved child care facilities and options; (b) why new partnerships are in the best interests of families and the community; and (c) the initiation of agreements among partners leading to commitments of support.

7. Describe how the technical assistance activities implemented under this project will be continued once Federal funding for the project has ended. In the event the applicant cannot obtain new operating funds at the end of the 17-month project period the application must describe the need and specific plans for accomplishing program phase-out, including plans for engaging public and private partners to ensure the sustainability of the project.

Criterion 4. Staff and Position Data and Organizational Profiles (20 Points)

The applicant must:

1. Discuss its organizational experience in the provision of technical assistance in low-income communities on such topics as partnership development, fund raising activities, financing strategies, and facility construction and renovation.

2. Have demonstrated staff and organizational experience in working with child care providers, educators, parents, families, and community leaders to develop partnerships and commitments, based on written agreements, memoranda of understanding, and similar enforceable instruments.

3. Include the following:

(a) Information on the skills, knowledge and experience of the project director and key project staff, including brief resumes of current and proposed staff, as well as job descriptions. Resumes must indicate what position key individuals will fill, and position descriptions must specifically describe the job as it relates to the proposed project.

(b) A list of organizations and consultants who will work on the program, along with a short description of the nature of their effort or contribution.

(c) Information on plans for training project staff as well as staff of cooperating individuals and organizations.

4. Demonstrate the ability of the organization to effectively manage the technical assistance project. Provide (a) a short description of the applicant agency's organization; the types, quantities and costs of services it provides, and (b) identify and discuss the role of other organizations or multiple sites of the agency that will be involved in the provision of technical assistance through this grant. List all these sites, including addresses, phone numbers and staff contact names if different than those on the SF 424.

Note: If the agency is a recipient of funds from the Administration on Children, Youth and Families for services to children and families, or for programs other than that applied for in this application (e.g., Head Start, Child Welfare Services), show how the services supported by these funds are—or will be—different from the services already being offered. Organizational charts may be provided.

5. Provide an annotated listing of the applicant's funding sources and contractual agreements and other relationships that support or complement the provision of technical assistance to child care programs.

Criterion 5. Budget and Budget Justification (10 Points)

A. The applicant must:

1. Show the extent to which the funds requested will be used for the provision of technical assistance to child care service providers and other public and private organizations under this grant. Discussion must refer to—(a) the budget information presented on Standard Forms 424 and 424A and the applicant's budget justification; (b) the cash or in-kind match of 20% of the total grant amount consistent with the requirements in Part I, F, Non-Federal Share of Project Costs; and (c) the results or benefits identified under Criterion 2 above.

2. Describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement and accurate accounting of funds.

B. The Selection Process

The Commissioner of the Administration on Children, Youth and Families, will make the final selection of the applicants to be funded. Applications may be funded in whole or in part depending on: (1) The ranked order of applicants resulting from the competitive review; (2) staff review and consultations; (3) the combination of projects that best meets the Bureau's objectives; (4) the funds available; and (5) other relevant considerations.

Selected applicants will be notified through the issuance of a Financial Assistance Award that sets forth the amount of funds granted, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, and the total project period for which support is provided.

C. Funding Date

It is anticipated that successful applications will be funded in the fourth quarter of FY 2001 (July through September 2001).

Part VI. Application Process

A. Assistance to Prospective Grantees

Potential grantees may direct questions about application forms to the Administration on Children, Youth and Families, Child Care Bureau Program Announcement, 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209; Telephone: 1–800–351–2293; electronic mail: *CCB@lcgnet.com.* Questions about program requirements may be directed to Eleanor Wagoner, Child Care Bureau; Telephone 202–205–8087; electronic mail: ewagoner@acf.dhhs.gov.

B. Application Requirements

To be considered for a grant, each application must be submitted on the forms provided in the Application Kit and in accordance with the guidance provided below. The application must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by terms and conditions of the grant award. If more than one agency is involved in submitting a single application, one entity must be identified as the applicant organization that will have legal responsibility for the grant.

C. Paperwork Reduction Act of 1995 (Public Law 104–13)

Public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The project description is approved under OMB control number 0970–0139 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.

D. Notification Under Executive Order 12372

This program announcement is not 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.''

E. Availability of Forms and Other Materials

A copy of the forms that must be submitted as part of an application and instructions for completing the application are provided in the Application Kit. Legislation referenced in Part I, section B.2 of this announcement and the CCDF Final Rule (45 CFR parts 98 and 99) may be found in major public libraries and on the Child Care Bureau's web site at http://www.acf.dhhs.gov/programs/ccb/policy1/index.htm. Additional copies of this announcement may be obtained by calling 1–800–351–2293. Many standard forms can also be downloaded and printed from the following ACF webpage: *http://www.acf.dhhs.gov/programs/oa/form.htm.* An Application Kit containing the necessary forms may be obtained from: Department of Health and Human Services, Administration for Children and Families, Child Care Bureau, Room 2313; Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20447, Attention: ACYF–PA–CCB–2001–02, Telephone: (202) 205–8087

F. Application Consideration

All applications that are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation against the specific competitive grant area criteria outlined in Part V of this announcement. This review will be conducted in Washington, DC, by panels of non-Federal experts knowledgeable in the areas of quality child care, facility development and improvement, innovative funding practices and partnerships, and other relevant areas.

Application review panels will assign a score to each application, identifying its strengths and weaknesses. Both Central and Regional Hub office staff will conduct administrative reviews of the applications and the results of the competitive review panels and will recommend applications for funding to the Commissioner, ACYF.

The Commissioner will make the final selection of the applications to be funded. The Commissioner may also elect not to fund any applicants having known management, fiscal, reporting, program, or other problems which make it unlikely that they would be able to provide effective services. Successful applicants will be notified through the issuance of a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, and the budget period for which initial support will be given.

Organizations whose applications will not be funded will be notified in writing by the Commissioner of the Administration on Children, Youth and Families. Every effort will be made to notify all unsuccessful applicants as soon as possible after final decisions are made.

Part VII. Application Content and Submission Instructions

A. *Application Content:* Each application must contain the following items in the order listed:

1. Application for Federal Assistance (Standard Form 424, REV 4–92). Follow the instructions in the Application Kit. In Item 8 of Form 424, check ''New.'' In Item 10 of the 424, clearly identify the *Catalog of Federal Domestic Assistance* (CFDA) program title and number: Child Care and Development Block Grant, 93.647

2. Budget and Budget Justification (Standard Form 424A, REV 4–92). Follow the instructions in the Application Kit. The budget justification should be typed on standard size plain white paper, provide breakdowns for major budget categories and justify significant costs. List amounts and sources of all funds, both Federal and non-Federal, to be used for this project.

3. Project Summary/Abstract (one page maximum). Clearly mark this page with the applicant name as shown on item 5 of the SF 424, identify the title of the proposed project as shown in item 11 and the service area as shown in item 12 of the SF 424. The summary description should not exceed 300 words.

Care should be taken to produce a summary which accurately and concisely reflects the proposed Project. It should describe the objectives of the project, the approach to be used and the results and benefits expected.

4. Assurances/Certifications. The applicant must certify its compliance with: (1) Drug-Free Workplace Requirements; (2) Debarment and Other Responsibilities; and (3) Pro-Children Act of 1994 (Certification Regarding Environmental Tobacco Smoke). A signature on the SF 424 indicates compliance with the Drug Free Workplace.

Applicants must provide a certification concerning Lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

Requirements, Debarment and Other Responsibilities and Environmental Tobacco Smoke Certifications. A signature on the application constitutes an assurance that the applicant will comply with the pertinent Departmental regulations contained in 45 CFR part 74.

5. Documents of Support. The maximum number of pages for supporting documentation is 10 pages, double-spaced, exclusive of letters of support or agreement. These documents must be numbered and might include resumes, photocopies of news clippings, evidence of the program's efforts to coordinate child care services at the local level, etc. Documentation over the ten-page limit will not be reviewed. The applicant may, however, include as many letters of support or agreement as are appropriate.

B. *Application Submission:* To be considered for funding, the applicant must submit one signed original and two additional copies of the application, including all attachments, to the application receipt point specified above. The original copy of the application must have original signatures, signed in black ink. Each copy must be stapled (back and front) in the upper left corner. All copies of an application must be submitted in a single package.

Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate subsections of the application, including supporting documentation. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the Federal government for review.

Dated: April 5, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–8994 Filed 4–11–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01P–0150]

Salad Dressing Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Kraft Foods, Inc., to market test a product designated as ''salad dressing'' that deviates from the U.S. standard of identity for salad dressing. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product, identify mass production problems, and assess commercial feasibility, in support of a petition to amend the standard of identity for salad dressing.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than July 11, 2001.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–822), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4168.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Kraft Foods, Inc., Three Lakes Dr., Northfield, IL 60093–2753.

The permit covers limited interstate marketing tests of products identified as ''salad dressing'' that deviate from the U.S. standard of identity for salad dressing (21 CFR 169.150) by adding potassium sorbate, which is not permitted under the current standard, and by reducing the amount of egg 2 percent below the amount required by the current standard. The test product meets all the requirements of the standard with the exception of the reduced amount of egg level in the product and the addition of potassium sorbate. Because test preferences vary by area, along with social and environmental differences, the purpose of this permit is to test the product throughout the United States.

Under this temporary permit, the salad dressing will be test marketed as ''salad dressing.''

This permit provides for the temporary marketing of 150 million pounds of product during the entire 15-month period. The test product will be manufactured by Kraft Foods, Inc., at 2340 Forest Lane, Garland, TX 75040; 1701 West Bradley Ave., Champaign, IL 61821; and 7352 Industrial Blvd., Allentown, PA 18106. The product will be distributed throughout the United States.

The information panel of the labels will bear nutrition labeling in accordance with 21 CFR 101.9. Each of the ingredients used in the food must be declared on the labels as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than July 11, 2001.

Dated: April 3, 2001.

Christine J. Lewis,

Director, Office of Nutritional Products Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–8978 Filed 4–11–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Science Board to the Food and Drug Administration Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of a public meeting of the Science Board to the Food and Drug Administration Advisory Committee. The meeting was announced in the **Federal Register** of March 23, 2001 (65 FR 16253). The amendment is being made to reflect changes in the *Agenda* portion of the meeting notice. The time for the open public hearing and open committee discussion has been changed. This meeting is open to the public. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Susan Bond, Office of the Commissioner, Office of Science Coordination and Communication (HF–33), Food and Drug Administration, 5600 Fishers Lane, rm. 17–35, Rockville, MD 20857, 301–827–6687, or FDA

Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12603. Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 23, 2001 (65 FR 16253), FDA announced that a meeting of the Science Board to the Food and Drug Administration Advisory Committee would be held on April 13, 2001, and that the open public hearing would be held from 1 p.m. to 1:30 p.m. and the open committee discussion would be held from 1:30 p.m. to 4:30 p.m. On page 16253, in the second column, the *Agenda* portion of this meeting notice is amended to read as follows:

Agenda: Open committee discussion, 8:30 a.m. to l p.m.; open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 4:30 p.m.* * *

Dated:April 2, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–8979 Filed 4–11–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–210]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Information Collection Requirements for Ambulance Services and Supporting Regulations Contained in 42 CFR 410.40 and 410.41; *Form No.:* HCFA–R–210; *Use:* By separate submissions, Ambulance service suppliers will be required to submit additional information to Medicare Carriers when operational changes occur; this ensures that Carrier records are up-to-date. The Physician Certificate Statement will be required to ensure that scheduled ambulance service are medically necessary; *Frequency:* Annually, On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 509,000; *Total Annual Responses:* 27,009,000; *Total Annual Hours:* 5,269,530.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Attention: Julie Brown, HCFA R 210, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 14, 2001.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9088 Filed 4–11–01; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10024]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* Development of Survey Instrument for Special Populations; *Form No.:* HCFA–10024 (OMB# 0938–NEW); *Use:* Development of Survey Instrument for Special Populations; *Frequency:* Once; *Affected Public:* Individuals or households; *Number of Respondents:* 2,160; *Total Annual Responses:* 2,160; *Total Annual Hours:* 498.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Attn: HCFA 10024, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 4, 2001.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9089 Filed 4–11–01; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–576]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Organ Procurement Organization (OPO) Request for Designation and Supporting Regulations in 42 CFR 486.301–486.325; *Form No.:* HCFA–576 (OMB# 0938–0512); *Use:* The information provided on this form serves as a basis for certifying OPOs for participation in the Medicare and Medicaid programs and will indicate whether the OPO is meeting the specified performance standards for reimbursement of service; *Frequency:* Annually; *Affected Public:* Business or other for-profit, and Not-for-profit institutions; *Number of Respondents:* 69; *Total Annual Responses:* 69; *Total Annual Hours:* 138.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Julie Brown Attn.: HCFA 576, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 4, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9090 Filed 4–11–01; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–485]

Agency Information Collection Activities: Submission For OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, without change, of a previously approved collection; *Title of Information Collection:* Home Health Services Under Hospital Insurance, Manual Instructions and Supporting Regulations in 42 CFR 409.40-.50, 410.36, 410.170, 411.4-.15, 421.100, 424.22, 484.18 and 489.21; *Form No.:* HCFA–485 (OMB# 0938–0357); *Use:* The ''Home Health Services Under Hospital Insurance'' is a certification and plan of care used by the Regional Home Health Intermediaries (RHHIs) to ensure reimbursement is made to Home Health agencies only for services that are covered and medically necessary under Part A and Part B. The attending physician must sign the HCFA–485 (OMB 0938–0357) authorizing the home services for a period not to exceed 62 days; *Frequency:* Other (every 60 days); *Affected Public:* Business or other for-profit; *Number of Respondents:* 7,322; *Total Annual Responses:* 5,580,000; *Total Annual Hours:* 1,395,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's web site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: April 4, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9087 Filed 4–11–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3057–N]

Medicare Program; Annual Review of the Appropriateness of Payment Amounts for New Technology Intraocular Lenses (NTIOLs) Furnished by Ambulatory Surgical Centers (ASCs)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice is soliciting interested parties to submit requests for review of the appropriateness of the payment amount with regard to a particular intraocular lens furnished by an ambulatory surgical center.

DATES: Requests for review must be received at the address provided no

later than 5:00 p.m. E.S.T. on May 14, 2001.

ADDRESSES: Mail requests for review (one original and three copies) to the Health Care Financing Administration, Department of Health and Human Services, Attention Betty Shaw, Mailstop S3–02–01, 7500 Security Blvd. Baltimore, Maryland 21244–1850.

FOR FURTHER INFORMATION CONTACT: Betty Shaw, (410) 786–6100; or Mary Stojak, (410) 786–6939.

SUPPLEMENTARY INFORMATION

I. Background

On October 31, 1994, the Social Security Act Amendments of 1994 (SSAA 1994) (Pub. L. 103–432) were enacted. Section 141(b) of SSAA 1994 requires us to develop and implement a process under which interested parties may request, with respect to a class of new technology intraocular lens (IOLs), a review of the appropriateness of the payment amount for IOLs furnished by ASCs under section 1833 (i)(2)(A)(iii) of the Social Security Act (the Act).

On June 16, 1999, we published a final rule in the **Federal Register** titled ''Adjustment in Payment Amounts for New Technology Intraocular Lenses Furnished by Ambulatory Surgical Centers'' (64 FR 32198), which added subpart F to 42 CFR 416. That rule set forth the process for adjusting payment amounts for new technology intraocular lenses (NTIOLs) furnished by ambulatory surgical centers (ASCs), defined the terms relevant to the process, and established a flat rate payment adjustment of $50 for IOLs that we determine (before July 16, 2002) to be NTIOLs. This payment adjustment is good for a 5-year period that begins when we recognize a payment adjustment for the first intraocular lens in a new subset of an existing class of intraocular lens or a new class of technology, as explained below. Any subsequent IOL with the same characteristics as the first IOL recognized for a payment adjustment would receive the adjustment for the remainder of the 5-year period established by the first recognized IOL.

Review Process for Establishing Classes of New Technology Intraocular Lenses

We evaluate requests for the designation of an IOL as an NTIOL by doing the following:

(1) Publishing a notice in the **Federal Register** announcing the deadline and requirements for submitting a request for us to review payment for an IOL.

(2) Receiving requests to review the appropriateness of the payment amount for an IOL.

(3) Compiling a list of the requests we receive and identify the IOL manufacturer's name, the model number of the IOL to be reviewed, the interested party or parties that submit requests, and a summary of the interested party's grounds for requesting review of the appropriateness of the IOL payment amount.

(4) Publishing a notice in the **Federal Register** listing the requests, and giving the public 30 days to comment on the IOLs for which a review was requested.

(5) Reviewing the information submitted with the request to review, and requesting confirmation from the FDA about labeling applications that have been approved on the model lens under review. We also request a recommendation from FDA about whether or not the lens model represents a new class of technology, or a new technology subset of an existing class of technology. (A new technology subset is a group of IOLs that we determine meets the criterion for being treated as new technology IOLs and that share a common feature or features that distinguish them from other IOLs. For example, all new technology IOLs that are made of a particular bioengineered material could comprise one subset, while all that rely on a particular optical innovation could comprise another.)

Using a baseline of the date of the last determinations of new classes of intraocular lenses, the FDA states an opinion based on proof of superiority over existing lenses of the same type of material and/or over lenses that are classified by a predominant characteristic as reducing the risk of intraoperative or postoperative complication or trauma, or demonstrating accelerated postoperative recovery, reduced induced astigmatism, improved postoperative visual acuity, more stable postoperative vision, or other comparable clinical advantages.

(6) Determining which lenses meet the criteria to qualify for the payment adjustment based on the FDA review, public comments on the lenses submitted for review, and other available information. (We send results of the reviews to the requestors by mail.)

(7) Designating a predominant characteristic of an NTIOL that both sets it apart from other IOLs and links it with other similar IOLs with the same characteristic to establish a specific subset of new technology within the ''class of NTIOLs.''

(8) Publishing a notice in the **Federal Register** (within 120 days after we publish the notice identified in paragraph (4) of this section) announcing the IOLs that we have determined are ''new technology'' IOLs. These NTIOLs qualify for the following payment adjustment:

(a) Determinations made before July 16, 2002—$50.

(b) Determinations made after July 16, 2002—$50 or the amount announced through proposed and final rulemaking in connection with ambulatory surgical center services.

(9) Adjusting payments effective 30 days after the publication of the notice announcing our determinations described in paragraph (8) of this section.

Who May Request a Review?

Any party who is able to furnish the information required in § 416.195 may request that we review the appropriateness of the payment amount provided under section 1833(i)(2)(A)(iii) of the Act with respect to an IOL that meets the definition of a new technology IOL in § 416.180.

Requests to Review

A request for review must include all of the following information:

- The name of the manufacturer, the model number, and the trade name of the IOL.
- A copy of the FDA's summary of the IOL's safety and effectiveness. (Note: The supplemental that approves for certain claims will not have a summary on safety and effectiveness, but the original will have it.)
- A copy of the labeling claims of specific clinical advantages approved by the FDA for the IOL.
- A copy of the IOL's original FDA approval notification.
- Reports of modifications made after the original FDA approval.
- Other information that supports the requestor's claim (that is, clinical trials, case studies, journal articles, etc.).

Privileged or Confidential Information

To the extent that information received from an IOL manufacturer can reasonably be characterized as a trade secret or as privileged or confidential commercial or financial information, we maintain the confidentiality of the information and protect it from disclosure not otherwise authorized or required by Federal law as allowed under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and, with respect to trade secrets, the Trade Secrets Act (18 U.S.C. 1905). We recommend the requestor clearly identify all information that is to be characterized as confidential. The Freedom of Information Act does not prohibit the disclosure of any information; rather it allows us to withhold certain information based on identifiable harms as described above.

Application of the Payment Adjustment

We recognize the IOL(s) that define a new technology subset for purposes of subpart F of part 416 as belonging to the class of NTIOLs for a period of 5 years effective from the date that we recognize the first new technology IOL within the subset for a payment adjustment. Any IOL that we subsequently recognize as belonging to a new technology subset receives the new technology payment adjustment for the remainder of the 5-year period established with our recognition of the first NTIOL in the subset.

II. Provisions of This Notice

Under our rules at 42 CFR 416 subpart F, we are soliciting requests for review of the appropriateness of the payment amount with respect to intraocular lenses furnished by an ASC. Requests for review must comply with our regulations at § 416.195 and be received at the address provided by the date specified in the **DATES** section of this notice. We will announce timely requests for review in a subsequent notice that will allow for public comment. Currently, if we determine a lens to be an NTIOL, the lens will be eligible for a payment adjustment of $50.

III. Collection of Information Requirements

Given that the requirements referenced in this notice will not effect 10 or more persons on an annual basis, this notice does not impose any information collection and record keeping requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

We have reviewed this notice under the threshold criteria of Executive Order 13132 of August 4, 1999, Federalism. We have determined that the notice does not significantly affect the rights, roles, and responsibilities of States.

Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. This notice will not have an effect on the governments mentioned, and the private sector costs will not be greater than the $100 million threshold.

Authority: Sections 1832(a)(2)(F)(i) and 1833 (i)(2)(a) of the Social Security Act (42 U.S.C. 1395k(a)(2)(F)(i) and 1395l(i)(2)(A)).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 2, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–9041 Filed 4–11–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources And Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: State-by-State Self Assessment of Trauma Care Systems—(NEW)

The Health Resources and Services Administration (HRSA) proposes to collect baseline data from the 56 States and Territories on their current trauma care systems and self-identified unmet needs to achieve minimum standards for a comprehensive statewide trauma care program. This information will be used to establish a national strategy to assist in future grant opportunities to the States to improve or enhance their basic systems infrastructure in trauma care. The HRSA's Maternal and Child Health Bureau (MCHB) and the Office of Rural Health Policy and the Department of Transportation's Emergency Medical Services Division are jointly administering this project. HRSA has included national performance measures for Trauma/EMS for this project in accordance with the requirements of the ''Government Performance and Results Act (GPRA) of 1993'' (Pub. L. 103–62). This act requires the establishment of measurable goals for Federal programs that can be reported as part of the budgetary process, thus linking funding decisions with performance.

The estimated response burden is as follows:

Type of form	Number of respondents	Responses per respondent	Burden hours per response	Total burden hours
Self Assessment questionnaire	56	1	10	560

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 6, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–9043 Filed 4–11–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Organ Transplantation

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: Pursuant to Public Law 92–463, the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2) notice is hereby given of the first meeting of the Advisory Committee on Organ Transplantation (ACOT), Department of Health and Human Services (HHS). The meeting will be held from approximately 8:15 a.m. to 6:30 p.m. on May 1, 2001, and from 8:00 a.m. to 5:15 p.m. on May 2, 2001, at the Sheraton Suites, Old Town Alexandria, 801 North Saint Asaph Street, Alexandria, Virginia 22314. The meeting will be open to the public; however, seating is limited and pre-registration is encouraged (see below).

SUPPLEMENTARY INFORMATION: The ACOT will review the organ allocation policies submitted by the Organ Procurement and Transplantation Network (OPTN) to HHS for approval. There will be a limited period of time for public comment before the Committee considers each policy. The public may review the OPTN policies on the OPTN website *www.unos.org.* While public comments are welcome for possible presentation, please note that the Committee will be working with a full agenda and a limited amount of time. Therefore, to facilitate this process, we recommend that individuals interested in providing public comments submit those comments in writing by April 20, 2001, to the Executive Director of the Committee (address below). The Department reserves the right to select comments from among those submitted for oral presentation within the time available, although it will include all comments in the record of the ACOT meeting.

Under the authority of 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended, and 42 CFR 121.12 (64 FR 56661), the ACOT was established to assist the Secretary in ensuring that the system of organ transplantation is grounded in the best available medical science and is as effective and equitable as possible, and thereby, enhance public confidence in the integrity and effectiveness of the transplantation system. The ACOT will review potentially enforceable OPTN policies and such other matters as the Secretary determines. The ACOT is composed of 20 voting, non-governmental individuals with diverse backgrounds in areas such as health care public policy, transplantation medicine and surgery, non-physician transplant professions, biostatistics, immunology, bioethics, law, transplant recipients, and a donor family representative.

The draft meeting agenda and a registration form are available on the Division of Transplantation's Web site: *http://www.hrsa.gov/osp/dot.htm.* The completed registration form should be submitted by facsimile to Betah Associates, Inc., the logistic support contractor for the meeting, at FAX number (301) 657–4258. Individuals without access to the Internet who wish to register may call Betah Associates, Inc., at (301) 657–4254, extension 228. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the ACOT Executive Director, Ms. Lynn Rothberg Wegman, M.P.A., in advance of the meeting. Ms. Wegman may be reached by telephone at (301) 443–7577, by e-mail at LWegman@hrsa.gov, or in writing at the address of the Division of Transplantation provided below. Management and support services for ACOT functions are provided by the Division of Transplantation, Office of Special Programs, HRSA, Room 7C–22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Dated: April 6, 2001.

Elizabeth M. Duke,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 01–9042 Filed 4–11–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General; Program Exclusions: March 2001

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of March 2001, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
Program-Related Convictions:	
BOSSENBERGER, DAVID LAMONT, LAPEER, MI	04/19/2001
BOWENS, DENNIS M, EAST POINT, GA	04/19/2001
CADAG, SANTIAGO, LOS ANGELES, CA	04/19/2001
CHEUNG, HOO JOON, HOLLIDAYSBURG, PA	04/19/2001
CINO, LOUIS, BELLMORE, NY	04/19/2001
COLORADO TRANSP SVCS, INC, COLORADO SPRNGS, CO	04/19/2001
CORONADO, VICTOR JESUS, HUNTINGTON PARK, CA	04/19/2001
CRANE, DAMION, CIRCLEVILLE, OH	04/19/2001
CRASKE, WILLIAM J, BEAVER, WV	04/19/2001
CRAWFORD, RANDY, NASHVILLE, TN	04/19/2001

Subject, city, state	Effective date
DAUGHTRY, ROBERT, GORDON CITY, GA	04/19/2001
DETTMER, JOHN A, CLEARWATER, FL	04/19/2001
DIREMSIZYAN, MINAS, EL MONTE, CA	04/19/2001
DONNELLY, CAROLE A, CINCINNATI, OH	04/19/2001
FAULKNER, JOHN D, DENVER, CO	04/19/2001
FAVELA, OSCAR, RIALTO, CA	04/19/2001
FRICANO, JOSEPH, COCOA, FL	04/19/2001
GODOY, MARIA VILLATORO, RIVERSIDE, CA	04/19/2001
GREGORY, TAMMY, FLORENCE, SC	04/19/2001
HARRIS, ARNELL, MUSKOGEE, OK	04/19/2001
HILLER, SUDIE TURPIN, WINTER HAVEN, FL	04/19/2001
HOVSAPYAN, SARKIS, PASADENA, CA	04/19/2001
HUERTA, EUSEBIO, MIAMI, FL	04/19/2001
JOHNSON, CHANDRA M, ATLANTA, GA	04/19/2001
KABINOFF, ALAN M, AMBLER, PA	04/19/2001
KABIR, MOHAMED, OZONE PARK, NY	04/19/2001
KAHN, WENDY JAYE YORK, SUNRISE, FL	04/19/2001
KHMELNITSKY, OLGA, BROOKLYN, NY	04/19/2001
KITAKUFE, JOHN, UNIONVILLE ONTARIO, IL	04/19/2001
KOPLIK, JAMES C, CAMP HILL, PA	04/19/2001
LEE, VINCENT, HUNTSVILLE, TX	04/19/2001
LUCCI, JERRY, ROSALYN, NY	04/19/2001
LUCCI, SANDI, ROSALYN, NY	04/19/2001
MARIN, DAVID, MIAMI, FL	04/19/2001
MCCLAMMA, HAL S JR, MONTGOMERY, AL	04/19/2001
MCDONALD, IBTIHAJ, LAWRENCEVILLE, GA	04/19/2001
MCKINNEY, CAROLYN JOYCE WATSON, BRYAN, TX	04/19/2001
MCLEMORE, STEVEN S, COLUMBUS, MS	04/19/2001
MELLOR, DENYCE KAY, POWERS, OR	04/19/2001
MILLER, CAROL A, BERLIN, MD	04/19/2001
MKRTCHAIN, ANUSH, SHERMAN OAKS, CA	04/19/2001
MORENO, JORGE, MIAMI, FL	04/19/2001
MORGAN, WENDY S, DELMAR, NY	04/19/2001
MORRIS, JOSEPH W, GRANVILLE, NY	04/19/2001
NEWSOME, JERRY, EGLIN AFB, FL	04/19/2001
NEWSOME, MARSHALL, ATLANTA, GA	04/19/2001
PALMER, THOMAS LAWRENCE, ALPHARETTA, GA	04/19/2001
REUTER, BARBARA J, LANSDALE, PA	04/19/2001
RIZA, SIRREE MUHAMMAD, EVANSTON, IL	04/19/2001
ROBERSON, SARAH M, JOANNA, SC	04/19/2001
ROE, JACQUELINE SUE, GARBER, OK	04/19/2001
RUIDIAZ, SORI FERNANDEZ, LOWELL, FL	04/19/2001
SCOPE MEDICAL SERVICES, INC, PROVIDENCE, RI	04/19/2001
SIMONYAN, HAKOP, LOMPOC, CA	04/19/2001
SPARGER, TERRY, FORT WORTH, TX	04/19/2001
TERRELL, ALETHA BOYCE, SOUTHFIELD, MI	04/19/2001
TONG, CHANTHA, LONG BEACH, CA	04/19/2001
TOTHILL, PATRICIA F, SUN RIVER, MT	04/19/2001
TREFETHEN, GARRY EUGENE, TRINIDAD, CO	04/19/2001
TRINH, LE CAM, PHILADELPHIA, PA	04/19/2001
VARAS, CANDIDO, N BABYLON, NY	04/19/2001
VUE, KER, FRESNO, CA	04/19/2001
WENDLER, KRISTOPHER K, WASECA, MN	04/19/2001
WOLFSON, STANLEY, HARTSDALE, NY	04/19/2001
Felony conviction for health care fraud:	
COLEMAN, JAMES W, CHARLESTON, WV	04/19/2001
GGANAH, ALEX FREEMAN, CRYSTAL, MN	04/19/2001
LUPINACCI, WILLIAM J, DOTHAN, AL	04/19/2001
PRATT, CATHY LEIGH, MCKENZIE, TN	04/19/2001
SAADY, JACK, FREEHOLD, NJ	04/19/2001
VALENCIA, ANTONIO E, HARRISONBURG, VA	04/19/2001
Felony control substance conviction:	
ALLEVI, JOSEPH THOMAS, OJAI, CA	04/19/2001
BENNEDY, EDWARD R, ATTICA, NY	04/19/2001
BOYLES, ANDREA DEE, OAKDALE, CA	04/19/2001
BRADY, WILLIAM J, COLUMBIA, MD	04/19/2001
BRANDT, AMY LYNNE, PITTSBURGH, PA	04/19/2001
BRYANT, BRUCE CLAYTON, LEADVILLE, CO	04/19/2001
CARDI, VINCENZO, N KINGSTOWN, RI	04/19/2001
DAVIS, ANTHONY A, BAYTOWN, TX	04/19/2001
GOORAHOO, PAUL L, S OZONE PARK, NY	04/19/2001
HARRIS, ELLEN, TALLMADGE, OH	04/19/2001
HOGSTON, VALERIE ROSE, INDIANAPOLIS, IN	04/19/2001
KATZ, GARY ALAN, BRIGHTON, MI	04/19/2001

Subject, city, state	Effective date
MENDOZA, RICARDO ANTOINIO, DALLAS, TX	04/19/2001
NELSON, TRUDY JOYCE, MARYSVILLE, OH	04/19/2001
PATEL, BHARATKUMAR S, BAXLEY, GA	04/19/2001
ROACH, JAY ALAN, PALMYRA, UT	04/19/2001
SING, DONETTA HASEMAN, MONROVIA, IN	04/19/2001
SUNSHEIN, DAVID MICHAEL, KETTERING, OH	04/19/2001
ZIKA, JOSEPH JOHN JR, BRONSTON, KY	04/19/2001
Patient abuse/neglect convictions:	
ALFRED, CASSANDRA DIANE, BON WIER, TX	04/19/2001
ANDREWS, ISADOR R, MILLSBORO, DE	04/19/2001
DIGGINS, JASON LEE, WELEETKA, OK	04/19/2001
DODGE, JACQUELINE N, EXCELSIOR SPRINGS, MO	04/19/2001
ELLISON, CAROLYN, WILMINGTON, DE	04/19/2001
FRESHOUR, BILLY J, GREENEVILLE, TN	04/19/2001
FUENTES, MARIA, ROCHESTER, NY	04/19/2001
GOODE, CHARLES L, WHITEVILLE, TN	04/19/2001
HAWTHORNE, BARBARA DENISE, WIERGATE, TX	04/19/2001
HINKLE, BRIDGETTE T, HOLLOW ROCK, TN	04/19/2001
KLOBAS, APRIL COLLEEN, IONE, CA	04/19/2001
LEVY, JOEL JEFFREY, OAKLAND, CA	04/19/2001
MCCRITE, DAPHNE E, DYERSBURG, TN	04/19/2001
MILLER, JAMES D, OCONOMOWOC, WI	04/19/2001
MILLER, AISHA SHAVOON, VERBENA, AL	04/19/2001
MONTANA, MATT REZA, CUPERTINO, CA	04/19/2001
PEARSON, MICHAEL L, RISCO, MO	04/19/2001
POTTER, EUEL MARTIN, STRATFORD, OK	04/19/2001
PRINCE, PATTY JOYCE, BETHANY, OK	04/19/2001
REED, JONNA JEAN, TULSA, OK	04/19/2001
ROBERTS, JUDITH A, SPENCER, WV	04/19/2001
SAXE, MARYANN, SCOTTSVILLE, NY	04/19/2001
SIEGE, SUSAN CHRISTINE, SHELDON, IA	04/19/2001
WILSON, TAMALA K, CRUGER, MS	04/19/2001
License revocation/suspension/surrendered	
ALCANTARA, JULIETA, ST AUGUSTINE, FL	04/19/2001
ALTOMONTE, HOLLY A, VALLEY FORGE, PA	04/19/2001
ALVIANO, PHILIP JAMES, RIVER RIDGE, LA	04/19/2001
AZNOE, MARIE CECILE, PIONEER, CA	04/19/2001
BALAREZO, BENJAMIN, SHERMAN OAKS, CA	04/19/2001
BALLENTINE, ROBERT REID, ENCINITAS, CA	04/19/2001
BAWDEN, JOHN LUND, PROVO, UT	04/19/2001
BEAL, JANICE, BRISTOL, PA	04/19/2001
BECKER, JAMIE RAE, HAYWARD, CA	04/19/2001
BOEHM, LISA, PHILADELPHIA, PA	04/19/2001
BONNETT, SHERRY JEANNE, OKLAHOMA CITY, OK	04/19/2001
BOOK, DONNA JEENE, IRVINE, CA	04/19/2001
BOYD, GWENDOLYN MCNEILL, ITHACA, NY	04/19/2001
BRICKEL, ARTHUR C J, GATES MILLS, OH	04/19/2001
BRISSARD, SUSAN ANNE, MATHIS, TX	04/19/2001
CAMPBELL, SUSAN MARIE, STEPHENVILLE, TX	04/19/2001
CASSADY, JOANNE LYNN, ELK RIVER, MN	04/19/2001
CASTLESON, TOKSEN REX, SAN DIEGO, CA	04/19/2001
CHURCH, BARBARA J, NEWLAND, NC	04/19/2001
CINTRON, EMMA L, PERRYSBURG, OH	04/19/2001
CIPOLONE, RICHARD ALFRED, LONG BEACH, CA	04/19/2001
CLAYTON, STACEY HARMON, RICHMOND, VA	04/19/2001
CLINKSCALES, ANN MARIE, AUSTIN, TX	04/19/2001
COOKSEY-DEAN, JACQUELINE TERES, CAPITOLA, CA	04/19/2001
CRAIGEN, CORENEA ANN, LEWISTON, ID	04/19/2001
CROWLEY, DAVID H, BRAINTREE, MA	04/19/2001
DELYNE, CHARLES E JR, GLENOLDEN, PA	04/19/2001
DENNING, GAIL ANN, LOS GATOS, CA	04/19/2001
DINKANE, EHALID, LOS ANGELES, CA	04/19/2001
ELLIS, SUZETTE RENEE, LEONARD, TX	04/19/2001
ELLIS, KATHERINE A, MONTICELLO, IN	04/19/2001
FELTON, EDITH J, NEW CASTLE, DE	04/19/2001
FENTON, CHARLES ALFRED, CORINTH, NY	04/19/2001
FERGUSON, ALONZO, BEDFORD HGT, OH	04/19/2001
FIOR, DONNA M, KEY WEST, FL	04/19/2001
FOGLE, ALICE Y, W COLUMBIA, SC	04/19/2001
FORAN, SUSAN A, HOLYOKE, MA	04/19/2001
GALLAGHER, BRENDA JO, HAMBURG, NJ	04/19/2001
GIBSON, MARY ELLEN, RAHWAY, NJ	04/19/2001
GIFFORD-ALLEN, SIMONE, SILVER SPRING, MD	04/19/2001
GORDON, NICOLE D, COLORADO SPRINGS, CO	04/19/2001

Subject, city, state	Effective date
GREENBERG, JODI KNIGHT, KINGSTON, PA	04/19/2001
GRUBB, HENRY J, JOHNSON CITY, TN	04/19/2001
HARRIS, TIMOTHY DANIEL, CALVIN, OK	04/19/2001
HAWKINS, KIMBERLY A, TRAVELERS REST, SC	04/19/2001
HEAD, JONATHAN HAYES, MILFORD, OH	04/19/2001
HERNANDEZ, TONY RAY, PORTERVILLE, CA	04/19/2001
HIATT, LORI KAY, ST GEORGE, UT	04/19/2001
HOLDERREAD, TYLER, HENDERSONVILLE, NC	04/19/2001
.	
HURD, OTTIS M, AURORA, CO	04/19/2001
HYLAND, KEVIN CLARKE, PLAINVIEW, NY	04/19/2001
JACKSON, JANICE FAYE, KNOXVILLE, TN	04/19/2001
KADUE, RICHARD REGINALD, MINNETONKA, MN	04/19/2001
KELLY, RALPH P, SONOMA, CA	04/19/2001
KERSTEN, LAWRENCE K, WHITMORE LAKE, MI	04/19/2001
LAMIN, ANDREW M, MINNEAPOLIS, MN	04/19/2001
LANDEFELD, RONALD ALFRED, MARION, OH	04/19/2001
LAWRENCE, SHANNON NICKOLE, GARY, IN	04/19/2001
LAZRINE, CATHLEEN, THE WOODLANDS, TX	04/19/2001
LEE, TIMOTHY ARTHUR, PARMA, OH	04/19/2001
LENTI, MARY KATHYRN, LAKE WALES, FL	04/19/2001
LOVDAHL, SHAWNA SUE, BONITA, CA	04/19/2001
MAIGUE, LLEWELYN M, W ORANGE, NJ	04/19/2001
MASER, KATHLEEN G DORR, HERNDON, VA	04/19/2001
MASON, MICHELLE RENEE, GRAND PRAIRIE, TX	04/19/2001
MAY, ELODIA, JOURDANTON, TX	04/19/2001
MCDONALD, WOODROW, KALAMAZOO, MI	04/19/2001
MCDOWELL, WILLIAM L, YOUNGSTONE, OH	04/19/2001
MCGUIGAN, MARY JO, BERWYN, PA	04/19/2001
MICHAUD, ROBERT MERRILL, MESA, AZ	04/19/2001
MILLER, KAREN S, PHOENIXVILLE, PA	04/19/2001
MOIRANO, SHIRLEY A, RODEO, CA	04/19/2001
MOLINA, MELISSA ANN, ODESSA, TX	04/19/2001
MOORE, WAYLON CARL, FONTANA, CA	04/19/2001
MORIN, SUSAN MARIE, N RICHLAND HILLS, TX	04/19/2001
MUHS-PEREZ, KATHERINE JERALDIN, SAN ANTONIO, TX	04/19/2001
MYKYTUIK, PATRICIA, INDIANAPOLIS, IN	04/19/2001
NELON, SHARON ELAINE, FORT WORTH, TX	04/19/2001
NESKORIK, MICHAEL STANLEY, SEYMOUR, TX	04/19/2001
NEWMAN, KELLY M, ANCHORAGE, AK	04/19/2001
NOVAK, CATHERINE, INDIANAPOLIS, IN	04/19/2001
OBERG, STANTON GRAHAM JR, PLEASANT HILL, CA	04/19/2001
ODEWALE, IYABO K, PROVIDENCE, RI	04/19/2001
OGDEN, VICKI L, PAMPA, TX	04/19/2001
PARKS, ANGELA BETH, LONGVIEW, TX	04/19/2001
PATTERSON, JULIE ANNE, JEFFERSON, LA	04/19/2001
PAYNE, SHAWNA L, ATLANTIC, PA	04/19/2001
PEARCE, BILLY TODD, CONVERSE, TX	04/19/2001
PETTYJOHN, EARL JAMES, ANCHORAGE, AK	04/19/2001
PHILLIPS, JOY LYNN, ANTIOCH, TN	04/19/2001
PORTER, MICHELLE, MERIDIAN, ID	04/19/2001
PRICE, DOUGLAS EARL, BONHAM, TX	04/19/2001
QUINN, JANET M, BOSSIER CITY, LA	04/19/2001
RANGEL, RICHARD M, GRAND JUNCTION, CO	04/19/2001
RAYNER, MARK HANSEL, BUHLER, KS	04/19/2001
RHODES, DIANNE, CHICAGO, IL	04/19/2001
RICHARD, JOY L, ORANGE, TX	04/19/2001
RIDDERHEIM, KRISTEN ANN, FORT WAYNE, IN	04/19/2001
ROBERTS, ANAND KUMAR, COLTON, CA	04/19/2001
ROSENTHAL, LARRY M, LOS ANGELES, CA	04/19/2001
SHAW, LYNN LEWIS, HOWARD, PA	04/19/2001
SHELBY, CAROL, JOLIET, IL	04/19/2001
SISON, ALBERT DACONO, DUARTE, CA	04/19/2001
SLOMICK, PHYLLIS USHER, VICTORIA, TX	04/19/2001
SLUNG, HILTON B, HILTON HEAD, SC	04/19/2001
SMITH, DAPHNE E, IRMO, SC	04/19/2001
SMITH, ERIC PETER, CINCINNATI, OH	04/19/2001
SMITH, WAYNE STEPHEN, SNYDER, TX	04/19/2001
SMITH, PEGGY C, BAYTOWN, TX	04/19/2001
SMITHEY, JOHN, OPELOUSAS, LA	04/19/2001
SPAVLIK, LAURIE M, SOMERDALE, NJ	04/19/2001
SPRICK, PATRICIA RENEE, HOUSTON, TX	04/19/2001
SPURLIN, JOANNE, HUMBOLDT, IA	04/19/2001
STARNES, KIMBERLY DAWN, GRANBURY, TX	04/19/2001

Subject, city, state	Effective date
STEWART, ELIZABETH STANLEY, MINNEAPOLIS, MN	04/19/2001
STOTTS, JAMES BEECHER, IDALOU, TX	04/19/2001
SZTYBEL, ELVIRA, OAKHURST, NJ	04/19/2001
THORNBURG, DEBRA, RUSTON, LA	04/19/2001
THORNTON, WILLIAM E, BOWLING GREEN, KY	04/19/2001
TIPTON, KAYE LYNN, TYLER, TX	04/19/2001
TUCCI, KATHLEEN KERR, APOLLO, PA	04/19/2001
TUCKER, BRET JON, SALT LAKE CITY, UT	04/19/2001
VELLA, WENDY ANN, ROCHESTER, NY	04/19/2001
WADE, PHYLLIS C, MARKHAM, IL	04/19/2001
WARD, KEVIN P, UNION CITY, NJ	04/19/2001
WAYNE, GEORGE, OTTUMWA, IA	04/19/2001
WESTBROOK, KRIS LYN, AUSTIN, TX	04/19/2001
WHITMER, MICHELE LEE, FARMINGTON, IL	04/19/2001
WIELGUS, MARY, APPLETON, WI	04/19/2001
WIGLEY, JENNIFER DEE, MANSFIELD, TX	04/19/2001
WILLETT, LINDA M, ANAMOSA, IA	04/19/2001
WILLIAM, SUZANNE GRANDPRE, DALLAS, TX	04/19/2001
WILLIAMS, MICHELLE R, RED OAK, IA	04/19/2001
WILSON, ALEXANDRA NICOLE, BENTON, AR	04/19/2001
WONG, HENRY H, ELKTON, OH	04/19/2001
WORLE, DEBORAH ANN, HALTOM CITY, TX	04/19/2001
WRIGHT, FELICIA, CHICAGO, IL	04/19/2001
YAZDANI, FARSHAD, HAGERSTOWN, MD	04/19/2001
ZAMOR, MARQUITA C, ELIZABETH, NJ	04/19/2001
ZUSSMAN, STEVE SCOTT, SKOKIE, IL	04/19/2001
Federal/State Exclusion/Suspension:	
LEO, HAROLD REITH, PALMDALE, CA	04/19/2001
SIEGEL, JONATHAN B, MANALAPAN, NJ	04/19/2001
Fraud/Kickbacks:	
ANASTASIO, ANDREW S, NEW HAVEN, CT	11/27/2000
DOPPELT, STEPHEN, ORANGEBURG, NY	06/22/1998
GERIATRIC PSYCHOLOGICAL SVCS, ALEXANDRIA, VA	05/24/1999
GRANADOS, THAIS ALEIDA, MIAMI, FL	01/18/2001
HEASTON, JOHN ROBERT, CORONA, CA	09/21/2000
HUERTA, EUSEBIO, MIAMI, FL	11/15/1999
PREMIER DIAGNOSTIC LAB, INC, CORONA, CA	09/21/2000
UNDERWOOD, COREY JAMES, ANAHEIM, CA	09/21/2000
WATSON, MARC C, CEDAR GROVE, NJ	04/01/2001
X–TENDED CARE, INC, MIAMI, FL	11/15/1999
Owned/Controlled by Convicted/Excluded:	
CORONADO MEDICAL CLINIC, INC, HUNTINGTON PARK, CA	04/19/2001
DUNN MEDICAL, INC, SAVANNAH, TN	04/19/2001
DUNN MEDICAL, INC, FOREST, MS	04/19/2001
DUNN MEDICAL, INC, WAYNESBORO, TN	04/19/2001
DUNN MEDICAL, INC, MCCOMB, MS	04/19/2001
DUNN MEDICAL, INC, GREENWOOD, MS	04/19/2001
DUNN MEDICAL, INC, NATCHEZ, MS	04/19/2001
DUNN MEDICAL, INC, SELMA, AL	04/19/2001
DUNN MEDICAL, INC, EUFAULA, AL	04/19/2001
GULF STATES MEDICAL SUPPLY, IN, COLUMBUS, MS	04/19/2001
HOWARD'S HOME RESPIRATORY, SELMA, AL	04/19/2001
JC DRUGS, INC,	04/19/2001
REGO PARK, NY, JUANITA V TAPIA, M D, S C, CHICAGO, IL	04/19/2001
MARSHALL NEWSOME ENTERPRISE, RIVERDALE, GA	04/19/2001
RONALD A HARPER, D D S, P A, LITTLE ROCK, AR	04/19/2001
SANTANA MEDICAL & DIAGNOSTIC, MIAMI, FL	04/19/2001
SELMA ANCILLARY SERVICES EUFAULA, AL	04/19/2001
SELMA ANCILLARY SERVICES, SELMA, AL	04/19/2001
SELMA ANCILLARY SERVICES, WRIGHTSVILLE, GA	04/19/2001
ST LAZARO MEDICAL CENTER CORP, MIAMI, FL	04/19/2001
TWIN STATES MEDICAL SUPPLY, IN, COLUMBUS, MS	04/19/2001
Default on Heal Loan:	
BAKER, GALE THOMPSON, OLYMPIA FIELDS, IL	04/19/2001
COBBS, CHARISSE M, HOUSTON, TX	04/19/2001
CROSBY, ELAINE P, BROOKLYN, NY	04/19/2001
DENNIS, WILLIAM J, BOISE, ID	04/19/2001
EISENBERG, CHARLES D, MEREDITH, NH	04/19/2001
FERRELL, CLIFFORD CHARLES, FT WORTH, TX	04/19/2001
FINKELSTEIN, DAVID SAML, LAFAYETTE, LA	04/19/2001
FOSTER, MICHAEL L, KANSAS CITY, MO	04/19/2001
HARBISON, HARRY A, HUNTINGTON BCH, CA	04/19/2001
HARRISON, GEOFFREY E, SAVANNAH, GA	04/19/2001
KONIGSBERG, PAUL E, DANBURY, CT	04/19/2001

Subject, city, state	Effective date
LAUGHLIN, HAROLD JASON JR, EDMOND, OK	04/19/2001
LIPPIELLO, JENNIE A, NEWFOUNDLAND, NJ	04/19/2001
LONG, TIMOTHY J, PHILADELPHIA, PA	04/19/2001
MITCHELL, AIDAN JAMES, NEW YORK, NY	04/19/2001
NEWMAN, MICHAEL J, S AMBOY, NJ	04/19/2001
NGUYEN, TRINH MY, PORTLAND, OR	04/19/2001
ROTHMAN, JERRY K, DULUTH, MN	03/14/2001
SCAFIDI, SCOTT J, N MYRTLE BEACH, SC	04/19/2001
SMITH, GEORGE EDMOND, PHILADELPHIA, PA	04/19/2001
TAYLOR, LISA M, NEW LONDON, CT	04/19/2001
Owners of Excluded Entities:	
KLINE, MATTHEW M, MECHANICSBURG, PA	05/24/1999
O'SHAUGHNESSY, TIMOTHY J, BETHESDA, MD	05/24/1999

Dated: April 3, 2001.

Maureen Byer,

Acting Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 01–9091 Filed 4–11–01; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Vector Systems for the Generation of Adeno-Associated Virus Particles

JA Chiorini, R Kotin, B Safer, E Urcelay (NHLBI)

Serial No. 08/157,740 filed 24 Nov 1993, now US Patent 5,693,531 issued 02 Dec 1997

Licensing Contact: Susan S. Rucker; 301/496–7056 ext. 245; e-mail: *ruckers@od.nih.gov*

This patent relates to a system for the production of recombinant AAV vectors for gene therapy. More particularly, the patent relates to an AAV vector system which utilizes an inducible system for the production of high titer virus. The first vector contains a 5′ and 3′ AAV ITR flanking the heterologous gene of interest to be delivered. The second vector contains an inducible origin of replication and the AAV rep and cap proteins. This second vector provides a means for increasing the amount of AAV structural proteins available for the production of infectious AAV particles. In the presence of the inducing agent these two vector are able to produce high titer of infectious AAV particles which can be used to deliver the heterologous gene of interest.

This work has been published, in part, at Chiorini, JA, et al. ''High-efficiency transfer of the T cell co-stimulatory molecule B72 to lymphoid cells using high-titer recombinant adeno-associated virus vectors'' Hum Gene Ther 6(12):1531–41 (Dec 1995).

Immunization from an Immunized Allogeneic Bone Marrow Donor

Larry W. Kwak, Dan L. Longo (NCI)

Serial No. 08/153,464 filed 17 Nov 1993; U.S. Patent 5,861,158 issued 19 Jan 1999

Licensing Contact: Elaine White; 301/496–7056 ext. 282; e-mail: *gesee@od.nih.gov*

A novel method has been developed for transferring immunity against specific types of tumors from a bone marrow donor to a recipient. Although there have been major advances in studying the biology of B-cell and leukemia cancers in recent years, progress in the treatment of such diseases has been modest since the treatment of alkylating agents more than 30 years ago. An approach using intensive, high-dose chemoradiotherapy combined with bone marrow transplantation (to help improve tolerance of bone marrow cells to intense therapy) is presently being explored by several groups of investigators. However, although this type of therapy has improved initial responsive rates, the vast majority of patients (90 percent) eventually relapse.

The current invention provides a method of improving a transplantation of hematopoietic cells from a donor to a recipient to treat a hematopoietic cell tumor in the recipient comprising immunizing the donor's hematopoietic cells with an antigen specific for the recipient's hematopoietic cell tumor, and transplanting the donor's immunized hematopoietic cells to the recipient. This method offers a novel means for conferring immunity against, and thereby treating, B-cell and leukemia cancers as well as other types of cancers.

A Murine Melanoma Transduced with CCR7 as a Model of Enhanced Metastasis to Lymph Nodes

Sam T. Hwang (NCI)

DHHS Reference No. E–104–01/0

Licensing Contact: Elaine White; 301/496–7056 ext. 282; e-mail: *gesee@od.nih.gov*

The current invention embodies a B16 murine melanoma cell line which has been stably transduced with the gene for CCR7, a gene which promotes the migration of activated dendritic cells into lymphatic vessels. This transduced cell line has been shown to metastasize much more efficiently to lymph nodes than non-transduced cells. While the spontaneous rate of metastasis to lymph nodes is quite low for non-transduced B16 cells, the inventor has found 200—1400 times more melanoma-specific mRNA in the lymph nodes of mice which have been injected with the CCR7-expressing melanoma cells. As melanoma in humans first metastasizes by invading the lymphatics and migrating to the draining lymph nodes, the transduced B16 cell line embodied in this invention appears to represent a

valuable model system for identification and testing of agents to be used in prevention or reduction of melanoma metastasis via a lymphatic route. The cell line is available for licensing via Biological Materials License Agreements.

Dated: April 3, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–9013 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co-Exclusive License: Compositions and Methods Related to the Detection of Philadelphia Chromosome Translocations

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a limited field of use worldwide co-exclusive license to DAKO Corporation, in all countries except Japan, to practice the invention embodied in U.S. Patent 4,681,840 entitled U.S. ''Deoxyribonucleic acid molecules useful as probes for detecting oncogenes incorporated into chromosomal DNA'', which issued on July 21, 1987 from Patent Application Serial No. 06/571,911 filed on January 18, 1984. DAKO Corporation is a corporation of Denmark having a place of business in Carpenteria, California. The patent rights in this invention have been assigned to the United States of America, as represented by the Department of Health and Human Services.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before June 11, 2001 will be considered.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Catherine Joyce, Ph.D., J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 258; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: The patent applications describe compositions and methods related to the detection of chromosomal translocations, particularly the bcr/abl translocation which has been demonstrated to be associated with the Philadelphia chromosome and chronic myelogenous leukemia.

The prospective co-exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH has received written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to the use of the invention for research and clinical nucleic acid hybridization techniques for the detection of bcr/abl translocations.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 3, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 01–9014 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Clinical Research.

Date: May 30, 2001.

Time: 7:00 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: John L. Meyer, PhD, Deputy Director, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, MSC 7965, One Rockledge Centre, Room 6018, Bethesda, MD 20892–7965, 301–435–0806, meyerj@ncrr.nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: April 3, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9009 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Initial Review Group, Research Centers In Minority Institutions Review Committee.

Date: June 14, 2001.

Open: 8:00 am to 9:00 am.

Agenda: To discuss program planning and other issues.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Closed: 9:00 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: C. William Angus, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301–435–0812.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: April 3, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9010 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Susceptibility to Target Organ Damage in High Blood Pressure.

Date: June 28–29, 2001.

Time: 7:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Columbia Hotel, 10207 Wincopin Circle, Columbia, MD 21044.

Contact Person: Jeffrey H. Hurst, PHD, Leader, Vascular/Blood Scientific Review Group, Review Branch, Room 7208, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9001 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Severe Asthma Research Program

Date: June 11, 2001.

Time: 8:00 am to 6:00 pm

Agenda: To review and evaluate grant applications

Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Anne P. Clark, PhD, NIH, NHLBI, DEA, Review Branch, Rockledge II, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892–7924, 301/435–0310.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9002 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Ancillary Studies in Heart, Lung, and Blood Disease Trials.

Date: May 4, 2001.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Drive, Room 3168, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Robert B. Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301–435–3541, mooreb@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9005 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Institutional Research Service Training Awards (T32's).

Date: April 19, 2001.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Dr., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Roy L. White, Phd, Review Branch, NIH, NHLB, Rockledge Building II, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9006 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: April 25, 2001.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: April 30, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 5, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9003 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel ''CPDD Antinocieption, Physical Dependence and Abuse Liability Testing''.

Date: April 19, 2001.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1439.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: April 5, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9004 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–1M1.

Date: April 18–19, 2001.

Time: 1:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Carolyn Miles, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 641, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7791.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycles.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–7 M2(C).

Date: April 25, 2001.

Time: 3:00 pm to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: 6707 Democracy Blvd. Rm# 754, Democracy Plaza II, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, Phd, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 659, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7799.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–7 M1.

Date: April 30–May 2, 2001.

Time: 7:30 pm to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: Sheraton Shreveport Hotel, 14191 E. 70th Street, Shreveport, LA 71105.

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 659, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7799.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9008 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: May 22–23, 2001.

Open: May 22, 2001, 1:00 p.m. to 5:00 p.m.

Agenda: For discussion of program policies and issues.

Place: Natcher Building, Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Closed: May 23, 2001, 9:30 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Mary Leveck, PhD, Deputy Director, NINR, NIH, Building 31, Room 5B05, Bethesda, MD 20892, (301) 594–5963.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 3, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9011 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the Board of Regents of the National Library of Medicine.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Regents of the National Library of Medicine, Subcommittee on Outreach and Public Information.

Date: May 22, 2001.

Open: 7:30 a.m. to 8:45 a.m.

Agenda: Subcommittee on Outreach and Public Information.

Place: National Library of Medicine, Building 38, Conference Room B, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Donald A.B. Lindberg, MD, Director, National Library of Medicine, National Institutes of Health, PHS, DHHS, Bldg 38, Room 2E17B, Bethesda, MD 20894.

Name of Committee: Board of Regents of the National Library of Medicine.

Date: May 22–23, 2001.

Open: May 22, 2001, 9:00 a.m. to 4:30 p.m.

Agenda: Administrative Reports and Program Discussion.

Place: National Library of Medicine, Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: May 22, 2001, 4:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Open: May 23, 2001, 9:00 a.m. to 12:00 p.m.

Agenda: Administrative Reports and Program Discussion.

Place: National Library of Medicine, Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Donald A.B. Lindberg, MD, Director, National Library of Medicine, National Institutes of Health, PHS, DHHS, Bldg 38, Room 2E17B, Bethesda, MD 20894.

Name of Committee: Board of Regents of the National Library of Medicine, Extramural Programs Subcommittee.

Date: May 22, 2001.

Closed: 12:15 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Donald A.B. Lindberg, MD, Director, National Library of Medicine, National Institutes of Health, PHS, DHHS, Bldg 38, Room 2E17B, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 5, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–8999 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library Review Committee.

Date: June 14–15, 2001.

Closed: June 14, 2001, 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20984.

Open: June 14, 2001, 11:30 a.m. to 2 p.m.

Agenda: Administrative Reports and Program Development

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20984.

Closed: June 14, 2001, 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20984.

Closed: June 15, 2001, 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20984.

Contact Person: Merlyn M Rodrigues, MD, PhD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20984.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 5, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9000 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 12, 2001.

Time: 1:30 pm to 2:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 16, 2001.

Time: 3:30 pm to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 18, 2001.

Time: 4:00 pm to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 20, 2001.

Time: 10:00 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David M. Monsees, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3199, MSC 7770, Bethesda, MD 20892, (301) 435–0684, monseesd@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 20, 2001.

Time: 11:00 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 23, 2001.

Time: 1:00 pm to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 25, 2001.

Time: 11:00 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 27, 2001.

Time: 8:00 am to 6:30 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gordon L. Johnson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7802, Bethesda, MD 20892, (301) 435–1212.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 4, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9007 Filed 4–11–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: 60-day notice of renewal of approval to collect information OMB #1018–0015.

SUMMARY: The collection of information listed below will be submitted 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: Comments must be submitted on or before June 11, 2001.

ADDRESSES: Comments and suggestions on the requirement should be sent directly to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, ms 222C–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Mullin, Service Information Collection Clearance Officer, (703) 358–2287; (703) 358–2269 (fax), or electronically to rmullin@fws.gov.

SUPPLEMENTARY INFORMATION:

Title: Migratory Bird Harvest Surveys.

Approval Number: 1018–0015.

Service Form Number(s): 3–1823A, 3–2056G, 3–165, 3–165A–C, 3–2056J–M.

Description and Use: The Migratory Bird Treaty Act (16 USC 703–711) and Fish and Wildlife Act of 1956 (16 USC 742d) designate the Department of the Interior as the key agency responsible for the wise management of migratory bird populations frequenting the United States and for the setting of hunting regulations that allow appropriate harvests that are within the guidelines that will allow for those populations' well being. These responsibilities dictate the gathering of accurate data on various characteristics of migratory bird harvest of a geographic and temporal nature. Knowledge attained by determining harvests and harvest rates of migratory game birds is used to regulate populations (by promulgating hunting regulations) and to encourage hunting opportunity, especially where crop depredations are chronic and/or lightly harvested populations occur. Based on information from harvest surveys, hunting regulations can be adjusted as needed to optimize harvests at levels that provide a maximum of hunting recreation while keeping populations at desired levels.

This information collection approval request combines three sets of surveys (the Waterfowl Hunter Survey, the Migratory Bird Hunter Survey, and the Parts Collection Survey) and associated forms because they are interrelated and/or dependent upon each other.

The Waterfowl Hunter Survey, which estimates the harvest of ducks and geese, is based on Federal Duck Stamp sales. This survey asks people who purchase Federal Duck Stamps from randomly sampled Post Offices and other stamp vendors to complete and return a postcard (form 3–1823A) with their name and address. Hunters who complete and return the postcard are sent a postcard questionnaire (form 3–2056G) at the end of the hunting season, asking them to report their harvest of ducks and geese. Their responses provide estimates of the average harvest per hunter, which, combined with total Federal Duck Stamp sales, enables the Service to estimate the total harvest of ducks and geese.

The Migratory Bird Hunter Survey is based on the Migratory Bird Harvest Information Program, under which each State annually provides a list of all licensed migratory bird hunters in the State. Randomly selected migratory bird hunters are sent either a waterfowl questionnaire (form 3–2056J), a dove and band-tailed pigeon questionnaire (form 3–2056K), a woodcock questionnaire (form 3–2056L), or a snipe, rail, gallinule, and coot questionnaire (form 3–2056M) and are asked to report their harvest of those species. The resulting estimates of harvest per hunter are combined with the complete list of migratory bird hunters to provide estimates of the total harvest of those species. This survey will replace the Waterfowl Hunter Survey after it has been fully implemented in all States and comparisons of results with Waterfowl Hunter Survey results have been completed.

The Parts Collection Survey estimates the species, sex, and age composition of the harvest, and the geographic and temporal distribution of the harvest. Randomly selected successful hunters who responded to the Waterfowl Hunter Survey or the Migratory Bird Hunter Survey the previous year are asked to complete and return a postcard (forms 3–165A and C) if they are willing to participate in the Parts Collection Survey. Respondents are provided

postage-paid envelopes before the hunting season and asked to send in a wing or the tail feathers from each duck, goose, or coot (form 3–165) they harvest, or a wing from each woodcock, band-tailed pigeon, snipe, rail, or gallinule (form 3–165B) they harvest. The wings and tail feathers are used to identify the species, age, and sex of the harvested sample. Respondents are also asked to report on the envelope the date and location (state and county) of harvest for each bird. Results of this survey are combined with harvest estimates from the Waterfowl Hunter Survey and the Migratory Bird Hunter Survey to provide species-specific national harvest estimates.

The combined results of these surveys enable the Service to evaluate the effects of season length, season dates, and bag limits on the harvest of each species, and thus help determine appropriate hunting regulations.

Frequency of Collection: Annually.

Description of Respondents: Individuals and households.

Estimated Completion Time: The reporting burden is estimated to average 2 minutes per respondent for the Migratory Bird Harvest Information Program, 8 minutes per respondent for the Waterfowl Hunter Survey, 4 minutes per respondent for the Migratory Bird Hunter Survey, and 50 minutes per respondent for the Parts Collection Survey.

Number of Respondents: About 3,600,000 individuals are expected to participate in the Migratory Bird Harvest Information Program. Recent Service experience indicates that about 20,500 hunters will respond to the Waterfowl Hunter Survey each year, about 11,400 hunters will respond to the Parts Collection Survey annually, and about 90,000 hunters will respond to the Migratory Bird Hunter Survey annually.

Annual Burden Hours: 138,917.

Comments are invited 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 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.

Dated: April 9, 2001.

Rebecca A. Mullin,

Service Information Collection Officer.

[FR Doc. 01–9063 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Risk Assessment and Management Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Risk Assessment and Management Committee of the Aquatic Nuisance Species Task Force. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The Committee will meet from 8:00 a.m. to 5:00 p.m., Tuesday, May 1, 2001; from 8:00 a.m. to 5:00 p.m., Wednesday, May 2, 2001; and will participate in a field trip from 9:00 a.m. to 4:30 p.m., Thursday, May 3, 2001.

ADDRESSES: The meeting will be held at the Tropical Aquaculture Lab, 1408 24th Street, Southeast, Ruskin, Florida 33570, phone (813) 671–5230.

FOR FURTHER INFORMATION CONTACT: Richard Orr, Chair, Risk Assessment and Management Committee, at (301) 734–8939 or by email at *Richard L. Orr@aphis.usda.gov* or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at: *sharon__gross@fws.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Risk Assessment and Management Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4741). Topics to be addressed at this meeting include: a discussion on the Florida Sturgeon Culture Risk Assessment status; a review status of the Caribbean Science Center's Risk Review Process library; a discussion on the final revision of the Black Carp Risk Assessment and publication options; an update on the risk assessment for the Asian Swamp eel; a discussion on revision of the RAM risk assessment process; a discussion of the policies surrounding screening processes with emphasis on precaution and uncertainty; a discussion on the development on the National Invasive Species Council (NISA) Management Plan Action Items associated with the screening of first time introductions of aquatic organisms for the ANS Task Force; a discussion on the introduced Snakehead in Florida; and a review of risk of fresh water snail introduction as vectors for Aniostrongyliasis.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 810, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and the Chair of the Ballast Water and Shipping Committee at the Environmental Standards Division, Office of Operations and Environmental Standards, U.S. Coast Guard (G–MSO–4), 2100 Second Street, SW, room 1309, Washington, DC 20593–0001. Minutes for the meetings will be available at these locations for public inspection during regular business hours, Monday through Friday.

Dated: April 5, 2001.

Mary G. Henry,

Acting Co-Chair, Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries and Habitat Conservation.

[FR Doc. 01–9035 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–010–1430–EU/1430–HN; NM 101522]

Notice of Availability of a Draft Environmental Impact Statement (EIS) for a Proposed Land Exchange with the Pueblo of San Felipe; Albuquerque Field Office, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) Albuquerque Field Office has completed a Draft EIS. This document describes and analyzes three alternatives for a land exchange involving public land south of County Road 252 A (formerly State Road 22) and east of the Tejon Grant and private lands of equal value, yet to be identified, within high priority acquisition areas (as identified in the Rio Puerco and the Taos Resource Management Plans [RMPs]). The alternatives are: (A) Proposed Action (exchange approximately 9,460 acres of public lands with restrictive covenants), (B) Exchange of the proposed action acreage plus an additional 1,447 acres of public lands with restrictive covenants, and (C) No Action Alternative (the exchange proposal would be rejected).

The following described public lands were analyzed for disposal through exchange to the San Felipe Pueblo by the United States:

New Mexico Principal Meridian

T. 13 N., R. 6 E.,

Sec. 1, lots 8 to 12 and 14;
Sec. 3, lots 1 to 4, inclusive, S½N½, E½SE¼ and W½SW¼;
Sec. 7, SE¼SW¼;
Sec. 8, E½;
Secs. 9 and 10;
Sec. 14, N½ and SW¼;
Sec. 15,
Sec. 16, S½NW¼;
Sec. 17, S½NE¼;
Sec. 21, lots 10 to 13, inclusive, NE¼NE¼ and NE¼SE¼;
Sec. 22, N½ and N½S½;
Sec. 23, W½W½;
Sec. 25, NW¼ and W½SW¼;
Sec. 26, S½;
Sec. 27, S½NE¼, W½SW¼, SE¼SW¼, E½SE¼ and SW¼SE¼;
Sec. 28, lots 1to 9, inclusive, E½;
Sec. 34, E½;
Sec. 35, N½ and W½SW¼;
Sec. 36, SW¼NW¼ and W½SW¼.

T. 14 N., R. 6 E.,
Sec. 22, lots 2 to 10, inclusive, W½;
Sec. 23, lot 5;
Sec. 26, lots 3 to 5 and 10 to 14;
Sec. 27, N½, NE¼SW¼, N½NW¼SW¼, NE¼SE¼NW¼SW¼, NW¼SW¼NW¼SW¼, S½S½NW¼SW¼, S½SW¼ and SE¼.
Sec. 34, N½;
Sec. 35, lots 3, 4, 9, 10, inclusive, W½.

T. 13 N., R. 7 E.,
Sec. 6, lot 13;
Sec. 7, lots 8 to 10 and 13.
Sec. 18, lots 1 to 3, inclusive, W½NW¼, and NW¼SW¼;
Sec. 31, lots 1 to 4, inclusive, W½W½.

The areas described aggregate 9,459.03 acres.

In this proposed exchange, the United States would acquire an equal value of lands, yet to be identified, within or adjacent to the BLM Wilderness Study Areas (WSA), Areas of Critical Environmental Concern (ACEC), Special Management Areas and/or other BLM high priority acquisition areas.

DATES: Written comments must be postmarked no later than June 5, 2001. A public scoping meeting will be held at the Office of the Bureau of Land Management, 435 Montano NE., Albuquerque, New Mexico from 4:00 p.m. to 7:00 p.m. on May 10, 2001.

ADDRESSES: Written comments should be sent to: the Albuquerque Field Manager, BLM, Albuquerque Field Office, 435 Montano NE., Albuquerque, New Mexico 87107. The public scoping meeting will be held in the main conference room at the Albuquerque Field Office at the above address.

Copies are available for review at the Albuquerque Field Office and at the following address on the Internet: *www.nm.blm.gov.* Additional copies are available at the following BLM New Mexico offices: New Mexico State Office, 1474 Rodeo Road, Santa Fe and; Taos Field Office, 226 Cruz Alta Road, Taos.

FOR FURTHER INFORMATION CONTACT: Debby Lucero, BLM Albuquerque Field Office, at the above address or telephone (505) 761–8787, fax (505) 761–8911.

SUPPLEMENTARY INFORMATION: The following issues have been addressed in the environmental analysis: (1) Ecological Sites/Vegetation, (2) Threatened, Endangered and Other Special Status Species, (3) Water Resources, (4) Wildlife, (5) Geology/Paleontology, (6) Minerals, (7) Land Uses, (8) Wilderness, (9) Recreation, (10) Visual Resources, (11) Hazardous Materials, (12) Cultural Resources, (13) American Indian Uses, (14) Rangeland Management and, (15) Socio-economic Conditions.

All of the federal lands in the Albuquerque Field Office are identified in a lower class retention zone that may be disposed of only for lands in a higher class retention zone.

The lands to be acquired by the BLM through this exchange are in high class retention areas, supporting their acquisition through exchange of lower class retention lands to the Pueblo.

S.W. Anderson,
Acting Albuquerque Field Office Manager.
[FR Doc. 01–9061 Filed 4–11–01; 8:45 am]
BILLING CODE 4310–AG–P

DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Hastings Museum of Natural and Cultural History, Hastings, NE

AGENCY: National Park Service, Interior.
ACTION: Correction.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Hastings Museum of Natural and Cultural History, Hastings, NE. This notice corrects the consulted tribes for the Notice of Inventory Completion published February 21, 2001.

The third paragraph of the February 21, 2001, notice is corrected as follows:

A detailed assessment of the human remains was made by Hastings Museum of Natural and Cultural History professional staff in consultation with representatives of the KTNAGPRA Committee representing the Klamath Indian Tribes of Oregon, Modoc Tribe of Oklahoma, and Yahooskin Band of the Snake Indians (an Indian group that shares a unified government with, and is represented by, the Klamath Indian Tribes of Oregon).

Dated: March 22, 2001.

John Robbins,
Assistant Director, Cultural Resources Stewardship and Partnerships.
[FR Doc. 01–8981 Filed 4–11–01; 8:45 am]
BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Mabee-Gerrer Museum of Art, Shawnee, OK

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Mabee-Gerrer Museum of Art, Shawnee, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Mabee-Gerrer Museum of Art professional staff in consultation with representatives of the Comanche Indian Tribe, Oklahoma.

At an unknown date, human remains representing one individual were recovered near Ft. Sill, OK, by Father Gerrer. These human remains have been in the museum's collections since before 1933. No known individual was identified. No associated funerary objects are present.

Museum records state ''Head of a Comanche child. Found near Fort Sill, Oklahoma. It was found in a sort of cradle. The skin was colored red with hematite.'' The cradle is not part of the museum's collection. Based on museum documentation and reported manner of interment, this individual has been identified as Native American affiliated

with the Comanche Indian Tribe, Oklahoma.

Based on the above-mentioned information, officials of the Mabee-Gerrer Museum of Art have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Mabee-Gerrer Museum of Art also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Comanche Indian Tribe, Oklahoma.

This notice has been sent to officials of the Comanche Indian Tribe, Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Chris Owens, Collections Manager, Mabee-Gerrer Museum of Art, 1900 West MacArthur, Shawnee, OK 74804, telephone (405) 878-5300, before May 14, 2001. Repatriation of the human remains to the Comanche Indian Tribe, Oklahoma may begin after that date if no additional claimants come forward.

Dated: March 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8987 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Nevada State Museum, Carson City, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Nevada State Museum professional staff in consultation with designated Washoe Tribe of Nevada and California NAGPRA representatives Jody Steele, Janelle Conway, and William Dancing Feather.

In 1926, human remains representing one individual were removed from the east side of Washoe Lake, Washoe County, NV, by Paran Flagg. Mr. Flagg donated these remains to the Nevada Historical Society in 1927. The Nevada Historical Society is an agency within the Nevada Division of Museums and History. No known individual was identified. No associated funerary objects are present.

The remains were radiocarbon dated to circa 25 B.C. Based on the cranial form, dental traits, and age of the human remains, this individual is identified as Native American. Consultation evidence, tribal oral history, linguistic evidence, and archeological data indicate that the Washoe Tribe of Nevada and California has occupied the Washoe Lake area for several thousand years. Although one ethnographic report states that the Washoe abandoned the eastern side of Washoe Lake for an unknown period of time, this was not confirmed during consultation.

In 1956, human remains representing one individual were collected from a talus slope near Airport Way in Carson City, NV, by Carson City Police Department Sheriff Newton. The remains were donated to the Nevada State Museum, presumably the same year, after they were determined to be pre-modern Native American. No known individual was identified. The 64 associated funerary objects include 2 shoes, shell beads, a metal ring, rope fragments, fragments of 4 different fabric types, and a kitchen knife.

The shoes date this burial to circa 1902. Based on biometric attributes, cranial shape, dental traits, and associated shell beads, this individual has been identified as Native American. The talus slope burial site is consistent with ethnographic reports of historic-period Washoe burial practices.

In 1963, human remains representing one individual were removed from within the boundaries of the G. Hollister Ranch, Douglas County, NV, by an unknown individual. The remains were donated to the Nevada State Museum, presumably the same year, by an unknown individual. No known individual was identified. No associated funerary objects are present.

Based on cranial form and archeological context, these remains have been identified as Native American. Consultation evidence indicates that the burial locality is near known Washoe encampments and burial localities.

In 1974, human remains representing one individual were encountered during irrigation ditch expansion south of Gardnerville, NV, on Washoe Tribe of Nevada and California Reservation land. They were donated the same year to the Nevada State Museum by Robert Frank, Washoe Tribe of Nevada and Reservation tribal chairman. No known individual was identified. The 1,307 associated funerary objects include watch and watch chain fragments, 15 buttons, 1,266 glass beads, 1 coin, 17 leather and shell fragments, 1 basalt flake, 3 wood fragments, and shoe parts.

The associated coin dates the deposition of the remains to circa 1892. Based on the geographical setting, dental traits, and associated funerary objects, the remains are identified as Native American.

In the 1970s, human remains representing one individual were removed from an unknown location in a residential section of Sun Valley, NV, by Nevada Archaeological Survey staff A. Jensen. The remains were donated to the Nevada State Museum during the same time period. No known individual was identified. No associated funerary objects are present.

Based on the burial context indicating a prehistoric burial, these remains are identified as Native American.

In 1983, human remains representing one individual were removed from the vicinity of Clear Creek, Carson City, NV, by Nevada Division of Investigations staff Mr. Compton. The remains were identified as premodern Native American and donated to the Nevada State Museum by the Nevada Division of Investigations. No known individual was identified. The 47 associated funerary objects include a metal Levi Straus clothing stud (patented in 1873), leather, cloth, metal fragments, and a glass button.

The associated funerary objects date the burial to post-1873. Based on geographical location, cranial shape, and dental traits, this individual has been identified as Native American.

In 1984, human remains representing one individual were exposed during private construction near Genoa, NV. These remains were donated to the Nevada State Museum the same year by an unknown individual. No known individual was identified. No associated funerary objects are present.

Based on cranial form and a burial context associated with recent geological sediments that indicate a late prehistoric date of deposition, the human remains have been identified as Native American.

In 1987, human remains representing one individual were discovered in a private gravel pit near Dayton, NV. The remains and objects were donated to the Nevada State Museum by the Lyon County Sheriff's Office after identifying the remains as premodern Native American. No known individual was identified. The 1,079 associated funerary objects are a shoe, a silk scarf, a safety pin, a large locket, 3 embossed brass ornaments, a ribbon, 3 finger rings, 2 ceramic buttons, 42 large glass beads, approximately 1,000 glass seed beads, 15 fragments of red and black fabric, 7 fragments of an unidentified ornament, 1 steel bracket, and a sample of decayed wood or bark fragments.

Craniometric analysis indicates that this individual was of Native American and African-American descent. The shoe suggests that the remains date to 1874–1908.

In 1987, human remains representing one individual were removed from the east side of Washoe Lake, Washoe County, NV, by an unknown person. These remains were donated to the Nevada Division of State Parks by an unknown individual. The Nevada Division of State Parks transferred the remains to the Nevada State Museum the same year. No known individual was identified. No associated funerary objects are present.

Based on cranial form and archeological context, these human remains have been identified as Native American.

In 1994, human remains representing one individual were removed during archeological excavations by Intermountain Research, Inc. staff under contract to the U.S. Department of Defense, U.S. Army Corps of Engineers at a site on private land near Carson Hot Springs, Carson City, NV. The remains were donated by the U.S. Army Corps of Engineers to the Nevada State Museum the same year. No known individual was identified. No associated funerary objects are present.

Based on the archeological context the remains are identified as Native American.

In 1997, human remains representing one individual were removed from a construction site at Taylor Street, Reno, Washoe County, NV. The remains were donated to the Nevada State Museum by the Washoe County Coroner's Office after determining that the remains were premodern Native American. No known individual was identified. No associated funerary objects are present.

Based on cranial form and archeological context, these remains are identified as Native American.

Consultation evidence, tribal oral history, linguistic evidence, and archeological evidence indicate that the Washoe Tribe of Nevada and California has occupied a traditional territory in western Nevada for over two millennia. The human remains and associated funerary objects described in this notice were removed from 11 geographical locations within this traditional territory. These human remains and associated funerary objects all date to the last 2,000 years. There is no evidence to contradict this.

Based on the above-mentioned information, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of 11 individuals of Native American ancestry. Officials of the Nevada State Museum also have determined that, pursuant to 43 CFR 10.2(d)(2), the 2,497 cultural items listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Washoe Tribe of Nevada and California.

This notice has been sent to officials of the Washoe Tribe of Nevada and California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Alanah Woody, Nevada Division of Museums and History NAGPRA Coordinator, 600 North Carson Street, Carson City, NV 89701, telephone (775) 687–4810, extension 229, before May 14, 2001. Repatriation of the human remains and associated funerary objects to the Washoe Tribe of Nevada and California may begin after that date if no additional claimants come forward.

Dated: March 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8988 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Nevada State Museum, Carson City, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Nevada State Museum professional staff in consultation with Vernadine McLain, NAGPRA coordinator for the Walker River Paiute Tribe of the Walker River Reservation, Nevada.

In the 1970s, human remains representing one individual were exposed during earthmoving activities near Schurz, NV. These remains were removed by an unidentified Nevada State Museum staff member and donated to the museum at the same time. No known individual was identified. No associated funerary objects are present.

The remains have been radiocarbon-dated to 310 years before the present time. This date and characteristics of the cranial morphology provide the basis for determination of the individual as a Native American. Schurz, NV, is within the known historic territory of the Walker River Paiute Tribe of the Walker River Reservation, Nevada. Both tribal oral history and historic evidence document that this Native American group has occupied the Walker Lake area since before the time of European contact. On the basis of osteology, date, oral history, and historical evidence, these remains are determined to be affiliated with the Walker River Paiute Tribe of the Walker River Reservation, Nevada.

Based on the above-mentioned information, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Nevada State Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Walker River Paiute Tribe of the Walker River Reservation, Nevada.

This notice has been sent to officials of the Walker River Paiute Tribe of the Walker River Reservation, Nevada. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alanah Woody, Nevada Division of Museums and History NAGPRA Coordinator, 600 North Carson Street, Carson City, NV 89701, telephone (775) 687–4810, extension 229, before May 14, 2001. Repatriation of the human remains to the Walker River Paiute Tribe of the Walker River Reservation, Nevada may begin after that date if no additional claimants come forward.

Dated: March 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8989 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Nevada State Museum, Carson City, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Nevada State Museum professional staff in consultation with representatives of the Moapa Band of the Southern Paiute Tribe and the Hopi Tribe of Arizona, in coordination with the Southern Paiute Consortium.

In or before 1958, human remains representing two individuals were removed from a mesa above the Muddy River, Clark County, NV, by T. W. Sloan. Mr. Sloan donated these remains to the Nevada State Museum in 1958. No known individual was identified. No associated funerary objects are present.

Based on the geographical location of the burial in an area known to have Puebloan houses, these remains are identified as Native American.

In 1975, human remains representing one individual were removed from a location near Atlatl Rock, Valley of Fire State Park, Clark County, NV, by Bussard Cunningham. At an unknown time, these remains were donated to the Nevada State Museum, presumably by Mr. Cunningham. No known individual was identified. No associated funerary objects are present.

Based on the geographical location of the burial site in an area with Anasazi rock art, these remains are identified as Native American.

Based on the geographical locality and probable age of the burials, these remains are determined to be affiliated with the archeologically-defined Virgin Branch Anasazi Culture. Although the locations from which these remains were removed are within the historic territory of the Moapa Band of the Southern Paiute Tribe, joint consultations with representatives of the Moapa Band of the Southern Paiute Tribe and with representatives of the Hopi Tribe of Arizona produced evidence agreed to by both parties that the Puebloan remains from this area are ancestral to the modern Hopi Tribe of Arizona. Archeological evidence supports this conclusion.

Based on the above-mentioned information, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Nevada State Museum also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Hopi Tribe of Arizona.

This notice has been sent to officials of the Moapa Band of the Southern Paiute Tribe and the Hopi Tribe of Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alanah Woody, Nevada Division of Museums and History NAGPRA Coordinator, 600 North Carson Street, Carson City, NV 89701, telephone (775) 687–4810, extension 229, before May 14, 2001. Repatriation of the human remains to the Hopi Tribe of Arizona may begin after that date if no additional claimants come forward.

Dated: March 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8990 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Nevada State Museum, Carson City, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Nevada State Museum professional staff in consultation with representatives of the Fallon Paiute-Shoshone Tribe.

In 1940, human remains representing two individuals were removed by unknown persons from a location 1.25 miles west of Harmon Reservoir, Churchill County, NV. At an unknown

date after 1940, the remains were donated to the Nevada State Museum by an unknown person. No known individuals were identified. No associated funerary objects are present.

Osteological evidence indicates that these human remains are Native American. A characteristic tooth wear pattern indicates that the human remains date to post-1850, the first year for Euroamerican contact in the Nevada region. Historic documents, ethnographic sources, and oral history indicate that the Paiute people have occupied this area since pre-contact times. Based on the osteological, historical, ethnographic, and oral history, these human remains are determined to be affiliated with the Fallon Paiute-Shoshone Tribe.

Based on the above-mentioned information, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Nevada State Museum also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Fallon Paiute-Shoshone Tribe.

This notice has been sent to officials of the Fallon Paiute-Shoshone Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alanah Woody, Nevada Division of Museums and History NAGPRA Coordinator, 600 North Carson Street, Carson City, NV 89701, telephone (775) 687–4810, extension 229, before May 14, 2001. Repatriation of the human remains to the Fallon Paiute-Shoshone Tribe may begin after that date if no additional claimants come forward.

Dated: March 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8991 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Correction.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Cambridge, MA. This notice corrects the list of tribes consulted and notified in the Notice of Inventory Completion published March 20, 2001 (**Federal Register** Document 01–6849, pages 15748–15750).

In the 3rd paragraph beginning ''A detailed assessment of * * *'' and in the 21st paragraph beginning ''This notice has been sent to * * *,'' substitute the list of consulted and notified tribes with the following list: Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Tribe of the Santee Reservation of Nebraska; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Yankton Sioux Tribe of South Dakota; and Winnebago Tribe of Nebraska.

Dated: March 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8982 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Crow Tribe of Montana; Iowa Tribe of Kansas and Nebraska;

Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation,

Montana; Omaha Tribe of Nebraska; Osage Tribe, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Prairie Band of Potawatomi Indians, Kansas; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in

Iowa; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and the Wichita and Affiliated Tribes, Oklahoma.

In 1915, human remains consisting of a single tooth representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by Dr. N.L. Roberts. No known individual was identified. No associated funerary objects are present.

Museum records indicate that these human remains were collected by Dr. Roberts from the ''Kaw Village'' at the mouth of the Blue Earth River, Pottawatomie County, KS, sometime prior to 1914. The remains were transferred to Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology during his excavations of the site in 1914 and were accessioned into the museum in 1915.

The site from which these remains originated was known at the time of Sterns' excavations as ''Kaw Village,'' and today is known as the Blue Earth Village site. It has been identified in historical documents as the village occupied by the Kansa between 1757 and 1825. Archeological evidence also supports an occupation of the site between the late 18th and early 19th centuries. Based on archeological and historical evidence, it is likely that these remains are those of an individual of the Kansa Tribe. The Kansa, or Kaw, are represented by the present-day Kaw Nation, Oklahoma.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Kaw Nation, Oklahoma.

This notice has been sent to officials of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Crow Tribe of Montana; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Omaha Tribe of Nebraska; Osage Tribe, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Prairie Band of Potawatomi Indians, Kansas; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and the Wichita and Affiliated Tribes, Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before May 14, 2001. Repatriation of the human remains to the Kaw Nation, Oklahoma may begin after that date if no additional claimants come forward.

Dated: March 27, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8983 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Ho-Chunk Nation of Wisconsin; Huron Potawatomi, Inc., Michigan; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians; Kickapoo Tribe of Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians of Michigan; Prairie Band of Potawatomi Indians, Kansas; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; and the Winnebago Tribe of Nebraska.

In 1959, human remains representing two individuals were donated to the Peabody Museum of Archaeology and Ethnology by the Warren Anatomical Museum, Harvard University Medical School. No known individuals were identified. No associated funerary objects are present.

Museum records indicate that these human remains were obtained by the Warren Anatomical Museum from a Dr. Morton of Alton, IL. Documentation that accompanies the remains identifies them as ''Menomonee,'' although the exact location from which the remains were collected is unknown. The specific cultural attribution of the remains indicates that they are likely those of Menominee individuals. The Menominee are represented by the present-day Menominee Indian Tribe of Wisconsin.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Menominee Indian Tribe of Wisconsin.

This notice has been sent to officials of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; Hannahville Indian Community of Wisconsin Potawatomie

Indians of Michigan; Ho-Chunk Nation of Wisconsin; Huron Potawatomi, Inc., Michigan; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians; Kickapoo Tribe of Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians of Michigan; Prairie Band of Potawatomi Indians, Kansas; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; and the Winnebago Tribe of Nebraska. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before May 14, 2001. Repatriation of the human remains to the Menominee Indian Tribe of Wisconsin may begin after that date if no additional claimants come forward.

Dated: March 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8984 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Citizen Potawatomi Nation, Oklahoma; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Ho-Chunk Nation of Wisconsin; Huron Potawatomi, Inc., Michigan; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Pokagon Band of Potawatomi Indians of Michigan; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band of Potawatomi Indians, Kansas; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Tribe of the Santee Reservation of Nebraska; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

In 1939, human remains representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by Mrs. Gotty Benthal. No known individual was identified. No associated funerary objects are present.

Correspondence from the donor indicates that these human remains were removed in 1856 from a recent grave of a ''Musquoka chief'' in Quasqueton, Buchanan County, IA, by John M. Benthal of Quasqueton, IA. Consultation evidence presented by representatives of the Sac & Fox Nation of Missouri in Kansas and Nebraska; the Sac & Fox Nation, Oklahoma; and the Sac & Fox Tribe of the Mississippi in Iowa, and historical evidence indicate that the Musquoka, or Meskwaki, tribe inhabited a large portion of eastern Iowa from the early 1700s to the present day. Based on the historic date of the burial, the specific cultural attribution of the individual provided by the collector, and historical evidence of a strong Meskwaki presence in eastern Iowa in the mid-1800s, the Peabody Museum of Archaeology and Ethnology has determined that these remains are most likely those of a Meskwaki individual. The Meskwaki are represented by the present-day Sac and Fox Nation of Missouri in Kansas, the Sac and Fox Nation, Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa.

In 1938, human remains representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by J.H. Spindler of the Brooklyn Museum, Brooklyn, NY. No known individual was identified. No associated funerary objects are present.

Museum records indicate that these remains are from an unknown location in Iowa and are the remains of a ''Musquatie Indian.'' Consultation evidence presented by representatives of the Sac & Fox Nation of Missouri in Kansas and Nebraska; the Sac & Fox Nation, Oklahoma; and the Sac & Fox Tribe of the Mississippi in Iowa, and historical evidence indicate that the Musquatie, or Meskwaki, tribe inhabited a large portion of eastern Iowa from the early 1700s to the present day. Based on the specific cultural attribution of the individual provided by the collector, and historical evidence of a strong Meskwaki presence in Iowa, the Peabody Museum of Archaeology and Ethnology has determined that these remains are most likely those of a Meskwaki individual. The Meskwaki are represented by the present-day Sac & Fox Nation of Missouri in Kansas and Nebraska; the Sac & Fox Nation, Oklahoma; and the Sac & Fox Tribe of the Mississippi in Iowa.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Sac & Fox Nation of Missouri in Kansas and Nebraska; the Sac & Fox Nation, Oklahoma; and the Sac & Fox Tribe of the Mississippi in Iowa.

This notice has been sent to officials of the Citizen Potawatomi Nation,

Oklahoma; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Ho-Chunk Nation of Wisconsin; Huron Potawatomi, Inc., Michigan; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Pokagon Band of Potawatomi Indians of Michigan; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band of Potawatomi Indians, Kansas; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Tribe of the Santee Reservation of Nebraska; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before May 14, 2001. Repatriation of the human remains to the Sac & Fox Nation of Missouri in Kansas and Nebraska; the Sac & Fox Nation, Oklahoma; and the Sac & Fox Tribe of the Mississippi in Iowa may begin after that date if no additional claimants come forward.

Dated: March 27, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8985 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; Minnesota Chippewa Tribe, Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac and Fox Nation, Oklahoma; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Tribe of the Mississippi in Iowa; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; and Yankton Sioux Tribe of South Dakota.

In 1877, human remains representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by the Army Medical Museum, Washington, D.C. No known individual was identified. No associated funerary objects are present.

Museum records indicate that these remains were collected in 1857 from a scaffold burial near Seven Mile Creek, between Fort Randall and the Yankton Agency, SD, by Acting Assistant Surgeon George P. Hachenberg. In March 1869, the remains were sent to the Army Medical Museum, and in 1877, they were accessioned into the Peabody Museum of Archaeology and Ethnology. Museum records also indicate that the remains are those of a ''Yankton warrior.''

Based on the specific cultural attribution in museum records, and geographical and historic evidence, these human remains are considered to be affiliated with the Yankton Sioux tribe, which is represented by the present-day Yankton Sioux Tribe of South Dakota.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above are reasonably believed to be the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these human remains and the Yankton Sioux Tribe of South Dakota.

This notice has been sent to officials of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe

of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; Minnesota Chippewa Tribe, Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac and Fox Nation, Oklahoma; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Tribe of the Mississippi in Iowa; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; and Yankton Sioux Tribe of South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before May 14, 2001. Repatriation of the human remains to the Yankton Sioux Tribe of South Dakota may begin after that date if no additional claimants come forward.

Dated: March 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–8986 Filed 4–11–01; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–014]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 19, 2001 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–923 (Preliminary) (Oleoresin Paprika from India)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on April 20, 2001; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on April 27, 2001.)
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 10, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–9260 Filed 4–10–01; 3:28 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed collection; comment request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''National Longitudinal Survey of Youth 1997.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 11, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Longitudinal Survey of Youth 1997 (NLSY97) includes a nationally representative sample of 8,984 young men and women who were born in the years 1980 through 1984. These respondents were ages 12–17 when the first round of annual interviews began in 1997; the fourth round of annual interviews is being conducted from November 2000 to May 2001. The Bureau of Labor Statistics (BLS) contracts with the National Opinion Research Center (NORC) of the University of Chicago to interview these youths on a yearly basis to study how young people make the transition from full-time schooling to the establishment of their families and careers. The longitudinal focus of this survey requires information to be collected from the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation. The mission of the Department of Labor (DOL) is to promote the development of the U.S. labor force and the efficiency of the U.S. labor market. The BLS contributes to this mission by gathering information about the labor force and labor market and disseminating it to policy makers and the public so that participants in those markets can make more informed, and thus more efficient, choices. Research based on the NLSY97 contributes to the formation of national policy in the areas of education, training, employment programs, and school-to-work transitions. In addition to the reports that the BLS produces based on data from the NLSY97,

members of the academic community publish articles and reports based on NLSY97 data for the DOL and other funding agencies. The survey design provides data gathered from the same respondents over time to form the only data set that contains this type of information for this important population group. Without the collection of these data, an accurate longitudinal data set could not be provided to researchers and policy makers, thus adversely affecting the DOL's ability to perform its policy and report-making activities.

I. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

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

III. Current Action

The Bureau of Labor Statistics seeks approval to conduct rounds five, six, and seven of annual interviews of the NLSY97. Respondents to the NLSY97 will undergo an interview of approximately one hour during which they will answer questions about schooling and labor market experiences, family relationships, and community background. For youths under age 18 who still live with their parents, one of the parents will be asked to complete a one-page questionnaire, called the Household Income Update, that collects information on the income in the previous calendar year of the respondent's parent and that parent's current spouse or partner. In addition, high school transcripts will be collected for NLSY97 respondents who no longer are attending high school and who provide written permission to contact their schools. The high schools will be asked to provide the youth's transcript, along with course descriptions and information about the school's grading scale. Finally, during the fielding period for the main youth interviews, about 900 respondents will be asked to participate in a brief second interview to ascertain whether the initial interview took place as the interviewer reported and to assess the data quality of selected questionnaire items.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: National Longitudinal Survey of Youth 1997.

OMB Number: 1220–0157.

Affected Public: Individuals or households and not-for-profit institutions (public and private high schools).

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden (hours)
Transcript Request and School Information	4,441	Once	4,441	30	2,221
Youth Interview	8,436	Annually	8,436	60	8,436
Youth Validation Reinterview	900	Annually	900	6	90
Household Income Update Form	3,374	Annually	3,374	4	225
Totals	16,251		17,151		10,972

The difference between the total number of respondents and the total number or responses reflects the fact that 900 respondents will be interviewed twice, once in the main survey and a second time in the validation reinterview.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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

Signed at Washington, DC, this 5th day of April 2001.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 01–9098 Filed 4–11–01; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before May 29, 2001. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to *records.mgt@arch2.nara.gov*. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: *records.mgt@arch2.nara.gov*.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Air Force, Agency-wide (N1–AFU–00–11, 2 items, 2 temporary items). Records relating to the effectiveness of training in cockpit and crew resource management skills. Records consist of forms used by instructors to collect information and correct identified deficiencies. Also included are electronic copies of records created using electronic mail and word processing.

2. Department of the Air Force, Air Force Commands (N1–342–01–1, 16 items, 10 temporary items). Records of Air Force Commands accumulated from the 1950s through the mid-1990s. Records relate to such matters as clearing medical research articles for publication, radioactive byproduct materiel license applications, radar simulation tests, projected delivery dates for electronic warfare equipment, translation service contracts, routine personnel and logistics matters, and equipment modification. Records proposed for permanent retention relate to U.S. prisoners of war in Vietnam, activities of the Air Force Advisory Group in Vietnam, Edwards Air Force Base, aerospace medical protocols, communications satellites, and unit histories.

3. Department of the Air Force, U.S. Air Force Academy (N1–AFU–01–2, 2 items, 2 temporary items). Records relating to students' academic pursuits and related activities while enrolled in the U.S. Air Force Academy Preparatory School. Electronic copies of records created using electronic mail and word processing are included.

4. Department of Health and Human Services, Food and Drug Administration (N1–88–01–1, 4 items, 2 temporary items). Electronic copies of records created using electronic mail and word processing that relate to the approval of the first oral contraceptive drug, Enovid, and to follow up reports. Recordkeeping copies of these files are proposed for permanent retention.

5. Department of the Interior, U.S. Geological Survey (N1–57–01–2, 1 item, 1 temporary item). Records relating to the use of color film for map reproduction. Records consist of composite negative or positive film.

6. Department of Justice, Tax Division (N1–60–01–1, 6 items, 4 temporary items). Hardcopy and electronic calendars, phone logs, and electronic copies of documents created using electronic mail and word processing that are accumulated in the Office of the Assistant Attorney General, Tax Division. Recordkeeping copies of policy, operations, subject, and project files are proposed for permanent retention.

7. Department of Justice, Justice Management Division. (N1–60–00–11, 3 items, 1 temporary item). Inputs for the Joint Automated Booking System which pertains to the arrest and prosecution of criminal offenders by components of the Department of Justice. Master files and documentation are proposed for permanent retention.

8. Department of Justice, Justice Management Division (N1–60–01–2, 2 items, 2 temporary items). Paper and electronic records relating to the disbursement of transportation subsidies to agency employees. Electronic copies of records created using electronic mail and word processing are included.

9. Department of Justice, Drug Enforcement Administration (N1–170–01–1, 21 items, 19 temporary items). Records accumulated in the Office of Forensic Sciences and eight regional laboratories regarding the qualitative and quantitative analysis and forensic examination of drugs. Files relate to such matters as drug evidence accountability and disposition, the latent fingerprint program, clandestine laboratory reporting, the proficiency test program, and the domestic monitoring analysis program. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of drug signature analysis files and special forensic studies are proposed for permanent retention.

10. Department of Interior, Bureau of Land Management (N1–49–96–5, 7 items, 3 temporary items). Records relating to public land improvement projects not resulting in permanent or long-term structures nor using hazardous materials. Also included are electronic copies of documents created using electronic mail and word processing that pertain to agency cartographic, architectural, engineering,

and cadastral survey activities. Proposed for permanent retention are recordkeeping copies of cadastral survey records, including case files documenting original and supplemental group and mineral surveys, survey field notes and plats, and segregation and protraction diagrams.

11. Department of State, President's Interagency Council on Women (N1–59–01–6, 11 items, 9 temporary items). Materials used at public briefings, periodic management reports, contact files, and extra copies of publications. Electronic copies of documents created using electronic mail and word processing are also included. Proposed for permanent retention are recordkeeping copies of records documenting major events and meetings as well as a record set of the Council's publications.

12. Department of the Treasury, Treasury Inspector General for Tax Administration (N1–56–01–6, 22 items, 18 temporary items). Budget files, officer safety certifications, monthly performance reports, project files, correspondence, computer programming manuals, business reports, reading files, and operational review reports. Also included are reference copies of other offices' performance plans, Treasury strategic plans, and Treasury orders as well as electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of semi-annual reports to Congress, directives, historical files, and operational manuals are proposed for permanent retention.

13. Department of the Treasury, Treasury Inspector General for Tax Administration (N1–56–01–8, 8 items, 5 temporary items). Chief Counsel records, including legal opinions, files relating to legislation, and litigation case files. Also included are electronic copies of documents created using electronic mail and word processing. Regulations and historically significant legal opinions and litigation case files are proposed for permanent retention.

14. Federal Emergency Management Agency, Response and Recovery Directorate (N1–311–00–1, 3 items, 3 temporary items). Records relating to customer service surveys. Included are surveys completed by applicants for agency assistance, a survey results database, and statistical and analytical reports.

Dated: April 4, 2001.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 01–8992 Filed 4–11–01; 8:45 am]

BILLING CODE 7515–01–U

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Federal Advisory Committee on International Exhibitions (FACIE)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Federal Advisory Committee on International Exhibitions (FACIE) will be held by teleconference from 3:30 to 5 p.m. on Wednesday April 25, 2001 in Room 704 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 12, 2000, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: April 6, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 01–9106 Filed 4–11–01; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

Notice of Issuance of Amendment to Materials License SNM–2508; Department of Energy TMI–2 Independent Spent Fuel Storage Installation

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment 1 to Materials License No. SNM–2508 held by the U.S. Department of Energy (DOE) for the receipt, possession, storage and transfer of spent fuel in an independent spent fuel storage installation (ISFSI) located at the Idaho National Engineering and Environmental Laboratory (INEEL), within the Idaho Nuclear Technology and Engineering Center (INTEC) site in Scoville, Idaho. The amendment is effective as of the date of issuance.

By application dated March 26, 2001, DOE requested an amendment to its ISFSI license to correctly reflect the number of fuel and filter canisters that could be stored at the ISFSI. The correct number that can be stored is 267 (rather than 265) fuel, and 62 (rather than 67) filter, canisters.

This 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.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

The Commission has determined that, pursuant to 10 CFR 51.22(c)(11), an environmental assessment need not be prepared in connection with issuance of the amendment.

Documents related to this action are available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852–2738, 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 4th day of April 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–9051 Filed 4–11–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Entergy Nuclear Generation Company Pilgrim Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering

issuance of an exemption from certain requirements of appendix G to part 50 of Title 10 of the Code of Federal Regulations (10 CFR part 50) for Facility Operating License No. DPR–35, issued to Entergy Nuclear Generation Company, (the licensee), for operation of the Pilgrim Nuclear Power Station (Pilgrim), located in Plymouth, Massachusetts.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the licensee from certain requirements of Appendix G to 10 CFR Part 50 to allow the application of the methodology approved for determining the pressure-temperature (P–T) limit curves in the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, Code Case N–640 entitled, ''Alternate Reference Fracture Toughness for Development of P–T Curves for ASME Section XI, Division I.''

The proposed action is in accordance with the licensee's application for an exemption dated January 19, 2001, as supplemented by letter dated February 8, 2001.

The Need for the Proposed Action

The licensee would like to revise the currently approved methodology for P–T limit calculations to incorporate the methodology approved for use in Code Case N–640. Code Case N–640 allows the use of K_{IC} fracture toughness curve instead of K_{Ia} fracture toughness curve, as required by Appendix G to Section XI, for determining P–T limits for reactor pressure vessel (RPV) materials. The exemption is needed because the methodology in Code Case N–640 is less conservative in determining P–T limits than the approved methodology in Appendix G of Section XI. The proposed action also supports the licensee's application for a license amendment, dated November 22, 2000, as supplemented on January 30 and February 2, 2001, to revise the Technical Specifications (TSs) P–T limits for the remainder of operating cycles 13 and 14.

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of the code case.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the RPV at Pilgrim.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Pilgrim Nuclear Power Station dated May 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on March 14, 2001, the staff consulted with the Massachusetts State official, James Muckerheide of the Massachusetts Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of no Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 19, 2001, as supplemented by letter dated February 8, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http:\\www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 6th day of April 2001.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–9050 Filed 4–11–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Extension of a Currently Approved Information Collection: Standard Form 2808

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 extension of a currently approved information collection. SF 2808, Designation of Beneficiary: Civil Service Retirement System (CSRS), is used by persons covered by CSRS to designate a beneficiary to receive the lump sum payment due from the Civil Service Retirement and Disability Fund in the event of their death.

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 2,000 SF 2808 forms will be completed annually. We estimate it takes approximately 15 minutes to complete the form. The

annual burden is estimated at 500 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 June 11, 2001.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, 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. 01–8997 Filed 4–11–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: Instructions and Model CFC Application

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 intends to submit to the Office of Management and Budget a request for clearance of a revised information collection. The model Combined Federal Campaign application and instructions are used to collect information from charitable organizations applying for eligibility.

We estimate 1,400 applications are completed annually. Each form takes approximately 3 hours to complete. The annual estimated burden is 4200 hours.

Comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection 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 use of the appropriate technological collection techniques or other forms of information technology.

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 June 11, 2001.

ADDRESSES: Send or deliver comments to: Mara T. Patermaster, Office of Extragovernmental Affairs, CFC Operations, U.S. Office of Personnel Management, 1900 E Street, NW, Room 5450, Washington, DC 20415.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–8998 Filed 4–11–01; 8:45 am]

BILLING CODE 6325–46–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Employer Service and Compensation Reports; OMB 3220–0070.

Section 2(c) of the Railroad Unemployment Insurance Act (RUIA) specifies the maximum normal unemployment and sickness benefits that may be paid in a benefit year. Section 2(c) further provides for extended benefits for certain employees and for beginning a benefit year early for other employees. The conditions for these actions are prescribed in 20 CFR 302.

All information about creditable railroad service and compensation needed by the RRB to administer section 2(c) is not always available from annual reports filed by railroad employers with the RRB (OMB 3220–0008). When this occurs, the RRB must obtain supplemental information about service and compensation.

The RRB utilizes Form UI–41, Supplemental Report of Service and Compensation, and Form UI–41a, Supplemental Report of Compensation, to obtain the additional information about service and compensation from railroad employers. Completion of the forms is mandatory. One response is required of each respondent.

The RRB proposes minor editorial changes to Form UI–41 and UI–41a. The completion time for Form UI–41 and UI–41a is estimated at 8 minutes per response.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp. Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–9092 Filed 4–11–01; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Earnings Information Request; OMB 3220–0184.

Under section 2 of the Railroad Retirement Act, an annuity is not payable, or is reduced for any month(s) in which the beneficiary works for a railroad or earns more than prescribed amounts. The provisions relating to the reduction or non-payment of annuities by reason of work are prescribed in 20 CFR 230.

The RRB utilizes form G–19–F, *Earnings Information Request,* to obtain earnings information not previously or erroneously reported by a beneficiary. Completion of the form is required to retain a benefit. One response is requested of each respondent.

The RRB proposes minor non-burden impacting cosmetic and editorial changes to Form G–19–F. The completion time for Form G–19–F is estimated at 8 minutes per response.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–9093 Filed 4–11–01; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Representative Payee Monitoring; OMB 3220–0151.

Under Section 12 of the Railroad Retirement Act (RRA), the RRB may pay annuity benefits to a representative payee when an employee, spouse or survivor annuitant is incompetent or a minor. The RRB is responsible for determining if direct payment to an annuitant or a representative payee would best serve the annuitant's best interest. The accountability requirements authorizing the RRB to conduct periodic monitoring of representative payees, including a written accounting of benefit payments received, are prescribed in 20 CFR 266.7.

The RRB utilizes the following forms to conduct its representative payee monitoring program.

Form G–99a, Representative Payee Report, is used to obtain information needed to determine whether the benefit payments certified to the representative payee have been used for the annuitant's current maintenance and personal needs and whether the representative payee continues to be concerned with the annuitant's welfare. The RRB also includes RRB Form G–99a(Enc), Representative Payee Duties, which includes the Paperwork Reduction Act notice and a list of representative payee duties with each RRB Form G–99a released. RRB Form G–99c, Representative Payee Evaluation Report, is used to obtain more detailed information from a representative payee who fails to complete and return Form G–99a, or in situations when the returned Form G–99a indicates the possible misuse of funds by the representative payee. Form G–99c contains specific questions concerning the representative payee's performance and is used by the RRB to determine whether or not the representative payee should continue in that capacity. Completion of the forms in this collection is required to retain benefits.

The RRB proposes minor non-burden impacting editorial changes to Form G–99a and G–99c. The completion time for Form G–99a is estimated at 18 minutes per response. The completion time for Form G–99c is estimated at between 24 to 31 minutes per response. The RRB estimates that approximately 6,000 Form G–99a's and 535 G–99c's are completed annually.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–9094 Filed 4–11–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24932; File No. 811–5999; 811–2520]

Nationwide Life Insurance Company, et al.

April 6, 2001.

AGENCY: The Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an order of deregistration pursuant to Section 8(f) of the Investment Company Act of 1940 (''1940 Act'').

Summary of Application: Applicants seek an order approving the deregistration pursuant to Section 8(f) of the Investment Company Act of 1940 of NACo Variable Account (''NACo Separate Account'') and the Nationwide DC Variable Account (''DCVA Separate Account'').

Applicants: Nationwide Life Insurance Company (''Nationwide''), the NACo Separate Account and the DCVA Separate Account (the two separate accounts are referred to collectively as the ''Separate Accounts''). The foregoing are referred to collectively as the ''Applicants'').

Filing Date: The application was filed on February 22, 2001 and amended on March 21, 2001, April 4, 2001, and April 6, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 30, 2001, and should be accompanied by proof of service on applicants in the form of an affidavit, or, for lawyers a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a

hearing may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington DC 20549–0609. Applicants: Michael Moser or Michael Stobart, Nationwide Life Insurance Company, One Nationwide Plaza, 1–09–V3, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: Martha Atkins, Attorney, at (202) 942–0668, or Keith Carpenter, Branch Chief, at (202) 942–0679, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street NW., Washington DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. The Separate Accounts were established under Ohio law as segregated asset accounts of Nationwide and were registered under the 1940 Act as unit investment trusts.[1] Nationwide maintains and preserves the records of the Applicants as required by Rules 31a–1 and 31a–2 of the 1940 Act and will continue to do so for the period specified in those rules.[2] The Applicants are not parties to any litigation or administrative proceeding arising out of or in connection with the operations of the Separate Accounts. Currently, 55 different sub-accounts of the DCVA Separate Account and 41 different sub-accounts of the NACo Separate Account represent the investment options within the Separate Accounts. Each sub-account corresponds to a distinct open-end management investment company or series thereof (''mutual fund'') registered under the 1940 Act. These are the only investments of the Separate Accounts and the Separate Accounts do not and will not purchase securities issued by any entity purchasing an annuity through the Applicant Separate Accounts, or any company directly or indirectly controlling, controlled by, or under common control with of any such entity. The DCVA Separate Account assets and liabilities both equal approximately $3.56 billion; the NACo Separate Account assets and liabilities both equal approximately $3.36 billion. The Separate Accounts' assets reflect the value of the underlying investment options, while the Separate Accounts' liabilities reflect the reserves held to meet contractual obligations to purchasers of annuities issued through the Separate Accounts.

2. The Separate Accounts were established for the purpose of funding group variable annuity contracts (''Contracts'') to be used as funding media for public sector deferred compensation plans governed under Section 457 of the Internal Revenue Code (''the Code''), which satisfy the requirements set forth in Code Section 457(g) that plan assets and income be held for the exclusive benefit of plan participants and beneficiaries (''Section 457 Plans''). Sponsors of such plans include states, the political subdivisions of states, and other non-federal governmental agencies and organizations exempt from taxation under the Code. Section 457 Plans are established by public sector employers for their employees for many of the same purposes and in much the same manner as Section 401(k) plans are established and maintained by private sector employers. Despite some variance in tax treatment under the Code, Section 457 Plans are, for practical purposes, the public sector equivalent of private sector 401(k) plans. While the vast majority of Contracts are issued to Section 457 Plans, they may also be used by governmental employers establishing retirement plans under Code Section 414(d) that qualify for favorable tax treatment. Such contracts are explicitly exempted from registration under the Securities Act of 1933 (''1933 Act'') and insurance company separate accounts issuing such contracts are excluded from the definition of ''investment company'' under the 1940 Act.[3]

Applicants represent that the assets of the Separate Accounts derive solely from contributions made under retirement plan arrangements described in the preceding paragraph, which either qualify for favorable tax treatment under Section 414(d) of the Code or are Section 457 Plans. The Separate Accounts do not hold any assets attributable to individual retirement accounts or annuities established pursuant to Code Section 408 or to tax sheltered annuities or custodial accounts established pursuant to Code Section 403(b). The Separate Accounts sell contracts only to governmental entities (''Contract Owners'') eligible to sponsor retirement plans qualifying under Section 414(d) (''Qualified Plans'') and Section 457 Plans (collectively, the ''Plans''). The Separate Accounts will be used for no purpose other than to fund Plans that invest in the Separate Accounts through purchase of the Contracts.

3. In practice, the sale of the Contracts differs markedly from the sale of most variable annuity contracts issued in conjunction with separate accounts registered under the 1940 Act. Typically, Nationwide may be selected as an investment provider to a public sector plan only after participating in extensive bid, proposal, and procurement processes that are normally prescribed by local statute, regulation or ordinance.[4] Plans are normally represented in this process by legal counsel, benefits consultants, and investment advisers. A typical ''request for proposal'' from a public sector plan may seek hundreds of pages of documentation regarding Nationwide, the contracts, and services being offered. This elaborate process stands in sharp contrast to the process by which ordinary consumers purchase interests in typical variable annuities or other investment company securities.

4. The Contracts offered in conjunction with the Separate Accounts have been approved by insurance regulators in each of the fifty states.

5. Applicants represent that if the Separate Accounts were established today for the purposes they currently serve, the Separate Accounts would not be registered under the 1940 Act. In addition, Applicants represent that the exclusive benefit requirement imposed on Section 457 Plans by the Small Business Job Protection Act of 1996 (''Job Protection Act'') and the subsequent interpretation by the staff of the Commission with respect to registering separate accounts issuing

[1] Pursuant to Ohio Revised Code Section 3907.15, DCVA Separate Account was established on November 2, 1977 (1940 Act File No. 811–2520); and NACo Separate Account was established on September 7, 1988 (1940 Act File No. 811–5999).

[2] Custodian of Records: John M. Davis, Assistant Vice President, Financial Operations, One Nationwide Plaza, 1–12–G3, Columbus, OH 43215, (614) 249–7892.

[3] Securities arising out of a contract issued by an insurance company are exempted from registration under Section 3(a)(2)(C) of the 1933 Act if the security is issued in connection with a governmental plan as defined in Section 414(d) of the Code and such plan has been ''established by an employer for the exclusive benefit of its employees * * * if under such plan it is impossible * * * for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees. * * *'' In addition, Section 3(c)(11) of the 1940 Act exempts from registration any separate account, the assets of which are derived from contributions under governmental plans in connection with which interests, participations, or securities are exempted from registration under the provisions of Section 5 of the 1933 Act by Section 3(a)(2)(C) of such Act.

[4] *See* California Pub. Con. Code (Deering 2000); Del. Code Ann. tit. 29, section 69 (Lexis 2000); Mont. Code Ann. tit. 18 (1999); Nev. Rev. Stat. section 332 and section 333 (1999); Wash. Rev. Code tit. 39 (2000).

contracts to 457 Plans,[5] as well as the changing requirements of the typical public sector plan over more than the last decade, have created circumstances making continued registered status for the Separate Accounts burdensome to Nationwide and the plans they serve.

For example, when one of Applicants' existing public sector plan clients seeks to add, deselect, or substitute a particular underlying mutual fund, Applicants must either (a) find a way to make such changes applicable (or transparent to) all other public sector plans holding an interest in the Separate Account in question, or (b) deny the specific Contract owner/public sector plan request. Even when such changes can be made, Applicants must modify prospectuses through the post-effective amendment process and disseminate prospectuses (or prospectus supplements) reflecting such changes to all public sector plans/Contract owners with interests in the Separate Account in question. In addition, Nationwide must seek the approval of the Commission under Section 26(b) of the 1940 Act (in the case of a substitution), and otherwise attempt to shoe-horn investment options and other plan-specific attributes into the regulatory format associated with standardized, mass-distributed registered separate account/unit investment trust offerings. These processes create unwarranted administrative burdens, expense, and delays. Applicants' major competitors currently face no such similar requirements, thus creating a competitive disadvantage for the Applicants.

6. Applicants represent that there are significant expenses incurred in connection with the regulatory requirements associated with offering investment media through registered separate accounts/unit investment trusts, such as costs related to printing, postage, professional, and registration fees (at the separate account level) by virtue of the registered status of the Separate Accounts. Applicants represent that, as unregistered entities, the Separate Accounts and Nationwide will be better able to respond to competitive pressures in terms of bids delivered to existing and prospective plan clients and this will serve the interests of Applicants and the plans.

7. Applicants represent that, in response to the demand for flexibility and customization, the Separate Accounts were modified to permit a non-standardized pricing structure. Rather than dictating a price certain, Applicants apply a ten factor pricing algorithm to determine the fee level for each Contract Owner subject to a cap equal to 0.95% of the net assets of the Separate Accounts. The prospectuses for the Separate Accounts set forth the cap and the mechanism by which actual pricing for a specific plan is formulated. This disclosure cannot identify with particularity the expenses applicable to a given Contract Owner/governmental plan—this specific information is communicated by other means. In contrast, companies offering products other than through registered separate account unit investment trusts are able to deliver unified disclosure documents to plans that incorporate only investor-specific information. This eliminates the need for the often burdensome and potentially confusing exercise of synthesizing multiple sources of information. Applicants represent that, as unregistered entities, the Separate Accounts and Nationwide will be able to deliver less confusing, more plan-specific disclosure that will serve the interests of Applicants and the plans.

8. Applicants represent that the granting of the Order requested in the amended application will in no way impair, abridge, or modify the contractual obligations owed by Nationwide to its existing Plan clients, with one exception. The Contracts offered by Nationwide, and purchased by the Plans pursuant to the bid and procurement processes outlined in section 3 *supra,* provide that Nationwide may change any provision of the Contract, at its discretion, upon 90 days written notice. The only provision of the Contract that will be affected by the deregistration of the Separate Accounts relates to the requirement to obtain the approval of the Commission for the substitution of securities in the Separate Accounts. Applicants have notified all Contract Owners of their efforts to deregister the Separate Accounts and the fact that the aforementioned provision relative to fund substitutions will be eliminated. Aside from this contractual change, no other provisions of any existing Contracts will be modified.

Applicants represent that, within 3 days subsequent to the granting of the Order requested in this Amended Application, they will provide a plain English written notice to each Contract Owner explaining (a) that the Separate Accounts are no longer registered under the 1940 Act; (b) that interests arising out of the Contracts will not in the future be registered under the 1933 Act; (c) the consequences of the deregistration, including how the deregistration affects the legal rights and responsibilities of the Applicants, Contract Owners, and Plan participants, both as to interests arising out of the Contracts that were issued in the past and interests arising out of the Contracts to be issued in the future, which explanation of the consequences will include, without limitation, any diminution of the legal protections and rights of the Contract Owners and the Plan participants under the 1940 Act, the 1933 Act, and the Securities Exchange Act of 1934 (the ''Exchange Act''); and (d) that the Contract Owners may, at any time, surrender their Contracts for any reason without payment of any deferred sales load, surrender charge, or exit penalty of any kind.

Within 75 days of the granting of the Order requested in this Amended Application, Applicants will furnish each Plan participant a plain English written notice which provides all of the information set forth in the preceding paragraph. In lieu of item (d) in the preceding paragraph, the notice to Plan participants shall explain their rights to transfer to other investment options under their Plan (in cases where there are other options) without payment of any deferred sales load, surrender charge, or exit penalty of any kind.

In addition, subsequent to deregistration, Applicants will continue to furnish the Contract Owners and Plan participants with all data and information necessary for informed decision making in connection with participation in the Contract and utilization of the underlying investment options. This includes informational brochures about the Contracts (provided in lieu of variable annuity prospectuses); individual fund data sheets, summaries, and prospectuses; quarterly fund performance updates presented in conformity with National Association of Securities Dealers rules; transaction confirmations (Nationwide will continue to furnish transaction confirmations in the same manner it presently provides such information in accord with Rule 10b–10 under the Exchange Act); as well as informational sheets that detail the phone numbers and websites for obtaining information associated with the Contracts.

9. Applicants represent that all of their Contract Owners and Plan participants using the Separate Accounts as of the date of deregistration will not be subject as of that date, or in the future, to deferred sales loads, surrender charges or exit penalties of any kind.

[5] Massachusetts Mutual Life Insurance Company (pub. avail. Aug. 10, 1998).

Applicants' Legal Analysis

1. Section 3(c)(11) of the 1940 Act excludes from the definition of investment company ''any separate account the assets of which are derived solely from * * * contributions under governmental plans in connection with which interests, participations, or securities are exempted from the registration provisions of Section 5 of the Securities Act of 1933 by section 3(a)(2)(C) of such Act. * * *'' Thus, for purposes of the application, separate accounts seeking an exemption must, under Section 3(c)(11) of the 1940 Act: (1) hold assets derived from governmental plan contributions; and (2) the ''interests, participations, or securities'' of these plans must be exempted from registration under Section 3(a)(2)(C) of the 1933 Act.

2. Section 3(a)(2)(C) of the 1933 Act exempts ''any security arising out of a contract issued by an insurance company, which * * * is issued in connection with * * * a governmental plan as defined in Section 414(d) of [the Internal Revenue] Code which has been established by an employer for the exclusive benefit of its employees or their beneficiaries for the purpose of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan, if under such plan it is impossible, prior to satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries. * * *'' Thus, in the context of the application, the second requirement for an exemption under Section 3(c)(11) of the 1940 Act is met by an insurance contract issued to a Code Section 414(d) governmental plan that is established for the ''exclusive benefit'' of plan participants and their beneficiaries.

3. Prior to the enactment of the Job Protection Act in 1996, the assets of a deferred compensation plan sponsored by a State or local government or instrumentality were required by Code Section 457 to remain the property of the employer and to be subject to the claims of the employer's general creditors. Therefore, in order to be treated as a Section 457 Plan, the plan's assets could not be held for the exclusive benefit of its participants. Accordingly, the specific requirements of Code Section 457 contravened the exclusive benefit requirements of Section 3(a)(2) of the 1933 Act[6] and the related investment company exemption of Section 3(c)(11) of the 1940 Act. During this period the staff of the Commission (the ''Staff'') issued relief on a no-action basis to insurers and banks offering annuity contracts and interests in collective trusts (respectively) to State and local government employers sponsoring deferred compensation plans meeting the eligibility requirements of Code Section 457 based on the representation that plan assets would not be used for any purpose other than for the exclusive benefit of plan participants and their beneficiaries.[7] However, the Staff indicated that such a representation alone would not provide an adequate basis for relief from registration based on the exemption from registration under Section 3(a)(2) of the 1933 Act without additional specific restrictions being placed on an employer's ability to withdraw assets of the Plan.[8]

4. The Job Protection Act in 1996, however, changed the tax law governing Section 457 Plans by specifically requiring that governmental deferred compensation plans hold plan assets for the exclusive benefit of the plans' participants to the same degree required of Code Section 401 Plans. Thus, Section 457 Plans share the requirement that all assets and income be held for the exclusive benefit of plan participants and beneficiaries.

5. This fundamental change in the federal tax law was considered and analyzed in a request for no-action assurance submitted by Massachusetts Mutual Life Insurance Company (''MassMutual'').[9] In *MassMutual,* relief from registration requirements was requested in conjunction with group variable annuity contracts issued through unregistered separate accounts which solely supported not only Code Section 401 and code Section 414(d) Plans, but also Code Section 457 Plans. In *MassMutual*, it was argued that the enactment of Code Section 457(g) (the exclusive benefit rule) under the Job Protection Act should assure the Staff that Section 457 Plans provide exactly the same protections to plan participants and beneficiaries as Qualified Plans and other Section 414(d)[10] Plans for which a statutory exemption from registration exists under Section 3(a)(2) of the 1933 Act. Accordingly, in the wake of *MassMutual*, Applicants maintain that it is well settled that Section 3(a)(2) of the 1933 Act and Section 3(c)(11) of the 1940 Act may be relied upon to exclude separate accounts issuing securities to Section 457 Plans from the definition of investment company.

6. Applicants state that, as in *MassMutual*, the Section 457 Plans to whom Applicants have issued Contracts will satisfy the same conditions as those imposed on Section 414(d) Plans for purposes of the exemption under Section 3(a)(2) of the 1933 Act—namely, that each plan has ''been established by the [state or local government] employer for the exclusive benefit of its employees or their beneficiaries for the purposes of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan,'' and that ''under [each] such plan, it [will be] impossible, prior to satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries. * * *'' Further, each Contract issued to a Section 457 Plan requires that the assets and income of the plan held under the Contract be used for the exclusive benefit of plan participants and their beneficiaries, and therefore under the

[6] Separate Account DCVA was formed in 1977 prior to any exemption from registration for governmental plans. In 1980, Congress added the Section 3(c)(11) exemption that includes the exemption for governmental plans. Senator Sarbanes, the sponsor of the 1980 Amendments, remarked before the Senate that the purpose of the bill was to ''exempt from registration bank and insurance company funding of certain public employee retirement plans *without regard to their qualification under Section 401 of the IRS Code.*'' (Emphasis added.) See 126 Cong. Rec. S 27273 (cum. ed. Sept. 25, 1980). The legislative history gave rise to uncertainty as to the applicability of the Section 3(c)(11) exemption for 457 plans. *See Wells Fargo Bank, N.A.* (pub. avail. Sept. 7, 1988). Within this context Separate Account NACo registered in 1990.

[7] *See The Lincoln National Life Insurance Company* (pub. avail. Oct. 26, 1992); *Hartford Life Insurance Company* (pub. avail. June 24, 1992); *Pan American Life Insurance Company* (pub. avail. Nov. 19, 1991); *Standard Insurance Company* (pub. avail. Sept. 11, 1991); *Aetna Life Insurance and Annuity Company* (pub. avail. Sept. 11, 1991); *Principal Mutual Life Insurance Company* (pub. avail. June 27, 1991); *Metropolitan Life Insurance Company* (pub. avail. June 6, 1991); *Monarch Life Insurance Company* (pub. avail. Apr. 3, 1991); *The Travelers Insurance Company* (pub. avail. Aug. 6, 1990); *Great-West Life Annuity Insurance Co.* (pub. avail. Feb. 1, 1990); *Fidelity Management Trust Company* (pub. avail. Nov. 2, 1989); *Aetna Life Insurance Company* (pub. avail. Oct. 18, 1989); *Nationwide Life Insurance Company* (pub. avail. May 12, 1989); *North Shore Savings and Loan Association* (pub. avail. Dec. 8, 1988); and *Wells Fargo Bank, N.A.* (pub. avail. Sept. 7, 1988).

[8] *See* State Street Bank and Trust Company (pub. avail. Aug. 1, 1996).

[9] Massachusetts Mutual Life Insurance Company (pub. avail. Aug. 10, 1998).

[10] Section 414(d) of the Code provides that a '' 'governmental plan' means a plan established and maintained for its employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.''

terms of the Contract, it is impossible for the employer sponsor of the Section 457 Plan to use the assets invested in the Contract for any other purpose.

7. The Applicants rely on the exclusion from the definition of investment company that is identical to statutory provisions relied on by *MassMutual*, and no other provision of the 1940 Act compels Applicants to register under the 1940 Act. Applicants therefore believe they are entitled to rely on the Staff's position articulated in *MassMutual*, that the exclusion under Section 3(c)(11) is available to the Separate Accounts, and that the Separate Accounts should no longer be considered ''investment companies'' for purposes of registration under the 1940 Act.

8. Applicants assert that, with the passage of the Job Protection Act and subsequent issuance of the *MassMutual* no-action relief by the Staff, there no longer remains any doubt that Section 3(a)(2) of the 1933 Act and Section 3(c)(11) of the 1940 Act may be relied upon to exclude separate accounts issuing securities to Section 457 Plans from the definition of investment company. Given this change in the law, the needs of the Contract Owners, and the competitive landscape of the government retirement plan market, deregistration of the Separate Accounts is necessary or appropriate in the public interest or for the protection of investors and for the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9110 Filed 4–11–01; 3:28 pm]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before May 14, 2001. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer*, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer*, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Application for section 504 Loan.

No: 1244.

Frequency: On occasion.

Description of Respondents: Small Business Concern and Development Companies.

Annual Responses: 5,200.

Annual Burden: 11,700.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 01–9047 Filed 4–11–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3327]

State of Texas

Harrison County and the contiguous counties of Gregg, Marion, Panola, Rusk and Upshur in the State of Texas; Caddo County in the State of Louisiana constitute a disaster area as a result of damages caused by flooding that occurred from February 16 through March 10, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on May 29, 2001 and for economic injury until the close of business on December 31, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.000
Homeowners without credit available elsewhere	3.500
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 332706 for Texas and 332806 for Louisiana.

The number assigned for economic injury is 9L3100 for Texas and 9L3200 for Louisiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: March 28, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–9067 Filed 4–11–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

New Markets Venture Capital Program; Extension of Application Deadline

AGENCY: U. S. Small Business Administration.

ACTION: Notice of extension of application deadline.

SUMMARY: SBA invites applications for designation as a New Markets Venture Capital (NMVC) Company and for grant awards available both to participants in the NMVC Program and to Specialized Small Business Investment Companies. SBA extends its deadline for accepting applications from 6:00 p.m. on April 19, 2001 to 4:00 p.m. on May 21, 2001. Refer to Notice of Funds Availability published in the **Federal Register**, 66 FR 7247 (January 22, 2001) for further information about this funding opportunity.

DATES: Applications may be submitted to SBA immediately. The deadline for receipt of an application has been extended to 4:00 p.m. EST on May 21, 2001. Applications received in SBA's offices after that date and time will be rejected and returned to the sender.

ADDRESSES: Applications must be sent to Austin Belton, Director, Office of New Markets Venture Capital,

Investment Division, U.S. Small Business Administration, 409 3rd Street, SW, Washington, DC 20416. Applications sent electronically or by facsimile will not be accepted.

FOR FURTHER INFORMATION CONTACT: If you have any questions about the requirements for this program or application procedures, or wish to request an application package, contact Austin Belton, Director, Office of New Markets Venture Capital, 202–205–7027. Applications and other information regarding SBA and its programs may be downloaded from SBA's web site at *http://www.sba.gov/inv.*

Dated: April 6, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–9066 Filed 4–11–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3642]

Culturally Significant Objects Imported for Exhibition Determinations: ''Glass of the Sultans''

DEPARTMENT: 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, ''Glass of the Sultans'' 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 Corning Museum of Glass, in Corning, New York, from on or about May 24, 2001, to on or about September 3, 2001, and at the Metropolitan Museum of Art, in New York, New York, from on or about October 1, 2001, to on or about January 13, 2002, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: April 6, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–9078 Filed 4–11–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3640]

Culturally Significant Objects Imported for Exhibition Determinations: ''Marc Chagall: Early Works from Russian Collections''

DEPARTMENT: Department of State.

ACTION: Amendment.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that nine additional objects to be included in the exhibition, ''Marc Chagall: Early Works from Russian Collections'', imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the additional objects at The Jewish Museum, New York, NY from on or about April 29, 2001, through on or about October 14, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44; 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: April 6 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–9077 Filed 4–11–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3645]

Bureau of Educational and Cultural Affairs; Public Administration Curriculum Development Project with the New Bulgarian University, Bulgaria

NOTICE: Request for grant proposals.

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs in the Department of State announces an open competition for an assistance award to support the New Bulgarian University in its efforts to develop a curriculum and improve its program of instruction and outreach in public administration. Accredited post-secondary educational institutions meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to develop this program. The means for achieving this objective may include faculty training, case study development, consultation, teaching, research, interactive distance education, internship training and professional outreach to local government officials and public sector managers.

Overview and Project Objectives

The project will enable the New Bulgarian University to design instructional materials and to train its faculty for a program in public administration. The New Bulgarian University is also interested in cooperating on the development of a joint degree program with the potential for U.S. accreditation through the U.S. institution. The project will support faculty and curriculum development and outreach to public sector managers and practitioners in Bulgaria and will emphasize empirical public policy analysis.

Applicants are encouraged to develop creative strategies to pursue these objectives. These strategies should reflect an understanding of the status, achievements, and current needs of public administration education in Bulgaria as well as an understanding of the training needs of public managers. Applicants are encouraged to explain in the proposal how empirically based case studies can be emphasized in a curriculum that also addresses a broad range of public policy, public finance and public management issues.

The project should pursue these objectives through a strategy that coordinates the participation of junior and senior level faculty, administrators, or graduate students for any appropriate combination of teaching, research, mentoring, internships, and outreach to

practitioners through continuing education. Exchange visits should range from approximately one week to one academic year. Visits of one semester or longer for some participants from Bulgaria are strongly encouraged. Activities must be tied to project objectives.

If the proposed project would occur within the context of a previous or ongoing project, the proposal should explain how the request for Bureau funding would build upon the pre-existing relationship or complement previous and concurrent projects, which must be listed and described with details about the amounts and sources of internal and external support. Previous projects should be described in the proposal, and the results of the evaluation of previous cooperative efforts should be summarized.

U.S. Institution and Participant Eligibility

In the United States, participation in the program is open to accredited two and four-year colleges and universities, including institutions offering advanced degrees, that meet the provisions described in IRS regulation 26 CFR 1.501 (c). Applications from consortia or other combinations of U.S. colleges and universities are eligible. The lead U.S. organization in the consortium or other combination of cooperating institutions is responsible for submitting the application. Each application must document the lead organization's authority to represent all U.S. cooperating partners.

With the exception of outside consultants reporting on the degree to which project objectives have been achieved, participants traveling under the Bureau's grant funds must be teachers or administrators from the participating institution(s). Advanced U.S. graduate students assigned to teach at the New Bulgarian University are eligible to participate in the project. Participants representing the U.S. institution(s) must be U.S. citizens.

Bulgarian Institutional and Participant Eligibility

The Bulgarian partner is the New Bulgarian University. Secondary foreign partners may include relevant governmental and non-governmental organizations, as well as non-profit service and professional organizations concerned with the development of public administration in Bulgaria. Foreign participants must be instructors at the New Bulgarian University or preparing for instructional positions at this institution, and must be citizens or permanent residents of Bulgaria who are eligible to receive J–1 visas.

Budget Guidelines

The Bureau anticipates awarding one grant not to exceed $228,750. Applicants may submit a budget not to exceed this amount. Organizations with less than four years experience in conducting international exchanges are limited to $60,000, and are not encouraged to apply. Budget notes should carefully justify the amounts needed. There must be a summary budget as well as a breakdown reflecting the program and administrative budgets including unit costs. Cost sharing will be considered an important indicator of institutional commitment.

Funds will be awarded for a period up to three years to defray the costs of exchanges, to provide educational materials, to increase library holdings and improve Internet connections. Up to 25% of the grant total may be used to defray the costs of project administration.

Please refer to the Solicitation Package for complete guidelines and formatting instructions.

Announcement Title and Number

All correspondence with the Bureau of Educational and Cultural Affairs concerning this RFGP should reference the ''Project in Public Administration with the New Bulgarian University'' and reference number ECA/A/S/U–01–22.

FOR FURTHER INFORMATION, CONTACT: Contact the Humphrey Fellowships and Institutional Linkages Branch, Office of Global Educational Programs, Bureau of Educational and Cultural Affairs; ECA/A/S/U, Room 349, SA–44; U.S. Department of State, 301 4th Street, S.W., Washington, D.C. 20547, phone (202) 619–5289, fax: (202) 401–1433, e-mail: *murbina@pd.state.gov* to request a Solicitation Package.

The Solicitation Package contains detailed review criteria, required application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify the above reference number on all inquiries and correspondence.

Please read the complete Federal Register announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/rfgps. Please read all information before downloading.

Deadline of Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington D.C. time on Friday, June 1, 2001. Faxed documents will not be accepted at any time. Documents postmarked by the due date but received on a later date will not be accepted. It is the responsibility of each applicant to ensure compliance with the deadline.

Approximate Grant Duration

Grants should begin on or about September 1, 2001, and end on or about August 30, 2004.

Submissions

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, SA–44, Ref.: ECA/A/S/U–01–22, Program Management, ECA/EX/PM, Room 534, 301 4th Street, S.W., Washington, D.C. 20547.

All copies should include the documents specified under Tabs A through E in the ''Project Objectives, Goals, and Implementation'' (POGI) section of the Solicitation Package. The documents under Tab F of the POGI should be submitted with the original application and with one of the ten copies.

Proposals that do not follow RFGP requirements and the guidelines appearing in the POGI and PSI may be excluded from consideration due to technical ineligibility.

Applicants must also submit the ''Executive Summary,'' and ''Proposal Narrative'' Sections of the proposal on a 3.5'' diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs Section of the U.S. Embassy in Sofia for its advisory review, with the goal of reducing time it takes to get the post's comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender,

religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Affairs Section of the U.S. Embassy in Sofia. Eligible proposals will be subject to review for compliance with Federal and Bureau regulations and guidelines and will be forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

State Department officers in Washington, D.C. and overseas will use the criteria below to reach funding recommendations and decisions. Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank-ordered or weighted.

1. Broad Significance and Clarity of Institutional Objectives

Proposals should outline clearly formulated objectives that relate specifically to the needs of the participating institutions. Project objectives should be tied to expected lasting results which are both significant and realistic for the participating institutions. Proposals should also demonstrate how these results will contribute to more accountable public sector administration in Bulgaria.

2. Creativity and Feasibility of Strategy To Achieve Project Objectives

Strategies to achieve project objectives should creatively utilize and reinforce exchange activities. For example, if distance learning will be included in the project at a later phase, applicants must demonstrate that this component is feasible and that it will provide a high degree of interaction among the faculty and the students.

3. Support of Diversity

Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity relate to project objectives and how these issues will be addressed during project implementation. Proposals should also outline the institutional profile of each participating institution with regard to the composition of participating faculty, research institutes and community outreach in the pursuit of project objectives.

4. Institutional Commitment

Proposals should demonstrate significant understanding of the institutional needs of the New Bulgarian University and should outline the U.S. institution's capacity to address these needs while also benefiting from its involvement with the Bulgarian partners. Proposals should also demonstrate a strong commitment by the partner institutions, during and after the period of grant activity, to cooperate in the pursuit of joint educational and institutional objectives.

5. Institutional Record/Ability

Proposals should demonstrate an institutional record of administering successful public administration projects, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the State Department's contracts officers. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Reviewers will also consider the quality of proposed exchange participants' academic credentials, skills, commitment and experience relative to the goals and activities of the project plan.

6. Project Evaluation

The proposal should outline a methodology for determining the degree to which the project meets its objectives, both while the project is underway and at its conclusion. The evaluation process should include an external component and should provide observations about the project's performance within the framework of the project objectives, the participating institutions and their surrounding communities or societies.

7. Cost-Effectiveness

Administrative and program costs should be reasonable and appropriate with cost sharing provided as a reflection of the applicant's commitment to the project.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided through the Support for East European Democracy (SEED) Act of 1989.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Projects must conform with Bureau requirements and guidelines outlined in the solicitation Package. The POGI, a document describing this project's objectives, goals, and implementation is included in the Solicitation Package.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: April 9, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–9188 Filed 4–11–01; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice 3641]

Bureau of Educational and Cultural Affairs; Program Title: Israel-Arab Peace Partners Program

NOTICE: Request for grant proposals.

SUMMARY: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs (ECA) of the United States Department of State announces an open competition for grants under the Israel-Arab Peace Partners Program. U.S. public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to develop and implement exchange programs involving participants from Israel and one or more Arab countries or entities in the Middle East or North Africa. Five grant awards are anticipated. Grants will be awarded based on competitiveness. Depending upon the types and number of proposals received, more than one award may be made in some areas of focus and no awards may be made in others.

Program Information

Overview

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs, U.S. Department of State, consults with and supports American public and private nonprofit organizations in developing and implementing multi-phased, often multi-year, exchanges of professionals, academics, youth leaders, public policy advocates, etc. These exchanges are focused on issues crucial both to the United States and to the foreign countries with which the exchange will be conducted. They represent focused, substantive, and cooperative interaction among counterparts, and they entail both theoretical and experiential learning for all participants. A primary goal is the development of sustained, international institutional and individual linkages. In addition to providing a context for professional development and cooperative, international problem-solving, these projects are intended to introduce participants to one another's political, social, and economic structures. Two-way exchange travel should be provided for, and desirable components of an exchange may be local citizen involvement and activities that orient participants to one another's society and culture.

The Israel-Arab Peace Partners Program is based on the premise that people-to-people exchanges—particularly those that are youth oriented and that focus on cooperative efforts in community and institutional development—will contribute to enhanced mutual understanding and will increase the prospect for peaceful co-existence among Middle Eastern societies, specifically between Israel and its Arab neighbors. Participants should include college and graduate students as well as leaders and public policy advocates in various professions. In response to the aspirations of this program, the Office of Citizen Exchanges solicits proposals in five areas of focus. Proposals should respond to the project foci and guidelines suggested below.

1. Dispute Resolution/Conflict Prevention

This exchange should focus on dispute resolution, peer mediation, and conflict prevention and management in the context of community, school, or youth organization activities. It should encourage open dialogue, introduce innovative mediation and arbitration mechanisms, or focus on crisis management, presenting alternatives to the use of violence and extreme force. Potential participants are non-governmental organization activists, mediators, teachers, teacher trainers, youth organization leaders, and older students. The focus should be on initiatives and programs that have been found effective in defusing or managing conflict based on, or exacerbated by, communal differences. The role played by the media in communal conflict, the destructive effects of stereotyping and scapegoating, and the positive potential for youth initiative and activism are all topics that could be addressed. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15 to 20 foreign participants and an equal number of American participants, if feasible. Grant requests should not exceed $140,000.

2. Environmental Protection and Environmentally Responsible Development

This exchange should engage community activists, teachers, youth project leaders, and representatives of non-governmental organizations. It should focus on protecting the environment in the public interest, increasing public awareness of and information about environmental issues, civic responsibility, planning and policy advocacy, and activism/volunteerism. Non-governmental organizations that have engaged in grass-roots educational efforts and have mobilized local schools and youth groups to undertake projects to conserve/protect the environment, perhaps including or overlapping with grassroots lobbying efforts or the initiation of public-private cooperative projects, are a model. Suggestions for specific areas of concern are water management, biodiversity/species preservation, industrial pollution and hazardous materials, and solid waste management. The potential for mutually planned and developed nature reserves could also be addressed. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15 to 20 foreign participants and an equal number of American participants, if feasible. Grant requests should not exceed $140,000.

3. Democratization and Building Civil Society

This exchange might focus on fostering open dialogue and grassroots activism or on mobilizing public opinion as a factor in policy making. Every hierarchy—political or social—is dominated by certain groups and individuals. However, in a democratic society, if the concerns and preferences of the people are effectively expressed by locally supported interest groups, public policy may be affected. Training should center on identifying issues of common importance to be addressed, mobilizing support, volunteer effort, disseminating information, use of the media, fundraising, and effective communication with leaders. Participants might be youth activists, teachers or other professionals, local community leaders, influential women in the community, etc. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15 to 20 foreign participants and an equal number of American participants, if feasible. Grant requests should not exceed $140,000.

4. Enhancing the Rights and Opportunities of Women and/or the Disabled

The goal of this project would be to increase the participation of women and/or other often under-represented groups, such as the disabled, in civic life. This will entail, in many instances, assisting members of disadvantaged groups in understanding their rights; promoting, through community education, an awareness of the need for and advantages of more egalitarian participation; introducing ways of strengthening social integration; and focus on the social welfare infrastructure. Participants would be non-governmental organization activists, representatives of women's groups, youth leaders, and disabled professionals and spokesmen for the disabled. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15–20 foreign participants and an equal number of American participants, if feasible. Grant requests should not exceed $140,000.

5. A Community-based Exchange

The applicant should propose a community-based exchange which would bring together, in a sustained series of discussions and site visits, young civic activists, organizational leaders, and public policy advocates in various professions from several communities: one American community, at least one Israeli community, and at least two communities selected from potential partners: Egypt, Jordan, Lebanon, the West Bank/Gaza, Morocco, Tunisia, Bahrain, Kuwait, Qatar, the United Arab Emirates, Oman, and Yemen. This project should focus on a general theme of mutual importance to the participating communities, such as conflict resolution, primary and high school education, administration of justice, preventing corruption in government, social welfare, urban environment, etc. This exchange would involve a greater number of participants than the four projects suggested above. Grant requests should not exceed $190,000.

Suggested activities for the above projects might include:

1. Initial needs assessment/orientation travel (if necessary) by American organizers to develop contacts and relationships with both American Mission officers and counterpart organizations/individuals in the countries with which the exchange will be conducted

2. A U.S.-based program, including orientation to program purposes and to U.S. society, discussions, site visits, limited shadowing or internship opportunities

3. A return visit by selected American professionals/youth to collaborate with participants in the U.S.-based program. This might include site visits, conducting joint workshops, seminars, on-site training, and networking

4. Longer (two-week), intensive, joint internship in the U.S. for two or three selected youth leaders—one Israeli; one or more Arab—from the Middle East

The Office of Citizen Exchanges encourages applicants to be creative in planning project implementation. Activities may include both theoretical orientation and experiential, community-based initiatives designed to achieve concrete objectives.

Applicants should, in their proposals, identify any partner organizations and/or individuals in the U.S. with which/whom they are proposing to collaborate and justify on the basis of experience, accomplishments, etc.

Selection of Participants

Successful applications should include a description of an open, merit-based participant selection process. Applicants should anticipate working closely with the Public Affairs Sections (PAS) of U.S. Embassies abroad in selecting participants, with Embassies retaining the right to nominate participants and to advise the grantee on participants recommended by other entities.

Public Affairs Section Involvement

The Public Affairs Sections of the U.S. Embassies may play an important role in project implementation. Public Affairs Officers evaluate project proposals, and they may serve as a link to in-country partners and participants. At their discretion, they may coordinate planning with the grantee organization and in-country partners, facilitate in-country activities, nominate participants and/or advise on grantee nominations, observe in-country activities, debrief participants, and evaluate project impact. U.S. Missions are responsible for issuing IAP–66 forms in order for foreign participants to obtain the necessary J–1 visas for entry to the United States.

Though project administration and implementation are the responsibility of the grantee, the grantee is expected to inform the PAS in participating countries of its operations and procedures and, where appropriate, to coordinate with PAS officers in the development of project activities. The PAS should be consulted regarding country priorities, security issues, and related logistic and programmatic issues.

Visa Regulations

Foreign participants on programs sponsored by ECA are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

Applicants must submit a comprehensive line-item budget for the project based on guidance provided in the Proposal Submission Instructions (PSI) of the Solicitation Package. Award amounts are cited above. Grants awarded to organizations with less than four years' experience in conducting international exchange programs will be limited to $60,000.

Awards may not exceed the amounts cited in the guidelines above. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Proposals that present evidence of cost sharing—in cash or in kind—representing 33% or more of the total cost of the exchange project will receive priority consideration.

Allowable costs include the following:

(1) direct program expenses

(2) administrative expenses, including indirect costs Please refer to the Solicitation Package for budget guidelines and formatting instructions.

Announcement Title and Number

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA PE/C–01–51

FOR FURTHER INFORMATION, CONTACT: The Office of Citizen Exchanges, ECA/PE/C, Room 224, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, attention: Thomas Johnston. Telephone number 202/619–5325; fax number 202/619–4350; Internet address to request a Solicitation Package, tjohnsto@pd.state.gov. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Thomas Johnston on all inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending

inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's website: http://exchanges.state.gov/education/rfgps. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, D.C. time on Wednesday, June 13, 2001. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and ten copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C–01–51, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea

Proposals should be substantive, well thought out, focused on issues of demonstrable relevance to all proposed participants, and responsive, in general, to the exchange suggestions and guidelines provided above.

2. Implementation Plan and Ability to Achieve Objectives

A detailed project implementation plan should establish a clear and logical connection between the interest, the expertise, and the logistic capacity of the applicant and the objectives to be achieved. The plan should discuss, in concrete terms, how the institution proposes to achieve the objectives. Institutional resources—including personnel—assigned to the project should be adequate and appropriate to achieve project objectives. The substance of workshops and site visits should be included as an attachment, and the responsibilities of U.S. participants and in-country partners should be clearly described.

3. Institution's Record/Ability

Proposals should include an institutional record of successful exchange programs, with reference to responsible fiscal management and full compliance with reporting requirements. The Bureau will consider the demonstrated potential of new applicants and will evaluate the performance record of prior recipients of Bureau grants as reported by the Bureau grant staff.

4. Follow-on Activities

Proposals should provide a plan for sustained follow-on activity (building on the linkages developed under the grant and the activities initially funded by the grant, after grant funds have been depleted), ensuring that Bureau-supported projects are not isolated events.

5. Project Evaluation/Monitoring

Proposals should include a plan to monitor and evaluate the project's implementation, both as the activities unfold and at the end of the program. Reports should include both accomplishments and problems encountered. A discussion of survey methodology or other disclosure/measurement techniques, plus a description of how outcomes are defined in terms of the project's original objectives, is recommended. Successful applicants will be expected to submit a report after each project component is concluded or semi-annually, whichever is less frequent.

6. Impact

Proposed projects should, through the establishment of substantive, sustainable individual and institutional linkages and through encouraging maximum sharing of information and cross-boundary cooperation, enhance mutual understanding among communities and societies.

7. Cost Effectiveness and Cost Sharing

Administrative costs should be kept low. Proposal budgets that provide evidence of cost sharing comprised of cash or in-kind contributions, representing 33 percent or more of the total cost of the exchange will be given priority consideration. Cost sharing may be derived from diverse sources,

including private-sector contributions and/or direct institutional support

8. Support for Diversity

Proposals should demonstrate support for the Bureau's policy on diversity. Features relevant to this policy should be cited in program implementation (selection of participants, program venue, and program evaluation), program content, and program administration.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: April 6, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–9187 Filed 4–11–01; 8:45 am]

BILLING CODE 4710–11–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–581X and STB Docket No. AB–529X] [1]

1411 Corporation—Abandonment Exemption—in Lancaster County, PA; Middletown & Hummelstown Railroad Company—Abandonment Exemptions—in Lancaster, PA

1411 Corporation(1411) and Middletown & Hummelstown Railroad Company (M&H) (collectively applicants) have filed separate verified notices of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to abandon service over the same line of railroad extending from milepost 39.3,[2] in the borough of Columbia, to milepost 37.2, in West Hempfield Township, a distance of approximately 2.5 miles in Lancaster County, PA (line).[3] The line traverses United States Postal Service Zip Code 17512.

Applicants have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line as this is not a through route; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on May 12, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[4] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[5] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 23, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 2, 2001, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representative: Andrew P. Goldstein, Esq., McCarthy, Sweeney & Harkaway, P.C., 2175 K Street, N.W., Suite 600, Washington, DC 20037. If the verified notices contain false or misleading information, the exemptions are void *ab initio.*

Applicants have filed separate environmental reports which address the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 17, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), 1411 and M&H shall each file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned

[1] These proceedings are being handled together for administrative convenience.

[2] Past agency decisions concerning this line indicated that the line extended from milepost 39.7 to milepost 37.2. Interested persons should be on notice that the abandonment proposals quite likely concern the line from milepost 39.7 to milepost 37.2.

[3] M&H filed a notice of exemption with the Interstate Commerce Commission (ICC) to lease from ITT Grinnell Corporation (Grinnell) and operate the line in *Middletown & Hummelstown Railroad Company,* Finance Docket No. 29984 (ICC served Aug. 11, 1982). Grinnell later transferred the ownership of the line to its wholly owned subsidiary 1411. The ICC exempted 1411's ownership and operation of the line in *Fourteen-Eleven Corporation Exemption—Acquisition and Operation,* Finance Docket No. 30775 (ICC served Feb. 11, 1986).

[4] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemptions' effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

[5] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

the line.[6] If consummation has not been effected by 1411's and M&H's filing of a notice of consummation by April 12, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: March 30, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–8414 Filed 4–11–01; 8:45 am]

BILLING CODE 4915–00–P

[6] It may be that M&H requires only discontinuance authority while 1411 needs abandonment authority. Effectiveness of these exemptions will permit both entities to end their common carrier obligations by filing the appropriate notices of consummation.

DEPARTMENT OF THE TREASURY

Submission for OMB review; Comment Request

April 3, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 14, 2001 to be assured of consideration.

Internal Revenue Service (IRS).

OMB Number: 1545–0720.

Form Number: IRS Forms 8038, 8038–C and 8038–GC.

Type of Review: Extension.

Title: Information Return for Tax-Exempt Private Activity Bond Issues (8038); Information Return for Tax-Exempt Governmental Obligations (8038–GC); and Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales (8038–GC).

Description: Forms 8038, 8038–C and 8038–GC collect the information that IRS is required to collect by code section 149(e). IRS uses the information to assure that tax-exempt bonds are issued consistent with the rules of Internal Revenue Code sections 141–149.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/Recordkeeper: 3,816.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Learning about the law or the form	Preparing, copying, assembling, and sending the form to the IRS
8038	10 hr., 17 min	12 hr., 25 min.
8038–C	2 hr., 53 min	3 hr., 16 min.
8038–GC	2 hr., 23 min	2 hr., 34 min.

Frequency of Response: Quarterly.

Estimated Total Reporting/Recordkeeping Burden: 291,312 hours.

OMB Number: 1545–0757.

Regulation Project Number: LR–209–76 Final.

Type of Review: Extension.

Title: Special Lien For Estate Taxes Deferred Under Section 6166 or 6166A.

Description: Section 632A permits the executor of a decedent's estate to elect a lien on section 6166 property in favor of the United States in lieu of a bond or personal liability if an agreement under section 6324A(c).

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 34,600.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: Other (non-recurring).

Estimated Total Reporting Burden: 8,650 hours.

OMB Number: 1545–0959.

Regulation Project Number: LR–213–76 Final.

Type of Review: Extension.

Title: Estate and Gift Taxes; Qualified Disclaimers of Property.

Description: Section 2518 allows a person to disclaim an interest in property received by gift or inheritance. The interest is treated as if the disclaimant never received or transferred such interest for Federal gift tax purposes. A qualified disclaimer must be in writing and delivered to the transferor or trustee.

Respondents: Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,000 hours.

OMB Number: 1545–1708.

Publication Number: Publication 1345.

Type of Review: Extension.

Title: Handbook for Authorized IRS e-file Providers.

Description: Publication 1345 informs those who participate in the IRS e-file Program for Individual Income Tax Returns of their obligations to the Internal Revenue Service, taxpayers, and other participants.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeeper: 90,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 32 hours, 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 2,924,627 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–9016 Filed 4–11–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Deposits and Savings Accounts by Office Package.

DATES: Submit written comments on or before June 11, 2001.

ADDRESSES: *Mail:* Send comments to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0004.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, 1550–0004.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention 1550–0004.

E-Mail: Send e-mails to ''infocollection.comments@ots.treas.gov'', Attention 1550–0004, and include your name and telephone number.

Public Inspection: Interested persons may inspect comments at the Public Reference Room, 1700 G St. NW., from 10:00 a.m. until 4:00 p.m. on Tuesdays and Thursdays or obtain comments and/or an index of comments by facsimile by telephoning the Public Reference Room at (202) 906–5900 from 9:00 a.m. until 5:00 p.m. on business days. Comments and the related index will also be posted on the OTS Internet Site at *''www.ots.treas.gov''.*

FOR FURTHER INFORMATION CONTACT: Pamela Schaar, Financial Reporting, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7205.

SUPPLEMENTARY INFORMATION:

Title: Deposits and Savings Accounts by Office.

OMB Number: 1550–0004.

Form Number: OTS Form 248.

Abstract: The information collection provides deposit data for each thrift office essential for analysis of market share of deposits required to evaluate competitive impact of mergers, acquisitions, and branching applications on which the OTS must act. Used by the Federal Reserve Board, FDIC, OCC, DOJ, and the public for similar purposes.

Current Actions: OTS proposes to renew this information collection with revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 1068.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1068.

Request for Comments: The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 6, 2001.

Deborah Dakin,

Deputy Chief Counsel.

[FR Doc. 01–9095 Filed 4–11–01; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Ongoing Customer Survey for Interpretive Opinions Package.

DATES: Submit written comments on or before June 11, 2001.

ADDRESSES: *Mail:* Send comments to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0085.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, 1550–0085.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention 1550–0085.

E-Mail: Send e-mails to ''infocollection.comments@ots.treas.gov'', Attention 1550–0085, and include your name and telephone number.

Public Inspection: Interested persons may inspect comments at the Public Reference Room, 1700 G St. NW., from 10:00 a.m. until 4:00 p.m. on Tuesdays and Thursdays or obtain comments and/or an index of comments by facsimile by telephoning the Public Reference Room at (202) 906–5900 from 9:00 a.m. until 5:00 p.m. on business days. Comments and the related index will also be posted on the OTS Internet Site at ''www.ots.treas.gov''.

FOR FURTHER INFORMATION CONTACT: Mary Gottlieb, Regulations & Legislation Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7135.

SUPPLEMENTARY INFORMATION: *Title:* Ongoing Customer Survey for Interpretive Opinions.

OMB Number: 1550–0085.

Form Number: OTS Form No. 1602.

Abstract: The information collection is needed to obtain feedback on the quality of opinions produced by the Office of Thrift Supervision in order to improve customer service on a long-term basis.

Current Actions: OTS proposes to renew this information collection with revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: .025 hours.

Estimated Total Annual Burden Hours: 5.

Request for Comments: The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 6, 2001.

Deborah Dakin,

Deputy Chief Counsel.

[FR Doc. 01–9096 Filed 4–11–01; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Financial Management Policies Package.

DATES: Submit written comments on or before June 11, 2001.

ADDRESSES: *Mail:* Send comments to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0094.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, 1550–0094.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention 1550–0094.

E-Mail: Send e-mails to ''infocollection.comments@ots.treas.gov'', Attention 1550–0094, and include your name and telephone number.

Public Inspection: Interested persons may inspect comments at the Public Reference Room, 1700 G St. N.W., from 10:00 a.m. until 4:00 p.m. on Tuesdays and Thursdays or obtain comments and/or an index of comments by facsimile by telephoning the Public Reference Room at (202) 906–5900 from 9:00 a.m. until 5:00 p.m. on business days. Comments and the related index will also be posted on the OTS Internet Site at *''www.ots.treas.gov''.*

FOR FURTHER INFORMATION CONTACT: Anthony Cornyn, Risk Management Division, Research and Analysis, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–5727.

SUPPLEMENTARY INFORMATION: *Title:* Financial Management Policies.

OMB Number: 1550–0094.

Form Number: Not applicable.

Abstract: This information collection requires that savings associations' management establish policies and procedures for managing interest rate risk. These requirements provide OTS with the information necessary for determining the safety and soundness of the savings association.

Current Actions: OTS is proposing to renew this information collection as revised.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 968.

Estimated Time Per Respondent: 60.

Estimated Total Annual Burden Hours: 58,080.

Request for Comments: The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 6, 2001.

Deborah Dakin,

Deputy Chief Counsel.

[FR Doc. 01–9097 Filed 4–11–01; 8:45 am]

BILLING CODE 6720–01–P

Corrections

Federal Register
Vol. 66, No. 71
Thursday, April 12, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests

Correction

In notice document 01–8217 beginning on page 17878 in the issue of Wednesday, April 4, 2001, make the following correction:

On page 17878, in the first column, ''*b. Project No.*: P-28535-005'' should read ''*b. Project No.: P-2835-005*''.

[FR Doc. C1–8217 Filed 4–11–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Office for Victims of Crime

[OJP[OVC]-1309]

Antiterrorism and Emergency Fund Guidelines for Terrorism and Mass Violence Crimes

Correction

In notice document 01–8044 beginning on page 17577 in the issue of Monday, April 2, 2001, make the following correction:

On page 17577, in the third column, under **DATES**, in the second line ''April 2, 2001'' should read ''May 2, 2001''.

[FR Doc. C1–8044 Filed 4–11–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
April 12, 2001

Part II

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6965–5]

RIN 2060–AH22

National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates national emission standards for hazardous air pollutants (NESHAP) for solvent extraction for vegetable oil production. This industry is comprised of facilities that produce crude vegetable oil and meal products by removing oil from listed oilseeds through direct contact with an organic solvent. The EPA has identified solvent extraction for vegetable oil production processes as major sources of a single hazardous air pollutant (HAP), n-hexane.

The EPA does not consider n-hexane classifiable as a human carcinogen. However, short-term exposure to high levels of n-hexane is reported to cause reactions such as irritations, dizziness, headaches, and nausea. Long-term exposure can cause permanent nerve damage.

This final rule will require all existing and new solvent extraction for vegetable oil production processes that are major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The EPA estimates that this final rule will reduce nationwide emissions of n-hexane from solvent extraction for vegetable oil production processes by approximately 6,800 tpy. The emissions reductions achieved by these NESHAP, when combined with the emissions reductions achieved by other similar standards, will provide protection to the public and achieve a primary goal of the Clean Air Act (CAA).

EFFECTIVE DATE: April 12, 2001.

ADDRESSES: Docket No. A–97–59 contains supporting information used in developing the standards. The docket is located at the U.S. EPA, 401 M Street, SW., Washington, DC 20460 in room M–1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For information concerning applicability and rule determinations, contact your State or local representative or the appropriate EPA Regional Office representative. For information concerning the analyses performed in developing these NESHAP, contact Mr. James F. Durham, Waste & Chemical Processes Group, Emission Standards Division, (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541–5672; facsimile number (919) 541–0246; electronic mail address: *durham.jim@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The docket is an organized and complete file of all the information considered by the EPA in the development of today's final rule. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the CAA.) The regulatory text and other materials related to today's final rule are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's final rule will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of today's final rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. If your facility produces vegetable oil from corn germ, cottonseed, flax, peanuts, rapeseed (for example, canola), safflower, soybeans, or sunflower, it may be a ''regulated entity.'' Categories and entities potentially regulated by this action include:

Category	SIC code	NAICS	Examples of regulated entities
Industry	2074	311223	Cottonseed oil mills.
	2075	311222	Soybean oil mills.
	2076	311223	Other vegetable oil mills, excluding soybeans and cottonseed mills.
	2079	311223	Other vegetable oil mills, excluding soybeans and cottonseed mills.
	2048	311119	Prepared feeds and feed ingredients for animals and fowls, excluding dogs and cats.
	2041	311211	Flour and other grain mill product mills.
	2046	311221	Wet corn milling.
Federal government			Not affected.
State/local/tribal government			Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in § 63.2832 of today's final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the appropriate EPA Regional Office representative.

Judicial Review. The NESHAP for solvent extraction for vegetable oil production were proposed on May 26, 2000 (65 FR 34252). Today's final rule announces the EPA's final decision on the rule. Under section 307(b)(1) of the CAA, judicial review of these NESHAP is available by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by June 11, 2001. Only those objections to this rule which were raised with reasonable specificity during the period for public comment may be raised during judicial review. Under section 307(b)(2) of the CAA, the requirements that are the subject of today's final rule may not be challenged later in civil or criminal

proceedings brought by the EPA to enforce these requirements.

Outline. The information presented in this preamble is organized as follows:

I. What are the environmental, energy, cost, and economic impacts?
II. What significant comments did we consider and what changes and clarifications did we make to the proposed standards?
III. What are the administrative requirements for this rule?
A. Executive Order 12866, Regulatory Planning and Review
B. Executive Order 13132, Federalism
C. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
D. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks
E. Unfunded Mandates Reform Act
F. Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
G. Paperwork Reduction Act
H. National Technology Transfer and Advancement Act of 1995
I. Congressional Review Act

I. What Are the Environmental, Energy, Cost, and Economic Impacts?

The nationwide environmental and cost impacts for today's final rule are presented in Table 1 of this preamble. Additional information on the costs and environmental impacts of control options are discussed in the following five documents, which can be found in docket A–97–59:

(1) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production; proposed rule (65 FR 34252, May 26, 2000).

(2) Public Comments and EPA Responses to the Proposed NESHAP for Solvent Extraction for Vegetable Oil Production; memorandum dated November 13, 2000.

(3) Summary of Environmental and Energy Impacts for the MACT Floor; memorandum dated September 24, 1999.

(4) Final Summary of Emission Reductions and Control Costs Associated with Achieving the MACT Floor and a Control Option Above the MACT Floor; memorandum dated November 10, 2000.

TABLE 1.—SUMMARY OF NATIONAL IMPACTS FOR THE SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION NESHAP

Emissions reductions (tpy)		Overall emission reduction (percent)	Total capital investment (million $)	Annual monitoring, recordkeeping, & reporting cost (million $/yr)	Total annual cost (million $/yr)	Cost effectiveness ($/ton)	
VOC	HAP					VOC	HAP
10,600	6,800	25	29.7	4.2	12.3	1,200	1,800

(5) Summary of Environmental and Energy Impacts for Above the MACT Floor Regulatory Option; memorandum dated November 1, 2000.

The economic impacts of the MACT floor are discussed in the proposed regulation and in the document, ''Economic Analysis of Air Pollution Regulations: Vegetable Oil Industry.'' The major findings regarding the economic impacts of the rule have not changed as a result of public comments submitted on the proposed rule. Individual facilities within the industry may experience revenue increases or decreases, depending on their costs of production, but on average the industry revenues are anticipated to increase slightly. No facilities are expected to close as a result of the rule and labor market impacts and international trade impacts are also anticipated to be minimal. Minor revisions to the economic analysis were made in response to public comments on the proposed rule. Both the original and the revised economic documents are in docket A–97–59.

II. What Significant Comments Did We Consider and What Changes and Clarifications Did We Make to the Proposed Standards?

A comprehensive summary of public comments and responses can be found in the document entitled ''Public Comments and Responses to the Proposed NESHAP for Solvent Extraction for Vegetable Oil Production'' (Docket No. A–97–59). The only major change we made to the rule based on public comments was allowing the substitution of an accounting month for a calendar month to determine solvent losses and the quantities of oilseed processed by an affected source.

One commenter brought to our attention that some facilities determine solvent losses and the quantity of oilseed processed on the basis of an accounting month, which may consist of approximately 4 to 5 calendar weeks. The end of an accounting month may not correspond exactly to the end of a calendar month. Thus, an accounting month may end before or after a corresponding calendar month. However, 12 accounting months correspond exactly to a calendar year. To accommodate facilities which determine the quantities of oilseed processed in this manner, we revised the rule to allow solvent loss and oilseed crush determinations to coincide with accounting practices, as long as there are twelve determinations in a calendar year of approximately equal duration. This clarification can be found in §§ 63.2853(a)(1) and 63.2855(a)(1) of the final rule.

We also made the following five clarifications, which did not add or change any of the proposed regulatory requirements.

(1) In § 63.2832(b)(4), we clarified that research and development facilities are not subject to this rule (provided they are not major sources).

(2) In § 63.2832(c), we clarified that an area source will become subject to this rule if it increases its HAP emissions (or its potential to emit HAP) such that the source becomes categorized as a major source of HAP emissions.

(3) In § 63.2854(b)(1), we changed the name of the hazardous air pollutant data sheet to ''manufacturer's certificate of analysis'' which is a more appropriate term for the solvent extraction for vegetable oil production industry. Thus, the final rule will permit affected sources to use either material safety data sheets or ''manufacturer's certificates of analysis'' to determine the HAP content of the extraction solvent.

(4) In § 63.2855, we clarified that all oilseed measurements must be determined on an ''as received'' basis which refers to the oilseed physical and chemical characteristics as initially received by the source and prior to any oilseed handling and processing.

(5) In § 63.2871(a), we clarified that the U.S. EPA still has authority to implement and enforce this rule, even if the authority has been delegated to your State, local, or tribal agency.

III. What Are the Administrative Requirements for This Rule?

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that today's final rule is not a ''significant regulatory action'' because it will not have an annual effect on the economy of $100 million or more and is therefore not subject to OMB review.

B. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the rule. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless EPA consults with State and local officials early in the process of developing the rule.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of their concerns and EPA's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a final rule with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from its federalism official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

Today's final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This is because today's final rule applies to affected sources in the vegetable oil production industry, not to States or local governments. Nor will State law be preempted, or any mandates be imposed on States or local governments. Thus, the requirements of section 6 of the Executive Order do not apply to today's final rule. The EPA notes, however, that although not required to do so by this Executive Order (or otherwise), it did consult with State governments during development of today's final rule.

C. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

On January 1, 2001, Executive Order 13084 was superseded by Executive Order 13175. However, this rule was developed during the period when Executive Order 13084 was still in force, and so tribal considerations were addressed under Executive Order 13084. Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's final rule does not significantly or uniquely affect the communities of Indian tribal governments. No known vegetable oil production facility is located within the jurisdiction of any tribal government. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to today's final rule.

D. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that:

(1) Is determined to be ''economically significant'' as defined under Executive Order 12866; and

(2) Concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by EPA.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. Today's final rule is not subject to Executive Order 13045 because it establishes an environmental standard based on available technology rather than reduction of health risk. No children's risk analysis was performed because no alternative technologies exist that would provide greater stringency at a reasonable cost. Furthermore, today's final rule has been determined not to be

''economically significant'' as defined under Executive Order 12866.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. The maximum total annual cost of today's final rule for any 1 year has been estimated to be less than $15 million. Thus, today's final rule is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, the EPA has determined that today's final rule contains no regulatory requirements that might significantly or uniquely affect small governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, today's final rule is not subject to the requirements of section 203 of the UMRA.

F. Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with today's final rule. The EPA has also determined that today's final rule will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impact of today's final rule on small entities, small entities are defined as small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

For today's final rule, the impacted small entities are businesses, and the Small Business Administration defines the criteria used to designate a business as small. The relevant small business criteria are shown below.

TABLE 2.—AFFECTED INDUSTRY CLASSIFICATION CODES AND SMALL BUSINESS CRITERIA FOR THE SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION NESHAP

SIC	NAICS	Small business criteria (by NAICS)
2046—Wet Corn Milling	311221—Wet Corn Milling	fewer than 750 employees.
2041—Flour and Other Grain Mill Products	311211—Flour Milling	fewer than 500 employees.
2074—Cottonseed Oil Mills	311223—Other Oilseed Processing	fewer than 1,000 employees.
2075—Soybean Oil Mills	311222—Soybean Processing	fewer than 500 employees.
2076—Vegetable Oil Mills	311223—Other Oilseed Processing	fewer than 1,000 employees.

Based upon these criteria, 15 companies operating oilseed processing facilities are small businesses. These small businesses operated 21 vegetable oil processing facilities or 20 percent of the solvent extraction facilities in operation during 1995. Sixteen of these 21 facilities were cottonseed processing mills indicating that 64 percent of the 25 cottonseed processing facilities operating in 1995 were operated by small businesses.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. We have analyzed the potential impact on the small entities by calculating the ratio of estimated annualized emissions control costs relative to baseline 1995 sales revenue for each small company expected to be impacted by the rule. While the cost-to-sales ratio (CSR) has different significance for different market situations, it is a good rough gauge of potential impact. If costs for the individual firm (or group of firms) are completely passed on to the purchasers of the good(s) being produced, the ratio is an estimate of the price increase (in percentage form after multiplying the ratio by 100). If costs are completely absorbed by the producer, this ratio is an estimate of the decrease in pretax profits (in percentage form after multiplying the ratio by 100). The distribution of CSR's across the whole market, the competitiveness of the market, and profit-to-sales ratios are among the obvious factors that may influence the significance of any particular CSR for an individual facility. The mean or average CSR for small companies affected by today's final rule is 0.30 percent, with range of CSR from a low of 0.03 percent to a high estimate of 0.61 percent. As a result of the increased costs of emissions controls, these firms will either increase the price of their products in response to a market change in price, absorb the cost increase with no price increase, or respond with a combination of these approaches. Since the estimated costs as a percentage of sales is relatively minimal for the affected small oilseed processing companies, it is anticipated that the rule will not have a significant impact on the profitability of affected companies.

Many cottonseed processing facilities are owned by small businesses. Ten of the 25 cottonseed processing facilities have ceased operation or are currently dormant subsequent to the baseline year of 1995. These factors prompted an additional analysis to determine whether cottonseed processing facilities will experience significant economic

impacts as a result of today's final rule. For this analysis, the estimated costs of emissions controls for an individual facility were compared to the estimated 1995 sales revenue for that facility to estimate facility-specific CSR's. A CSR exceeding 1 percent was determined to be an indicator of the potential for a significant economic impact for cottonseed processing facilities. For the nine cottonseed processing facilities currently operating that are owned by small businesses, the average CSR is 0.28 percent with a high-low range of 0.05 to 0.52 percent. These estimated costs as a percent of sales are less than 1 percent indicating that significant economic impacts are not likely for the cottonseed facilities owned by small businesses as a result of today's final rule.

Although today's final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. We worked closely with a coalition of four industrial trade associations throughout the rule development process. As a result of this interaction, separate standards were developed for each type of oilseed because of differences in the operating practices and the capabilities to reduce emissions among the oilseeds affected by the rule. In addition, the rule regulates total plant solvent losses rather than losses from each emission point, thus providing flexibility to select control options that are most cost effective for each plant. Moreover, the monitoring, recordkeeping, and reporting costs are low because compliance can be determined from existing plant records of purchases and inventories of solvent and oilseeds. These steps have reduced the burden of the rule for both large and small plants.

Further steps were taken to reduce the burden for small cottonseed oil plants. The performance standards in today's final rule are expressed in terms of gallons of emissions per ton of seeds processed because most of the emissions relate to the seed processing rate. However, a small percentage of the emissions, such as those from plant shutdowns and startups, are not related to the seed throughput. These ''fixed'' emissions become more significant for small plants because they tend to shutdown and startup more frequently than large plants. The cottonseed oil producers pointed out that this situation was particularly troublesome for small cottonseed oil plants. In response to the industry's concern, we requested additional information from the industry regarding the operating practices and emissions from small cottonseed oil plants. After examining this information, separate, less stringent performance standards were developed to reflect the intermittent operation of this segment of the industry.

G. Paperwork Reduction Act

The information collection requirements in today's final rule will be submitted for approval to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1947–02) and a copy may be obtained from Sandy Farmer by mail at the U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Avenue NW, Washington, DC 20460, by e-mail at *farmer.sandy@epa.gov,* or by calling (202) 260–2740. A copy may also be downloaded off the internet at *http://www.epa.gov/icr.* The information requirements are not effective until OMB approves them.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions (40 CFR part 63, subpart A), which are mandatory for all operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to EPA policies set forth in 40 CFR part 2, subpart B.

The total 3-year burden of monitoring, recordkeeping, and reporting for this collection is estimated at 30,275 labor hours, and the annual average burden is 10,092 labor hours for the affected facilities. There are no required capital and operations and maintenance costs for the solvent extraction for vegetable oil production NESHAP. This estimate includes initial notification(s); plan for demonstrating compliance; startup, shutdown, and malfunction (SSM) plan; notification of compliance status; monthly inventory recordkeeping; monthly determination of the compliance ratio; annual compliance certifications; deviation notification reports; periodic SSM reports; and immediate SSM reports for each of the 106 existing sources and one new source per year from proposal.

Burden means the total time, effort, or financial resources people spend to generate, maintain, keep, or disclose to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and use technology and systems to collect, validate, and verify information; process, maintain, disclose, and provide information; adjust ways to comply with any previously applicable instructions and requirements; train people to respond to a collection of information; search data sources; collect and review information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are in 40 CFR part 9 and 48 CFR chapter 15.

H. National Technology Transfer and Advancement Act of 1995

Under section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Public Law No. 104–113), all Federal agencies are required to use voluntary consensus standards (VCS) in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA requires Federal agencies to provide Congress, through annual reports to the OMB, with explanations when an agency does not use available and applicable VCS.

Consistent with the NTTAA, the EPA conducted a search for EPA's Method 311 (Analysis of Hazardous Air Pollutant Compounds in Paints and Coatings by Direct Injection into a Gas Chromatograph) and found no candidate VCS for use in identifying n-hexane. This rule references the National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process (40 CFR part 63, subpart SS). Since there are no new technical standard requirements resulting from specifying subpart SS in this rule, and no candidate consensus standards were identified for EPA Method 311 (n-hexane), EPA is not adopting VCS in today's final rule.

Section 63.2854(b)(1) of today's final rule lists EPA Method 311. The EPA Method 311 has been used by States and industry for approximately 5 years. Nevertheless, under § 63.7(f) of 40 CFR part 63, subpart A, today's final rule allows any State or source to apply to EPA for permission to use an alternative method in lieu of EPA Method 311 listed in § 63.2854(b)(1).

I. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the SBREFA, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Therefore, we will submit a report containing this final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2), and therefore will be effective April 12, 2001.

List of Subjects in 40 CFR Part 63

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

Dated: April 3, 2001.

Christine Todd Whitman,

Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 63, of the Code of the Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

2. Part 63 is amended by adding subpart GGGG to read as follows:

Subpart GGGG—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

Sec.

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What This Subpart Covers

§ 63.2830 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for emissions during vegetable oil production. This subpart limits hazardous air pollutant (HAP) emissions from specified vegetable oil production processes. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards.

§ 63.2831 Where can I find definitions of key words used in this subpart?

You can find definitions of key words used in this subpart in § 63.2872.

§ 63.2832 Am I subject to this subpart?

(a) You are an affected source subject to this subpart if you meet all of the criteria listed in paragraphs (a)(1) and (2) of this section:

(1) You own or operate a vegetable oil production process that is a major source of HAP emissions or is collocated within a plant site with other sources that are individually or collectively a major source of HAP emissions.

(i) A *vegetable oil production process* is defined in § 63.2872. In general, it is the collection of continuous process equipment and activities that produce crude vegetable oil and meal products by removing oil from oilseeds listed in Table 1 to § 63.2840 through direct contact with an organic solvent, such as a hexane isomer blend.

(ii) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year.

(2) Your vegetable oil production process processes any combination of eight types of oilseeds listed in paragraphs (a)(2)(i) through (viii) of this section:

(i) Corn germ;
(ii) Cottonseed;
(iii) Flax;
(iv) Peanut;
(v) Rapeseed (for example, canola);
(vi) Safflower;
(vii) Soybean; and
(viii) Sunflower.

(b) You are not subject to this subpart if your vegetable oil production process meets any of the criteria listed in paragraphs (b)(1) through (4) of this section:

(1) It uses only mechanical extraction techniques that use no organic solvent to remove oil from a listed oilseed.

(2) It uses only batch solvent extraction and batch desolventizing equipment.

(3) It processes only agricultural products that are not listed oilseeds as defined in § 63.2872.

(4) It functions only as a research and development facility and is not a major source.

(c) As listed in § 63.1(c)(5) of the General Provisions, if your HAP emissions increase such that you become a major source, then you are subject to all of the requirements of this subpart.

§ 63.2833 Is my source categorized as existing or new?

(a) This subpart applies to each existing and new affected source. You must categorize your vegetable oil production process as either an existing or a new source in accordance with the criteria in Table 1 of this section, as follows:

TABLE 1 TO § 63.2833.—CATEGORIZING YOUR SOURCE AS EXISTING OR NEW

If your affected source...	And if...	Then your affected source...
(1) was constructed or began construction before May 26, 2000.	reconstruction has not occurred	is an existing source.
(2) began reconstruction, as defined in § 63.2, on or after May 26, 2000.	(i) reconstruction was part of a scheduled plan to comply with the existing source requirements of this subpart; and. (ii) reconstruction was completed no later than 3 years after the effective date of this subpart.	remains an existing source.
(3) began a significant modification, as defined in § 63.2872, at any time on an existing source.	the modification does not constitute reconstruction.	remains an existing source.
(4) began a significant modification, as defined in § 63.2872, at any time on a new source.	the modification does not constitute reconstruction.	remains a new source.
(5) began reconstruction on or after May 26, 2000.	reconstruction was completed later than 3 years after the effective date of this subpart.	is a new source
(6) began construction on or after May 26, 2000.		is a new source.

(b) *Reconstruction of a source.* Any affected source is reconstructed if components are replaced so that the criteria in the definition of *reconstruction* in § 63.2 are satisfied. In general, a vegetable oil production process is reconstructed if the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost for constructing a new vegetable oil production process, and it is technically and economically feasible for the reconstructed source to meet the relevant new source requirements of this subpart. The effect of reconstruction on the categorization of your existing and new affected source is described in paragraphs (b)(1) and (2) of this section:

(1) After reconstruction of an existing source, the affected source is recategorized as a new source and becomes subject to the new source requirements of this subpart.

(2) After reconstruction of a new source, the affected source remains categorized as a new source and remains subject to the new source requirements of this subpart.

(c) *Significant modification of a source.* A significant modification to an affected source is a term specific to this subpart and is defined in § 63.2872.

(1) In general, a significant modification to your source consists of adding new equipment or the modification of existing equipment within the affected source that significantly affects solvent losses from the affected source. Examples include adding or replacing extractors, desolventizer-toasters (conventional and specialty), and meal dryer-coolers. All other significant modifications must meet the criteria listed in paragraphs (c)(1)(i) and (ii) of this section:

(i) The fixed capital cost of the modification represents a significant percentage of the fixed capital cost of building a comparable new vegetable oil production process.

(ii) It does not constitute reconstruction as defined in § 63.2.

(2) A significant modification has no effect on the categorization of your source as existing and new. An existing source remains categorized as an existing source and subject to the existing source requirements of this subpart. A new source remains categorized as a new source and subject to the new source requirements of this subpart.

(d) Changes in the type of oilseed processed by your affected source does not affect the categorization of your source as new or existing. Recategorizing an affected source from existing to new occurs only when you add or modify process equipment within the source which meets the definition of *reconstruction.*

§ 63.2834 When do I have to comply with the standards in this subpart?

You must comply with this subpart in accordance with one of the schedules in Table 1 of this section, as follows:

TABLE 1 OF § 63.2834.—COMPLIANCE DATES FOR EXISTING AND NEW SOURCES

If your affected source is categorized as...	And if...	Then your compliance date is...
(a) an existing source		3 years after the effective date of this subpart.
(b) a new source	you startup your affected source before the effective date of this subpart.	the effective date of this subpart.
(c) a new source	you startup your affected source on or after the effective date of this subpart.	your startup date.

Standards

§ 63.2840 What emission requirements must I meet?

(a)(1) The emission requirements limit the number of gallons of HAP lost per ton of listed oilseeds processed. For each operating month, you must calculate a compliance ratio which compares your actual HAP loss to your allowable HAP loss for the previous 12 operating months as shown in Equation 1 of this section. An operating month, as defined in § 63.2872, is any calendar month in which a source processes a listed oilseed, excluding any entire calendar month in which the source operated under an initial startup period subject to § 63.2850(c)(2) or (d)(2) or a malfunction period subject to § 63.2850(e)(2). Equation 1 of this section follows:

$$\text{Compliance Ratio} = \frac{\text{Actual Hap Loss}}{\text{Allowable Hap Loss}} \qquad \text{(Eq. 1)}$$

(2) Equation 1 of this section can also be expressed as a function of total solvent loss as shown in Equation 2 of this section. Equation 2 of this section follows:

$$\text{Compliance Ratio} = \frac{f * \text{Actual Solvent Loss}}{0.64 * \sum_{i=1}^{n}\left((\text{Oilseed})_i * (\text{SLF})_i\right)} \qquad \text{(Eq. 2)}$$

Where:

f = The weighted average volume fraction of HAP in solvent received during the previous 12 operating months, as determined in § 63.2854, dimensionless.

0.64 = The average volume fraction of HAP in solvent in the baseline performance data, dimensionless.

Actual Solvent Loss = Gallons of actual solvent loss during previous 12 operating months, as determined in § 63.2853.

Oilseed = Tons of each oilseed type ''i'' processed during the previous 12 operating months, as shown in § 63.2855.

SLF = The corresponding solvent loss factor (gal/ton) for oilseed ''i'' listed in Table 1 of this section, as follows:

TABLE 1 OF § 63.2840.—OILSEED SOLVENT LOSS FACTORS FOR DETERMINING ALLOWABLE HAP LOSS

Type of oilseed process	A source that...	Oilseed solvent loss factor (gal/ton)	
		Existing sources	New sources
(i) Corn Germ, Wet Milling	processes corn germ that has been separated from other corn components using a ''wet'' process of centrifuging a slurry steeped in a dilute sulfurous acid solution.	0.4	0.3
(ii) Corn Germ, Dry Milling	processes corn germ that has been separated from the other corn components using a ''dry'' process of mechanical chafing and air sifting.	0.7	0.7
(iii) Cottonseed, Large	processes 120,000 tons or more of a combination of cottonseed and other listed oilseeds during all normal operating periods in a 12 operating month period.	0.5	0.4
(iv) Cottonseed, Small	processes less than 120,000 tons of a combination of cottonseed and other listed oilseeds during all normal operating periods in a 12 operating month period.	0.7	0.4
(v) Flax	processes flax	0.6	0.6
(vi) Peanuts	processes peanuts	1.2	0.7
(vii) Rapeseed	processes rapeseed	0.7	0.3
(viii) Safflower	processes safflower	0.7	0.7
(ix) Soybean, Conventional	uses a conventional style desolventizer to produce crude soybean oil products and soybean animal feed products.	0.2	0.2
(x) Soybean, Specialty	uses a special style desolventizer to produce soybean meal products for human and animal consumption.	1.7	1.5
(xi) Soybean, Combination Plant with Low Specialty Production.	processes soybeans in both specialty and conventional desolventizers and the quantity of soybeans processed in specialty desolventizers during normal operating periods is less than 3.3 percent of total soybeans processed during all normal operating periods in a 12 operating month period. The corresponding solvent loss factor is an overall value and applies to the total quantity of soybeans processed..	0.25	0.25
(xii) Sunflower	processes sunflower	0.4	0.3

(b) When your source has processed listed oilseed for 12 operating months, calculate the compliance ratio by the end of each calendar month following an operating month using Equation 2 of this section. When calculating your compliance ratio, consider the conditions and exclusions in paragraphs (b)(1) through (6) of this section:

(1) If your source processes any quantity of listed oilseeds in a calendar month and the source is not operating under an initial startup period or malfunction period subject to § 63.2850, then you must categorize the month as an operating month, as defined in § 63.2872.

(2) The 12-month compliance ratio may include operating months occurring prior to a source shutdown and operating months that follow after the source resumes operation.

(3) If your source shuts down and processes no listed oilseed for an entire calendar month, then you must categorize the month as a nonoperating month, as defined in § 63.2872. Exclude any nonoperating months from the compliance ratio determination.

(4) If your source is subject to an initial startup period as defined in § 63.2872, exclude from the compliance ratio determination any solvent and oilseed information recorded for the initial startup period.

(5) If your source is subject to a malfunction period as defined in § 63.2872, exclude from the compliance ratio determination any solvent and oilseed information recorded for the malfunction period.

(6) For sources processing cottonseed or specialty soybean, the solvent loss factor you use to determine the compliance ratio may change each operating month depending on the tons of oilseed processed during all normal operating periods in a 12 operating month period.

(c) If the compliance ratio is less than or equal to 1.00, your source was in compliance with the HAP emission requirements for the previous operating month.

(d) To determine the compliance ratio in Equation 2 of this section, you must select the appropriate oilseed solvent loss factor from Table 1 of this section. First, determine whether your source is new or existing using Table 1 of § 63.2833. Then, under the appropriate existing or new source column, select the oilseed solvent loss factor that corresponds to each type oilseed or process operation for each operating month.

Compliance Requirements

§ 63.2850 How do I comply with the hazardous air pollutant emission standards?

(a) *General requirements.* The requirements in paragraphs (a)(1)(i) through (iv) of this section apply to all affected sources:

(1) Submit the necessary notifications in accordance with § 63.2860, which include:

(i) Initial notifications for existing sources.

(ii) Initial notifications for new and reconstructed sources.

(iii) Initial notifications for significant modifications to existing or new sources.

(iv) Notification of compliance status.

(2) Develop and implement a plan for demonstrating compliance in accordance with § 63.2851.

(3) Develop a written startup, shutdown and malfunction (SSM) plan in accordance with the provisions in § 63.2852.

(4) Maintain all the necessary records you have used to demonstrate compliance with this subpart in accordance with § 63.2862.

(5) Submit the reports in paragraphs (a)(5)(i) through (iii) of this section:

(i) Annual compliance certifications in accordance with § 63.2861(a).

(ii) Periodic SSM reports in accordance with § 63.2861(c).

(iii) Immediate SSM reports in accordance with § 63.2861(d).

(6) Submit all notifications and reports and maintain all records required by the General Provisions for performance testing if you add a control device that destroys solvent.

(b) *Existing sources under normal operation.* You must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for existing sources under normal operation in Table 2 of this section.

(c) *New sources.* Your new source, including a source that is categorized as new due to reconstruction, must meet the requirements associated with one of two compliance options. Within 15 days of the startup date, you must choose to comply with one of the options listed in paragraph (c)(1) or (2) of this section:

(1) *Normal operation.* Upon startup of your new source, you must meet all of the requirements listed in § 63.2850(a) and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for new sources under normal operation in Table 2 of this section.

(2) *Initial startup period.* For up to 6 calendar months after the startup date of your new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating under an initial startup period, and the schedules for demonstrating compliance for new sources operating under an initial startup period in Table 2 of this section. After a maximum of 6 calendar months, your new source must then meet all of the requirements listed in Table 1 of this section for sources under normal operation.

(d) *Existing or new sources that have been significantly modified.* Your existing or new source that has been significantly modified must meet the requirements associated with one of two compliance options. Within 15 days of the modified source startup date, you must choose to comply with one of the options listed in paragraph (d)(1) or (2) of this section:

(1) *Normal operation.* Upon startup of your significantly modified existing or new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for an existing or new source that has been significantly modified in Table 2 of this section.

(2) *Initial startup period.* For up to 3 calendar months after the startup date of your significantly modified existing or new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating under an initial startup period, and the schedules for demonstrating compliance for a significantly modified existing or new source operating under an initial startup period in Table 2 of this section. After a maximum of 3 calendar months, your new or existing source must meet all of the requirements listed in Table 1 of this section for sources under normal operation.

(e) *Existing or new sources experiencing a malfunction.* A *malfunction* is defined in § 63.2. In general, it means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment or process equipment to function in a usual manner. If your existing or new source experiences an unscheduled shutdown as a result of a malfunction, continues to operate during a malfunction (including the period reasonably necessary to correct the malfunction), or starts up after a shutdown resulting from a malfunction, then you must meet the requirements associated with one of two compliance options. Routine or scheduled process startups and shutdowns resulting from, but not limited to, market demands, maintenance activities, and switching types of oilseed processed, are not startups or shutdowns resulting from a malfunction and, therefore, do not qualify for this provision. Within 15 days of the beginning date of the malfunction, you must choose to comply with one of the options listed in paragraphs (e)(1) through (2) of this section:

(1) *Normal operation.* Your source must meet all of the requirements listed in paragraph (a) of this section and one of the options listed in paragraphs (e)(1)(i) through (iii) of this section:

(i) Existing source normal operation requirements in paragraph (b) of this section.

(ii) New source normal operation requirements in paragraph (c)(1) of this section.

(iii) Normal operation requirements for sources that have been significantly modified in paragraph (d)(1) of this section.

(2) *Malfunction period.* Throughout the malfunction period, you must meet all of the requirements listed in

paragraph (a) of this section and Table 1 of this section for sources operating during a malfunction period. At the end of the malfunction period, your source must then meet all of the requirements listed in Table 1 of this section for sources under normal operation. Table 1 of this section follows:

TABLE 1 OF § 63.2850.—REQUIREMENTS FOR COMPLIANCE WITH HAP EMISSION STANDARDS

Are you required to . . .	For periods of normal operation?	For initial startup periods subject to § 63.2850(c)(2) or (d)(2)?	For malfunction periods subject to § 63.2850(e)(2)?
(a) Operate and maintain your source in accordance with your SSM plan as described in § 63.2852?.	No, your source is not subject to the SSM plan, but rather the HAP emission limits of this standard.	Yes, throughout the entire initial startup period.	Yes, throughout the entire malfunction period.
(b) Determine and record the extraction solvent loss in gallons from your source?.	Yes, as described in § 63.2853	Yes, as described in § 63.2862(e)	Yes, as described in § 63.2862(e).
(c) Record the volume fraction of HAP present at greater than 1 percent by volume and gallons of extraction solvent in shipment received?.	Yes	Yes	Yes.
(d) Determine and record the tons of each oilseed type processed by your source?.	Yes, as described in § 63.2855	No	No.
(e) Determine the weighted average volume fraction of HAP in extraction solvent received as described in § 63.2854 by the end of the following calendar month?.	Yes	No. Except for solvent received by a new or reconstructed source commencing operation under an initial startup period, the HAP volume fraction in any solvent received during an initial startup period is included in the weighted average HAP determination for the next operating month.	No, the HAP volume fraction in any solvent received during a malfunction period is included in the weighted average HAP determination for the next operating month.
(f) Determine and record the actual solvent loss, weighted average volume fraction HAP, oilseed processed and compliance ratio for each 12 operating month period as described in § 63.2840 by the end of the following calendar month?.	Yes, ...	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for an initial startup period.	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for a malfunction period.
(g) Submit a Notification of Compliance Status or Annual Compliance Certification as appropriate?.	Yes, as described in §§ 63.2860(d) and 63.2861(a).	No. However, you may be required to submit an annual compliance certification for previous operating months, if the deadline for the annual compliance certification happens to occur during the initial startup period.	No. However, you may be required to submit an annual compliance certification for previous operating months, if the deadline for the annual compliance certification happens to occur during the malfunction period.
(h) Submit a Deviation Notification Report by the end of the calendar month following the month in which you determined that the compliance ratio exceeds 1.00 as described in § 63.2861(b)?.	Yes	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for an initial startup period.	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for a malfunction period.
(i) Submit a Periodic SSM Report as described in § 63.2861(c)?.	No, a SSM activity is not categorized as normal operation.	Yes	Yes.
(j) Submit an Immediate SSM Report as described in § 63.2861(d)?.	No, a SSM activity is not categorized as normal operation.	Yes, only if your source does not follow the SSM plan.	Yes, only if your source does not follow the SSM plan.

TABLE 2 OF § 63.2850.—SCHEDULES FOR DEMONSTRATING COMPLIANCE UNDER VARIOUS SOURCE OPERATING MODES

If your source is . . .	and is operating under. . .	then your recordkeeping schedule. . .	You must determine your first compliance ratio by the end of the calendar month following. . .	Base your first compliance ratio on information recorded. . .
(a) Existing	Normal operation	Begins on the compliance date.	The first 12 operating months after the compliance date.	During the first 12 operating months after the compliance date.

TABLE 2 OF § 63.2850.—SCHEDULES FOR DEMONSTRATING COMPLIANCE UNDER VARIOUS SOURCE OPERATING MODES—Continued

If your source is . . .	and is operating under. . .	then your recordkeeping schedule. . .	You must determine your first compliance ratio by the end of the calendar month following. . .	Base your first compliance ratio on information recorded. . .
(b) New	(1) Normal operation	Begins on the startup date of your new source.	The first 12 operating months after the startup date of the new source.	During the first 12 operating months after the startup date of the new source.
	(2) An initial startup period	Begins on the startup date of your new source.	The first 12 operating months after termination of the initial startup period, which can last for up to 6 months.	During the first 12 operating months after the initial startup period, which can last for up to 6 months.
(c) Existing or new that has been significantly modified.	(1) Normal operation	Resumes on the startup date of the modified source.	The first operating month after the startup date of the modified source.	During the previous 11 operating months prior to the significant modification and the first operating month following the initial startup date of the source.
	(2) An initial startup period	Resumes on the startup date of the modified source.	The first operating month after termination of the initial startup period, which can last up to 3 months.	During the 11 operating months before the significant modification and the first operating month after the initial startup period.

§ 63.2851 What is a plan for demonstrating compliance?

(a) You must develop and implement a written plan for demonstrating compliance that provides the detailed procedures you will follow to monitor and record data necessary for demonstrating compliance with this subpart. Procedures followed for quantifying solvent loss from the source and amount of oilseed processed vary from source to source because of site-specific factors such as equipment design characteristics and operating conditions. Typical procedures include one or more accurate measurement methods such as weigh scales, volumetric displacement, and material mass balances. Because the industry does not have a uniform set of procedures, you must develop and implement your own site-specific plan for demonstrating compliance before the compliance date for your source. You must also incorporate the plan for demonstrating compliance by reference in the source's title V permit and keep the plan on-site and readily available as long as the source is operational. If you make any changes to the plan for demonstrating compliance, then you must keep all previous versions of the plan and make them readily available for inspection for at least 5 years after each revision. The plan for demonstrating compliance must include the items in paragraphs (a)(1) through (7) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) A detailed description of all methods of measurement your source will use to determine your solvent losses, HAP content of solvent, and the tons of each type of oilseed processed.

(4) When each measurement will be made.

(5) Examples of each calculation you will use to determine your compliance status. Include examples of how you will convert data measured with one parameter to other terms for use in compliance determination.

(6) Example logs of how data will be recorded.

(7) A plan to ensure that the data continue to meet compliance demonstration needs.

(b) The responsible agency of these NESHAP may require you to revise your plan for demonstrating compliance. The responsible agency may require reasonable revisions if the procedures lack detail, are inconsistent or do not accurately determine solvent loss, HAP content of the solvent, or the tons of oilseed processed.

§ 63.2852 What is a startup, shutdown, and malfunction plan?

You must develop a written SSM plan in accordance with § 63.6(e)(3) and implement the plan, when applicable. You must complete the SSM plan before the compliance date for your source. You must also incorporate the SSM plan by reference in your source's title V permit and keep the SSM plan on-site and readily available as long as the source is operational. The SSM plan provides detailed procedures for operating and maintaining your source to minimize emissions during a qualifying SSM event for which the source chooses the § 63.2850(e)(2) malfunction period, or the § 63.2850(c)(2) or (d)(2) initial startup period. The SSM plan must specify a program of corrective action for malfunctioning process and air pollution control equipment and reflect the best practices now in use by the industry to minimize emissions. Some or all of the procedures may come from plans you developed for other purposes such as a Standard Operating Procedure manual or an Occupational Safety and Health Administration Process Safety Management plan. To qualify as a SSM plan, other such plans must meet all the applicable requirements of these NESHAP.

§ 63.2853 How do I determine the actual solvent loss?

By the end of each calendar month following an operating month, you must determine the total solvent loss in gallons for the previous operating month. The total solvent loss for an operating month includes all solvent losses that occur during normal operating periods within the operating month. If you have determined solvent losses for 12 or more operating months,

then you must also determine the 12 operating months rolling sum of actual solvent loss in gallons by summing the monthly actual solvent loss for the previous 12 operating months. The 12 operating months rolling sum of solvent loss is the ''actual solvent loss,'' which is used to calculate your compliance ratio as described in § 63.2840.

(a) To determine the actual solvent loss from your source, follow the procedures in your plan for demonstrating compliance to determine the items in paragraphs (a)(1) through (7) of this section:

(1) *The dates that define each operating status period during a calendar month.* The dates that define each operating status period include the beginning date of each calendar month and the date of any change in the source operating status. If the source maintains the same operating status during an entire calendar month, these dates are the beginning and ending dates of the calendar month. If, prior to the effective date of this rule, your source determines the solvent loss on an *accounting month,* as defined in § 63.2872, rather than a calendar month basis, and you have 12 complete accounting months of approximately equal duration in a calendar year, you may substitute the accounting month time interval for the calendar month time interval. If you choose to use an accounting month rather than a calendar month, you must document this measurement frequency selection in your plan for demonstrating compliance, and you must remain on this schedule unless you request and receive written approval from the agency responsible for these NESHAP.

(2) *Source operating status.* You must categorize the operating status of your source for each recorded time interval in accordance with criteria in Table 1 of this section, as follows:

TABLE 1 OF § 63.2853.—CATEGORIZING YOUR SOURCE OPERATING STATUS

If during a recorded time interval . . .	then your source operating status is . . .
(i) Your source processes any amount of listed oilseed and source is not operating under an initial startup operating period or a malfunction period subject to § 63.2850(c)(2), (d)(2), or (e)(2).	A normal operating period.
(ii) Your source processes no agricultural product and your source is not operating under an initial startup period or malfunction period subject to § 63.2850(c)(2), (d)(2), or (e)(2).	A nonoperating period.
(iii) You choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2).	An initial startup period.
(iv) You choose to operate your source under a malfunction period subject to § 63.2850(e)(2).	A malfunction period.
(v) Your source processes agricultural products not defined as listed oilseed.	An exempt period.

(3) *Measuring the beginning and ending solvent inventory.* You are required to measure and record the solvent inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. An operating month is any calendar month with at least one normal operating period. You must consistently follow the procedures described in your plan for demonstrating compliance, as specified in § 63.2851, to determine the extraction solvent inventory, and maintain readily available records of the actual solvent loss inventory, as described in § 63.2862(c)(1). In general, you must measure and record the solvent inventory only when the source is actively processing any type of agricultural product. When the source is not active, some or all of the solvent working capacity is transferred to solvent storage tanks which can artificially inflate the solvent inventory.

(4) *Gallons of extraction solvent received.* Record the total gallons of extraction solvent received in each shipment. For most processes, the gallons of solvent received represents purchases of delivered solvent added to the solvent storage inventory. However, if your process refines additional vegetable oil from off-site sources, recovers solvent from the off-site oil, and adds it to the on-site solvent inventory, then you must determine the quantity of recovered solvent and include it in the gallons of extraction solvent received.

(5) *Solvent inventory adjustments.* In some situations, solvent losses determined directly from the measured solvent inventory and quantity of solvent received is not an accurate estimate of the ''actual solvent loss'' for use in determining compliance ratios. In such cases, you may adjust the total solvent loss for each normal operating period as long as you provide a reasonable justification for the adjustment. Situations that may require adjustments of the total solvent loss include, but are not limited to, situations in paragraphs (a)(5)(i) and (ii) of this section:

(i) Solvent destroyed in a control device. You may use a control device to reduce solvent emissions to meet the emission standard. The use of a control device does not alter the emission limit for the source. If you use a control device that reduces solvent emissions through destruction of the solvent instead of recovery, then determine the gallons of solvent that enter the control device and are destroyed there during each normal operating period. All solvent destroyed in a control device during a normal operating period can be subtracted from the total solvent loss. Examples of destructive emission control devices include catalytic incinerators, boilers, or flares. Identify and describe, in your plan for demonstrating compliance, each type of reasonable and sound measurement method that you use to quantify the gallons of solvent entering and exiting the control device and to determine the destruction efficiency of the control device. You may use design evaluations to document the gallons of solvent destroyed or removed by the control device instead of performance testing under § 63.7. The design evaluations must be based on the procedures and options described in § 63.985(b)(1)(i)(A) through (C) or § 63.11, as appropriate. All data, assumptions, and procedures used in such evaluations must be documented and available for inspection. If you use performance testing to determine solvent flow rate to the control device or destruction efficiency of the device, follow the procedures as outlined in § 63.997(e)(1) and (2). Instead of periodic performance testing to demonstrate continued good operation of the control device, you may develop a monitoring plan, following the procedures outlined in § 63.988(c) and using operational parametric

measurement devices such as fan parameters, percent measurements of lower explosive limits, and combustion temperature.

(ii) Changes in solvent working capacity. In records you keep on-site, document any process modifications resulting in changes to the solvent working capacity in your vegetable oil production process. *Solvent working capacity* is defined in § 63.2872. In general, solvent working capacity is the volume of solvent normally retained in solvent recovery equipment such as the extractor, desolventizer-toaster, solvent storage, working tanks, mineral oil absorber, condensers, and oil/solvent distillation system. If the change occurs during a normal operating period, you must determine the difference in working solvent volume and make a one-time documented adjustment to the solvent inventory.

(b) Use Equation 1 of this section to determine the actual solvent loss occurring from your affected source for all normal operating periods recorded within a calendar month. Equation 1 of this section follows:

$$\text{Monthly Actual Solvent (gal)} = \sum_{i=1}^{n} \left(SOLV_B - SOLV_E + SOLV_R \pm SOLV_A\right)_i \qquad \text{(Eq. 1)}$$

Where:

$SOLV_B$ = Gallons of solvent in the inventory at the beginning of normal operating period ''i'' as determined in paragraph (a)(3) of this section.

$SOLV_E$ = Gallons of solvent in the inventory at the end of normal operating period ''i'' as determined in paragraph (a)(3) of this section.

$SOLV_R$ = Gallons of solvent received between the beginning and ending inventory dates of normal operating period ''i'' as determined in paragraph (a)(4) of this section.

$SOLV_A$ = Gallons of solvent added or removed from the extraction solvent inventory during normal operating period ''i'' as determined in paragraph (a)(5) of this section.

n = Number of normal operating periods in a calendar month.

(c) The actual solvent loss is the total solvent losses during normal operating periods for the previous 12 operating months. You determine your actual solvent loss by summing the monthly actual solvent losses for the previous 12 operating months. You must record the actual solvent loss by the end of each calendar month following an operating month. Use the actual solvent loss in Equation 2 of § 63.2840 to determine the compliance ratio. Actual solvent loss does not include losses that occur during operating status periods listed in paragraphs (c)(1) through (4) of this section. If any one of these four operating status periods span an entire month, then the month is treated as nonoperating and there is no compliance ratio determination.

(1) Nonoperating periods as described in paragraph (a)(2)(ii) of this section.

(2) Initial startup periods as described in § 63.2850(c)(2) or (d)(2).

(3) Malfunction periods as described in § 63.2850(e)(2).

(4) Exempt operation periods as described in paragraph (a)(2)(v) of this section.

§ 63.2854 How do I determine the weighted average volume fraction of HAP in the actual solvent loss?

(a) This section describes the information and procedures you must use to determine the weighted average volume fraction of HAP in extraction solvent received for use in your vegetable oil production process. By the end of each calendar month following an operating month, determine the weighted average volume fraction of HAP in extraction solvent received since the end of the previous operating month. If you have determined the monthly weighted average volume fraction of HAP in solvent received for 12 or more operating months, then also determine an overall weighted average volume fraction of HAP in solvent received for the previous 12 operating months. Use the volume fraction of HAP determined as a 12 operating months weighted average in Equation 2 of § 63.2840 to determine the compliance ratio.

(b) To determine the volume fraction of HAP in the extraction solvent determined as a 12 operating months weighted average, you must comply with paragraphs (b)(1) through (3) of this section:

(1) Record the volume fraction of each HAP comprising more than 1 percent by volume of the solvent in each delivery of solvent, including solvent recovered from off-site oil. To determine the HAP content of the material in each delivery of solvent, the reference method is EPA Method 311 of appendix A of this part. You may use EPA Method 311, an approved alternative method, or any other reasonable means for determining the HAP content. Other reasonable means of determining HAP content include, but are not limited to, a material safety data sheet or a manufacturer's certificate of analysis. A certificate of analysis is a legal and binding document provided by a solvent manufacturer. The purpose of a certificate of analysis is to list the test methods and analytical results that determine chemical properties of the solvent and the volume percentage of all HAP components present in the solvent at quantities greater than 1 percent by volume. You are not required to test the materials that you use, but the Administrator may require a test using EPA Method 311 (or an approved alternative method) to confirm the reported HAP content. However, if the results of an analysis by EPA Method 311 are different from the HAP content determined by another means, the EPA Method 311 results will govern compliance determinations.

(2) Determine the weighted average volume fraction of HAP in the extraction solvent each operating month. The weighted average volume fraction of HAP for an operating month includes all solvent received since the end of the last operating month, regardless of the operating status at the time of the delivery. Determine the monthly weighted average volume fraction of HAP by summing the products of the HAP volume fraction of each delivery and the volume of each delivery and dividing the sum by the total volume of all deliveries as expressed in Equation 1 of this section. Record the result by the end of each calendar month following an operating month. Equation 1 of this section follows:

$$\text{Monthly Weighted Average HAP Content of Extraction Solvent (volume fraction)} = \frac{\sum_{i=1}^{n}\left(\text{Received}_i * \text{Content}_i\right)}{\text{Total Received}} \quad \text{(Eq. 1)}$$

Where:

Received_i = Gallons of extraction solvent received in delivery ''i.''

Content_i = The volume fraction of HAP in extraction solvent delivery ''i.''

Total Received = Total gallons of extraction solvent received since the end of the previous operating month.

n = Number of extraction solvent deliveries since the end of the previous operating month.

(3) Determine the volume fraction of HAP in your extraction solvent as a 12 operating months weighted average. When your source has processed oilseed for 12 operating months, sum the products of the monthly weighted average HAP volume fraction and corresponding volume of solvent received, and divide the sum by the total volume of solvent received for the 12 operating months, as expressed by Equation 2 of this section. Record the result by the end of each calendar month following an operating month and use it in Equation 2 of § 63.2840 to determine the compliance ratio. Equation 2 of this section follows:

$$\text{12-Month Weighted Average of HAP Content in Solvent Received (volume fraction)} = \frac{\sum_{i=1}^{12}\left(\text{Received}_i * \text{Content}_i\right)}{\text{Total Received}} \quad \text{(Eq. 2)}$$

Where:

Received_i = Gallons of extraction solvent received in operating month ''i'' as determined in accordance with § 63.2853(a)(4).

Content_i = Average volume fraction of HAP in extraction solvent received in operating month ''i'' as determined in accordance with paragraph (b)(1) of this section.

Total Received = Total gallons of extraction solvent received during the previous 12 operating months.

§ 63.2855 How do I determine the quantity of oilseed processed?

All oilseed measurements must be determined on an *as received* basis, as defined in § 63.2872. The as received basis refers to the oilseed chemical and physical characteristics as initially received by the source and prior to any oilseed handling and processing. By the end of each calendar month following an operating month, you must determine the tons as received of each listed oilseed processed for the operating month. The total oilseed processed for an operating month includes the total of each oilseed processed during all normal operating periods that occur within the operating month. If you have determined the tons of oilseed processed for 12 or more operating months, then you must also determine the 12 operating months rolling sum of each type oilseed processed by summing the tons of each type of oilseed processed for the previous 12 operating months. The 12 operating months rolling sum of each type of oilseed processed is used to calculate the compliance ratio as described in § 63.2840.

(a) To determine the tons as received of each type of oilseed processed at your source, follow the procedures in your plan for demonstrating compliance to determine the items in paragraphs (a)(1) through (5) of this section:

(1) *The dates that define each operating status period.* The dates that define each operating status period include the beginning date of each calendar month and the date of any change in the source operating status. If, prior to the effective date of this rule, your source determines the oilseed inventory on an accounting month rather than a calendar month basis, and you have 12 complete accounting months of approximately equal duration in a calendar year, you may substitute the accounting month time interval for the calendar month time interval. If you choose to use an accounting month rather than a calendar month, you must document this measurement frequency selection in your plan for demonstrating compliance, and you must remain on this schedule unless you request and receive written approval from the agency responsible for these NESHAP. The dates on each oilseed inventory log must be consistent with the dates recorded for the solvent inventory.

(2) *Source operating status.* You must categorize the source operation for each recorded time interval. The source operating status for each time interval recorded on the oilseed inventory for each type of oilseed must be consistent with the operating status recorded on the solvent inventory logs as described in § 63.2853(a)(2).

(3) *Measuring the beginning and ending inventory for each oilseed.* You are required to measure and record the oilseed inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. An operating month is any calendar month with at least one normal operating period. You must consistently follow the procedures described in your plan for demonstrating compliance, as specified in § 63.2851, to determine the oilseed inventory on an as received basis and maintain readily available records of the oilseed inventory as described by § 63.2862(c)(3).

(4) *Tons of each oilseed received.* Record the type of oilseed and tons of each shipment of oilseed received and added to your on-site storage.

(5) *Oilseed inventory adjustments.* In some situations, determining the quantity of oilseed processed directly from the measured oilseed inventory and quantity of oilseed received is not an accurate estimate of the tons of oilseed processed for use in determining compliance ratios. For example, spoiled and molded oilseed removed from storage but not processed by your source will result in an overestimate of the quantity of oilseed processed. In such cases, you must adjust the oilseed inventory and provide a justification for the adjustment. Situations that may require oilseed inventory adjustments include, but are not limited to, the situations listed in paragraphs (a)(5)(i) through (v) of this section:

(i) Oilseed that mold or otherwise become unsuitable for processing.

(ii) Oilseed you sell before it enters the processing operation.

(iii) Oilseed destroyed by an event such as a process malfunction, fire, or natural disaster.

(iv) Oilseed processed through operations prior to solvent extraction such as screening, dehulling, cracking, drying, and conditioning; but that are not routed to the solvent extractor for further processing.

(v) Periodic physical measurements of inventory. For example, some sources periodically empty oilseed storage silos to physically measure the current oilseed inventory. This periodic measurement procedure typically results in a small inventory correction. The correction factor, usually less than 1 percent, may be used to make an adjustment to the source's oilseed inventory that was estimated previously with indirect measurement techniques. To make this adjustment, your plan for demonstrating compliance must provide for such an adjustment.

(b) Use Equation 1 of this section to determine the quantity of each oilseed type processed at your affected source during normal operating periods recorded within a calendar month. Equation 1 of this section follows:

$$\text{Monthly Quantity of Each Oilseed Processed (tons)} = \sum_{n=1}^{n}\left(SEED_B - SEED_E + SEED_R \pm SEED_A\right) \qquad \text{(Eq. 1)}$$

Where:

$SEED_B$ = Tons of oilseed in the inventory at the beginning of normal operating period ''i'' as determined in accordance with paragraph (a)(3) of this section.

$SEED_E$ = Tons of oilseed in the inventory at the end of normal operating period ''i'' as determined in accordance with paragraph (a)(3) of this section.

$SEED_R$ = Tons of oilseed received during normal operating period ''i'' as determined in accordance with paragraph (a)(4) of this section.

$SEED_A$ = Tons of oilseed added or removed from the oilseed inventory during normal operating period ''i'' as determined in accordance with paragraph (a)(5) of this section.

n = Number of normal operating periods in the calendar month during which this type oilseed was processed.

(c) The quantity of each oilseed processed is the total tons of each type of listed oilseed processed during normal operating periods in the previous 12 operating months. You determine the tons of each oilseed processed by summing the monthly quantity of each oilseed processed for the previous 12 operating months. You must record the 12 operating months quantity of each type of oilseed processed by the end of each calendar month following an operating month. Use the 12 operating months quantity of each type of oilseed processed to determine the compliance ratio as described in § 63.2840. The quantity of oilseed processed does not include oilseed processed during the operating status periods in paragraphs (c)(1) through (4) of this section:

(1) Nonoperating periods as described in § 63.2853 (a)(2)(ii).

(2) Initial startup periods as described in § 63.2850(c)(2) or (d)(2).

(3) Malfunction periods as described in § 63.2850(e)(2).

(4) Exempt operation periods as described in § 63.2853 (a)(2)(v).

(5) If any one of these four operating status periods span an entire calendar month, then the calendar month is treated as a nonoperating month and there is no compliance ratio determination.

Notifications, Reports, and Records

§ 63.2860 What notifications must I submit and when?

You must submit the one-time notifications listed in paragraphs (a) through (d) of this section to the responsible agency:

(a) *Initial notification for existing sources.* For an existing source, submit an initial notification to the agency responsible for these NESHAP no later than 120 days after the effective date of this subpart. In the notification, include the items in paragraphs (a)(1) through (5) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Identification of the relevant standard, such as the vegetable oil production NESHAP, and compliance date.

(4) A brief description of the source including the types of listed oilseeds processed, nominal operating capacity, and type of desolventizer(s) used.

(5) A statement designating the source as a major source of HAP or a demonstration that the source meets the definition of an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

(b) *Initial notifications for new and reconstructed sources.* New or reconstructed sources must submit a series of notifications before, during, and after source construction per the schedule listed in § 63.9. The information requirements for the notifications are the same as those listed in the General Provisions with the exceptions listed in paragraphs (b)(1) and (2) of this section:

(1) The application for approval of construction does not require the specific HAP emission data required in § 63.5(d)(1)(ii)(H) and (iii), (d)(2) and (d)(3)(ii). The application for approval of construction would include, instead, a brief description of the source including the types of listed oilseeds processed, nominal operating capacity, and type of desolventizer(s) used.

(2) The notification of actual startup date must also include whether you have elected to operate under an initial startup period subject to § 63.2850(c)(2) and provide an estimate and justification for the anticipated duration of the initial startup period.

(c) *Significant modification notifications.* Any existing or new source that plans to undergo a significant modification as defined in § 63.2872 must submit two reports as described in paragraphs (c)(1) and (2) of this section:

(1) Initial notification. You must submit an initial notification to the agency responsible for these NESHAP 30 days prior to initial startup of the significantly modified source. The initial notification must demonstrate that the proposed changes qualify as a significant modification. The initial notification must include the items in paragraphs (c)(1)(i) and (ii) of this section:

(i) The expected startup date of the modified source.

(ii) A description of the significant modification including a list of the equipment that will be replaced or modified. If the significant modification involves changes other than adding or replacing extractors, desolventizer-toasters (conventional and specialty), and meal dryer-coolers, then you must also include the fixed capital cost of the

new components, expressed as a percentage of the fixed capital cost to build a comparable new vegetable oil production process; supporting documentation for the cost estimate; and documentation that the proposed changes will significantly affect solvent losses.

(2) Notification of actual startup. You must submit a notification of actual startup date within 15 days after initial startup of the modified source. The notification must include the items in paragraphs (c)(2)(i) through (iv) of this section:

(i) The initial startup date of the modified source.

(ii) An indication whether you have elected to operate under an initial startup period subject to § 63.2850(d)(2).

(iii) The anticipated duration of any initial startup period.

(iv) A justification for the anticipated duration of any initial startup period.

(d) *Notification of compliance status.* As an existing, new, or reconstructed source, you must submit a notification of compliance status report to the responsible agency no later than 60 days after determining your initial 12 operating months compliance ratio. If you are an existing source, you generally must submit this notification no later than 50 calendar months after the effective date of these NESHAP (36 calendar months for compliance, 12 operating months to record data, and 2 calendar months to complete the report). If you are a new or reconstructed source, the notification of compliance status is generally due no later than 20 calendar months after initial startup (6 calendar months for the initial startup period, 12 operating months to record data, and 2 calendar months to complete the report). The notification of compliance status must contain the items in paragraphs (d)(1) through (6) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Each listed oilseed type processed during the previous 12 operating months.

(4) Each HAP identified under § 63.2854(a) as being present in concentrations greater than 1 percent by volume in each delivery of solvent received during the 12 operating months period used for the initial compliance determination.

(5) A statement designating the source as a major source of HAP or a demonstration that the source qualifies as an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

(6) A compliance certification indicating whether the source complied with all of the requirements of this subpart throughout the 12 operating months used for the initial source compliance determination. This certification must include a certification of the items in paragraphs (d)(6)(i) through (iii) of this section:

(i) The plan for demonstrating compliance (as described in § 63.2851) and SSM plan (as described in § 63.2852) are complete and available on-site for inspection.

(ii) You are following the procedures described in the plan for demonstrating compliance.

(iii) The compliance ratio is less than or equal to 1.00.

§ 63.2861 What reports must I submit and when?

After the initial notifications, you must submit the reports in paragraphs (a) through (d) of this section to the agency responsible for these NESHAP at the appropriate time intervals:

(a) *Annual compliance certifications.* The first annual compliance certification is due 12 calendar months after you submit the notification of compliance status. Each subsequent annual compliance certification is due 12 calendar months after the previous annual compliance certification. The annual compliance certification provides the compliance status for each operating month during the 12 calendar months period ending 60 days prior to the date on which the report is due. Include the information in paragraphs (a)(1) through (6) of this section in the annual certification:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Each listed oilseed type processed during the 12 calendar months period covered by the report.

(4) Each HAP identified under § 63.2854(a) as being present in concentrations greater than 1 percent by volume in each delivery of solvent received during the 12 calendar months period covered by the report.

(5) A statement designating the source as a major source of HAP or a demonstration that the source qualifies as an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

(6) A compliance certification to indicate whether the source was in compliance for each compliance determination made during the 12 calendar months period covered by the report. For each such compliance determination, you must include a certification of the items in paragraphs (a)(6)(i) through (ii) of this section:

(i) You are following the procedures described in the plan for demonstrating compliance.

(ii) The compliance ratio is less than or equal to 1.00.

(b) *Deviation notification report.* Submit a deviation report for each compliance determination you make in which the compliance ratio exceeds 1.00 as determined under § 63.2840(c). Submit the deviation report by the end of the month following the calendar month in which you determined the deviation. The deviation notification report must include the items in paragraphs (b)(1) through (4) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Each listed oilseed type processed during the 12 operating months period for which you determined the deviation.

(4) The compliance ratio comprising the deviation. You may reduce the frequency of submittal of the deviation notification report if the agency responsible for these NESHAP does not object as provided in § 63.10(e)(3)(iii).

(c) *Periodic startup, shutdown, and malfunction report.* If you choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2) or a malfunction period subject to § 63.2850(e)(2), you must submit a periodic SSM report by the end of the calendar month following each month in which the initial startup period or malfunction period occurred. The periodic SSM report must include the items in paragraphs (c)(1) through (3) of this section:

(1) The name, title, and signature of a source's responsible official who is certifying that the report accurately states that all actions taken during the initial startup or malfunction period were consistent with the SSM plan.

(2) A description of events occurring during the time period, the date and duration of the events, and reason the time interval qualifies as an initial startup period or malfunction period.

(3) An estimate of the solvent loss during the initial startup or malfunction period with supporting documentation.

(d) *Immediate SSM reports.* If you handle a SSM during an initial startup period subject to § 63.2850(c)(2) or (d)(2) or a malfunction period subject to § 63.2850(e)(2) differently from procedures in the SSM plan, then you

must submit an immediate SSM report. Immediate SSM reports consist of a telephone call or facsimile transmission to the responsible agency within 2 working days after starting actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event. The letter must include the items in paragraphs (d)(1) through (3) of this section:

(1) The name, title, and signature of a source's responsible official who is certifying the accuracy of the report, an explanation of the event, and the reasons for not following the SSM plan.

(2) A description and date of the SSM event, its duration, and reason it qualifies as a SSM.

(3) An estimate of the solvent loss for the duration of the SSM event with supporting documentation.

§ 63.2862 What records must I keep?

(a) You must satisfy the recordkeeping requirements of this section by the compliance date for your source specified in Table 1 of § 63.2834.

(b) Prepare a plan for demonstrating compliance (as described in § 63.2851) and a SSM plan (as described in § 63.2852). In these two plans, describe the procedures you will follow in obtaining and recording data, and determining compliance under normal operations or a SSM subject to the § 63.2850(c)(2) or (d)(2) initial startup period or the § 63.2850(e)(2) malfunction period. Complete both plans before the compliance date for your source and keep them on-site and readily available as long as the source is operational.

(c) If your source processes any listed oilseed, record the items in paragraphs (c)(1) through (5) of this section:

(1) For the solvent inventory, record the information in paragraphs (c)(1)(i) through (vii) of this section in accordance with your plan for demonstrating compliance:

(i) Dates that define each operating status period during a calendar month.

(ii) The operating status of your source such as normal operation, nonoperating, initial startup period, malfunction period, or exempt operation for each recorded time interval.

(iii) Record the gallons of extraction solvent in the inventory on the beginning and ending dates of each normal operating period.

(iv) The gallons of all extraction solvent received, purchased, and recovered during each calendar month.

(v) All extraction solvent inventory adjustments, additions or subtractions. You must document the reason for the adjustment and justify the quantity of the adjustment.

(vi) The total solvent loss for each calendar month, regardless of the source operating status.

(vii) The actual solvent loss in gallons for each operating month.

(2) For the weighted average volume fraction of HAP in the extraction solvent, you must record the items in paragraphs (c)(2)(i) through (iii) of this section:

(i) The gallons of extraction solvent received in each delivery.

(ii) The volume fraction of each HAP exceeding 1 percent by volume in each delivery of extraction solvent.

(iii) The weighted average volume fraction of HAP in extraction solvent received since the end of the last operating month as determined in accordance with § 63.2854(b)(2).

(3) For each type of listed oilseed processed, record the items in paragraphs (c)(3)(i) through (vi) of this section, in accordance with your plan for demonstrating compliance:

(i) The dates that define each operating status period. These dates must be the same as the dates entered for the extraction solvent inventory.

(ii) The operating status of your source such as normal operation, nonoperating, initial startup period, malfunction period, or exempt operation for each recorded time interval. On the log for each type of listed oilseed that is not being processed during a normal operating period, you must record which type of listed oilseed is being processed in addition to the source operating status.

(iii) The oilseed inventory for the type of listed oilseed being processed on the beginning and ending dates of each normal operating period.

(iv) The tons of each type of listed oilseed received at the affected source each normal operating period.

(v) All listed oilseed inventory adjustments, additions or subtractions for normal operating periods. You must document the reason for the adjustment and justify the quantity of the adjustment.

(vi) The tons of each type of listed oilseed processed during each operating month.

(d) After your source has processed listed oilseed for 12 operating months, and you are not operating during an initial startup period as described in § 63.2850(c)(2) or (d)(2), or a malfunction period as described in § 63.2850(e)(2), record the items in paragraphs (d)(1) through (5) of this section by the end of the calendar month following each operating month:

(1) The 12 operating months rolling sum of the actual solvent loss in gallons as described in § 63.2853(c).

(2) The weighted average volume fraction of HAP in extraction solvent received for the previous 12 operating months as described in § 63.2854(b)(3).

(3) The 12 operating months rolling sum of each type of listed oilseed processed at the affected source in tons as described in § 63.2855(c).

(4) A determination of the compliance ratio. Using the values from §§ 63.2853, 63.2854, 63.2855, and Table 1 of § 63.2840, calculate the compliance ratio using Equation 2 of § 63.2840.

(5) A statement of whether the source is in compliance with all of the requirements of this subpart. This includes a determination of whether you have met all of the applicable requirements in § 63.2850.

(e) For each SSM event subject to an initial startup period as described in § 63.2850(c)(2) or (d)(2), or a malfunction period as described in § 63.2850(e)(2), record the items in paragraphs (e)(1) through (3) of this section by the end of the calendar month following each month in which the initial startup period or malfunction period occurred:

(1) A description and date of the SSM event, its duration, and reason it qualifies as an initial startup or malfunction.

(2) An estimate of the solvent loss in gallons for the duration of the initial startup or malfunction period with supporting documentation.

(3) A checklist or other mechanism to indicate whether the SSM plan was followed during the initial startup or malfunction period.

§ 63.2863 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for review in accordance with § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, in accordance with §3.10(b)(1). You can keep the records off-site for the remaining 3 years.

Other Requirements and Information

§ 63.2870 What parts of the General Provisions apply to me?

Table 1 of this section shows which parts of the General Provisions in

§§ 63.1 through 63.15 apply to you.
Table 1 of § 63.2870 follows:

TABLE 1 OF § 63.2870.—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications.	Yes	
§ 63.2	Definitions	Definitions for part 63 standards.	Yes	Except as specifically provided in this subpart.
§ 63.3	Units and abbreviations	Units and abbreviations for part 63 standards.	Yes.	
§ 63.4	Prohibited activities and circumvention.	Prohibited activities; compliance date; circumvention; severability.	Yes	
§ 63.5	Construction/reconstruction	Applicability; applications; approvals.	Yes	Except for subsections of § 63.5 as listed below.
§ 63.5(c)	[Reserved]			
§ 63.5(d)(1)(ii)(H)	Application for approval	Type and quantity of HAP, operating parameters.	No	All sources emit HAP. Subpart GGGG does not require control from specific emission points.
§ 63.5(d)(1)(ii)(I)	[Reserved]			
§ 63.5(d)(1)(iii), (d)(2), (d)(3)(ii).		Application for approval	No	The requirements of the application for approval for new, reconstructed and significantly modified sources are described in § 63.2860(b) and (c) of subpart GGGG. General provision requirements for identification of HAP emission points or estimates of actual emissions are not required. Descriptions of control and methods, and the estimated and actual control efficiency of such do not apply. Requirements for describing control equipment and the estimated and actual control efficiency of such equipment apply only to control equipment to which the subpart GGGG requirements for quantifying.
§ 63.6	Applicability of General Provisions.	Applicability	Yes	Except for subsections of § 63.6 as listed below.
§ 63.6(b)(1)–(3)	Compliance dates, new and reconstructed sources.		No	Section 63.2834 of subpart GGGG specifies the compliance dates for new and reconstructed sources.
§ 63.6(b)(6)	[Reserved]			
§ 63.6(c)(3)–(4)	[Reserved]			
§ 63.6(d)	[Reserved]			
§ 63.6(e)	Operation and maintenance requirements.		Yes	Implement your SSM plan, as specified in § 63.2851.
§ 63.6(f)–(g)	Compliance with nonopacity emission standards except during SSM.	Comply with emission standards at all times except during SSM.	No	Subpart GGGG does not have nonopacity requirements.
§ 63.6(h)	Opacity/Visible emission (VE) standards.		No	Subpart GGGG has no opacity or VE standards.
§ 63.6(i)	Compliance extension	Procedures and criteria for responsible agency to grant compliance extension.	Yes	
§ 63.6(j)	Presidential compliance exemption.	President may exempt source category from requirement to comply with subpart.	Yes	
§ 63.7	Performance testing requirements.	Schedule, conditions, notifications and procedures.	Yes	Subpart GGGG requires performance testing only if the source applies additional control that destroys solvent. Section 63.2850(a)(6) requires sources to follow the performance testing guidelines of the General Provisions if a control is added.

TABLE 1 OF § 63.2870.—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.8	Monitoring requirements		No	Subpart GGGG does not require monitoring other than as specified therein.
§ 63.9	Notification requirements	Applicability and state delegation.	Yes	Except for subsections of § 63.9 as listed below.
§ 63.9(b)(2)	Notification requirements	Initial notification requirements for existing sources.	No	Section 63.2860(a) of subpart GGGG specifies the requirements of the initial notification for existing sources.
§ 63.9(b)(3)–(5)	Notification requirements	Notification requirement for certain new/reconstructed sources.	Yes	Except the information requirements differ as described in § 63.2860(b) of subpart GGGG.
§ 63.9(e)	Notification of performance test.	Notify responsible agency 60 days ahead.	Yes	Applies only if performance testing is performed.
§ 63.9(f)	Notification of VE/opacity observations.	Notify responsible agency 30 days ahead.	No	Subpart GGGG has no opacity or VE standards.
§ 63.9(g)	Additional notifications when using a continuous monitoring system (CMS).	Notification of performance evaluation; Notification using COMS data; notification that exceeded criterion for relative accuracy.	No	Subpart GGGG has no CMS requirements.
§ 63.9(h)	Notification of compliance status.	Contents	No	Section 63.2860(d) of subpart GGGG specifies requirements for the notification of compliance status.
§ 63.10	Recordkeeping/reporting	Schedule for reporting, record storage.	Yes	Except for subsections of § 63.10 as listed below.
§ 63.10(b)(2)(i)	Recordkeeping	Record SSM event	Yes	Applicable to periods when sources must implement their SSM plan as specified in subpart GGGG.
§ 63.10(b)(2)(ii)–(iii)	Recordkeeping	Malfunction of air pollution equipment.	No	Applies only if air pollution control equipment has been added to the process and is necessary for the source to meet the emission limit.
§ 63.10(b)(2)(vi)	Recordkeeping	CMS recordkeeping	No	Subpart GGGG has no CMS requirements.
§ 63.10(b)(2)(viii)–(ix).	Recordkeeping	Conditions of performance test.	Yes	Applies only if performance tests are performed. Subpart GGGG does not have any CMS opacity or VE observation requirements.
§ 63.10(b)(2)(x)–(xii)	Recordkeeping	CMS, performance testing, and opacity and VE observations recordkeeping.	No	Subpart GGGG does not require CMS.
§ 63.10(c)	Recordkeeping	Additional CMS recordkeeping.	No	Subpart GGGG does not require CMS.
§ 63.10(d)(2)	Reporting	Reporting performance test results.	Yes	Applies only if performance testing is performed.
§ 63.10(d)(3)	Reporting	Reporting opacity or VE observations.	No	Subpart GGGG has no opacity or VE standards.
§ 63.10(d)(4)	Reporting	Progress reports	Yes	Applies only if a condition of compliance extension exists.
§ 63.10(d)(5)	Reporting	SSM reporting	No	Section 63.2861(c) and (d) specify SSM reporting requirements.
§ 63.10(e)	Reporting	Additional CMS reports	No	Subpart GGGG does not require CMS.
§ 63.11	Control device requirements	Requirements for flares	Yes	Applies only if your source uses a flare to control solvent emissions. Subpart GGGG does not require flares.
§ 63.12	State authority and delegations.	State authority to enforce standards.	Yes	
§ 63.13	State/regional addresses	Addresses where reports, notifications, and requests are sent.	Yes	
§ 63.14	Incorporation by reference	Test methods incorporated by reference.	Yes	
§ 63.15	Availability of information and confidentiality.	Public and confidential information.	Yes	

§ 63.2871 Who implements and enforces this subpart?

(a) This subpart can be implemented by us, the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency, as well as the U.S. EPA, has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under section 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are as follows:

(1) Approval of alternative nonopacity emissions standards under § 63.6(g).

(2) Approval of alternative opacity standards under § 63.6(h)(9).

(3) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(4) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90.

(5) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

§ 63.2872 What definitions apply to this subpart?

Terms used in this subpart are defined in the sources listed:

(a) The Clean Air Act, section 112(a).

(b) In 40 CFR 63.2, the NESHAP General Provisions.

(c) In this section as follows:

Accounting month means a time interval defined by a business firm during which corporate economic and financial factors are determined on a consistent and regular basis. An accounting month will consist of approximately 4 to 5 calendar weeks and each accounting month will be of approximate equal duration. An accounting month may not correspond exactly to a calendar month, but 12 accounting months will correspond exactly to a calendar year.

Actual solvent loss means the gallons of solvent lost from a source during 12 operating months as determined in accordance with § 63.2853.

Agricultural product means any commercially grown plant or plant product.

Allowable HAP loss means the gallons of HAP that would have been lost from a source if the source was operating at the solvent loss factor for each listed oilseed type. The allowable HAP loss in gallons is determined by multiplying the tons of each oilseed type processed during the previous 12 operating months, as determined in accordance with § 63.2855, by the corresponding oilseed solvent loss factor (gal/ton) listed in Table 1 of § 63.2840, and by the dimensionless constant 0.64, and summing the result for all oilseed types processed.

Area source means any source that does not meet the major source definition.

As received is the basis upon which all oilseed measurements must be determined and refers to the oilseed chemical and physical characteristics as initially received by the source and prior to any oilseed handling and processing.

Batch operation means any process that operates in a manner where the addition of raw material and withdrawal of product do not occur simultaneously. Typically, raw material is added to a process, operational steps occur, and a product is removed from the process. More raw material is then added to the process and the cycle repeats.

Calendar month means 1 month as specified in a calendar.

Compliance date means the date on which monthly compliance recordkeeping begins. For existing sources, recordkeeping typically begins 3 years after the effective date of the subpart. For new and reconstructed sources, recordkeeping typically begins upon initial startup, except as noted in § 63.2834.

Compliance ratio means a ratio of the actual HAP loss in gallons from the previous 12 operating months to an allowable HAP loss in gallons, which is determined by using oilseed solvent loss factors in Table 1 of § 63.2840, the weighted average volume fraction of HAP in solvent received for the previous 12 operating months, and the tons of each type of listed oilseed processed in the previous 12 operating months. Months during which no listed oilseed is processed, or months during which the § 63.2850(c)(2) or (d)(2) initial startup period or the § 63.2850(e)(2) malfunction period applies, are excluded from this calculation. Equation 2 of § 63.2840 is used to calculate this value. If the value is less than or equal to 1.00, the source is in compliance. If the value is greater than 1.00, the source is deviating from compliance.

Continuous operation means any process that adds raw material and withdraws product simultaneously. Mass, temperature, concentration and other properties typically approach steady-state conditions.

Conventional desolventizer means a desolventizer toaster that operates with indirect and direct-contact steam to remove solvent from the extracted meal. Oilseeds processed in a conventional desolventizer produce crude vegetable oil and crude meal products, such as animal feed.

Corn germ dry milling means a source that processes corn germ that has been separated from the other corn components using a ''dry'' process of mechanical chafing and air sifting.

Corn germ wet milling means a source that processes corn germ that has been separated from other corn components using a ''wet'' process of centrifuging a slurry steeped in a dilute sulfurous acid solution.

Exempt period means a period of time during which a source processes agricultural products not defined as listed oilseed.

Extraction solvent means an organic chemical medium used to remove oil from an oilseed. Typically, the extraction solvent is a commercial grade of hexane isomers which have an approximate HAP content of 64 percent by volume.

Hazardous air pollutant (HAP) means any substance or mixture of substances listed as a hazardous air pollutant under section 112(b) of the Clean Air Act, as of April 12, 2001.

Initial startup date means the first calendar day that a new, reconstructed or significantly modified source processes any listed oilseed.

Initial startup period means a period of time from the initial startup date of a new, reconstructed or significantly modified source, for which you choose to operate the source under an initial startup period subject to § 63.2850(c)(2) or (d)(2). During an initial startup period, a source is in compliance with the standards by following the operating and maintenance procedures listed for minimizing HAP emissions in the source's SSM plan rather than being subject to a HAP emission limit. The initial startup period following initial startup of a new or reconstructed source may not exceed 6 calendar months. The initial startup period following a significant modification may not exceed 3 calendar months. Solvent and oilseed inventory information recorded during the initial startup period is excluded from use in any compliance ratio determinations.

Large cottonseed plant means a vegetable oil production process that processes 120,000 tons or more of cottonseed and other listed oilseed

during all normal operating periods in a 12 operating months period used to determine compliance.

Malfunction period means a period of time between the beginning and end of a process malfunction and the time reasonably necessary for a source to correct the malfunction for which you choose to operate the source under a malfunction period subject to § 63.2850(e)(2). This period may include the duration of an unscheduled process shutdown, continued operation during a malfunction, or the subsequent process startup after a shutdown resulting from a malfunction. During a malfunction period, a source complies with the standards by following the operating and maintenance procedures described for minimizing HAP emissions in the source's SSM plan rather than being subject to a HAP emission limit. Therefore, solvent and oilseed inventory information recorded during a malfunction period is excluded from use in any compliance ratio determinations.

Mechanical extraction means removing vegetable oil from oilseeds using only mechanical devices such as presses or screws that physically force the oil from the oilseed. Mechanical extraction techniques use no organic solvents to remove oil from an oilseed.

Nonoperating period means any period of time in which a source processes no agricultural product. This operating status does not apply during any period in which the source operates under an initial startup period as described in § 63.2850(c)(2) or (d)(2), or a malfunction period, as described in § 63.2850(e)(2).

Normal operating period means any period of time in which a source processes a listed oilseed that is not categorized as an initial startup period as described in § 63.2850(c)(2) or (d)(2), or a malfunction period, as described in § 63.2850(e)(2). At the beginning and ending dates of a normal operating period, solvent and oilseed inventory information is recorded and included in the compliance ratio determination.

Oilseed or listed oilseed means the following agricultural products: corn germ, cottonseed, flax, peanut, rapeseed (for example, canola), safflower, soybean, and sunflower.

Oilseed solvent loss factor means a ratio expressed as gallons of solvent loss per ton of oilseed processed. The solvent loss factors are presented in Table 1 of § 63.2840 and are used to determine the allowable HAP loss.

Operating month means any calendar or accounting month in which a source processes any quantity of listed oilseed, excluding any entire calendar or accounting month in which the source operated under an initial startup period as described in § 63.2850(c)(2) or (d)(2), or a malfunction period as described in § 63.2850(e)(2). An operating month may include time intervals characterized by several types of operating status. However, an operating month must have at least one normal operating period.

Significant modification means the addition of new equipment or the modification of existing equipment that:

(1) Significantly affects solvent losses from your vegetable oil production process;

(2) The fixed capital cost of the new components represents a significant percentage of the fixed capital cost of building a comparable new vegetable oil production process;

(3) The fixed capital cost of the new equipment does not constitute reconstruction as defined in § 63.2; and

(4) Examples of significant modifications include replacement of or major changes to solvent recovery equipment such as extractors, desolventizer-toasters/dryer-coolers, flash desolventizers, and distillation equipment associated with the mineral oil system, and equipment affecting desolventizing efficiency and steady-state operation of your vegetable oil production process such as flaking mills, oilseed heating and conditioning equipment, and cracking mills.

Small cottonseed plant means a vegetable oil production process that processes less than 120,000 tons of cottonseed and other listed oilseed during all normal operating periods in a 12 operating months period used to determine compliance.

Solvent extraction means removing vegetable oil from listed oilseed using an organic solvent in a direct-contact system.

Solvent working capacity means the volume of extraction solvent normally retained in solvent recovery equipment. Examples include components such as the solvent extractor, desolventizer-toaster, solvent storage and working tanks, mineral oil absorption system, condensers, and oil/solvent distillation system.

Specialty desolventizer means a desolventizer that removes excess solvent from soybean meal using vacuum conditions, energy from superheated solvent vapors, or reduced operating conditions (e.g., temperature) as compared to the typical operation of a conventional desolventizer. Soybeans processed in a specialty desolventizer result in high-protein vegetable meal products for human and animal consumption, such as calf milk replacement products and meat extender products.

Vegetable oil production process means the equipment comprising a continuous process for producing crude vegetable oil and meal products, including specialty soybean products, in which oil is removed from listed oilseeds through direct contact with an organic solvent. Process equipment typically includes the following components: oilseed preparation operations (including conditioning, drying, dehulling, and cracking), solvent extractors, desolventizer-toasters, meal dryers, meal coolers, meal conveyor systems, oil distillation units, solvent evaporators and condensers, solvent recovery system (also referred to as a mineral oil absorption system), vessels storing solvent-laden materials, and crude meal packaging and storage vessels. A vegetable oil production process does not include vegetable oil refining operations (including operations such as bleaching, hydrogenation, and deodorizing) and operations that engage in additional chemical treatment of crude soybean meals produced in specialty desolventizer units (including operations such as soybean isolate production).

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Federal Register

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April 12, 2001

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121 and 135
Emergency Medical Equipment; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. FAA–2000–7119; Amendment No. 121–280 and 135–78]

RIN 2120–AG89

Emergency Medical Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action responds to the Aviation Medical Assistance Act of 1998 by requiring that air carrier operators carry automated external defibrillators on large, passenger-carrying aircraft and augment currently required emergency medical kits. It affects those air carrier operations for which at least one flight attendant is required and includes provisions designed to provide the option of treatment of serious medical events during flight time.

EFFECTIVE DATES: Effective May 12, 2004.

FOR FURTHER INFORMATION CONTACT: Judi Citrenbaum, AAM–210, Aeromedical Standards, Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267–9689.

SUPPLEMENTARY INFORMATION:

Availability of Final Rules

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) Web page http://dms.dot.gov/search).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the final rule.

You can also get an electronic copy using the Internet through FAA's web page at http://www.faa.gov/avr/armhome.htm. or the **Federal Register's** web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at our site, http://www.faa.gov/avr/arm/sbrefa.htm. For more information on SBREFA, e-mail us at 9–AWA–SBREFA@faa.gov.

Background

On May 24, 2000, the Federal Aviation Administration (FAA) issued a notice (65 FR 33720) proposing that air carrier operators of large, passenger-carrying aircraft carry automated external defibrillators (AED's) and augment currently required emergency medical kits (EMK's). The FAA proposed to make that action applicable to those air carrier operations for which at least one flight attendant is required. The objectives of that action can be summarized as follows:

- To respond to the Aviation Medical Assistance Act (the Act), enacted April 24, 1998 [Pub. L. 105–170, 49 U.S.C. 44701], which directs the FAA to determine whether current minimum requirements for air carrier crewmember medical emergency training and air carrier emergency medical equipment should be modified.
- To modify, as appropriate, the regulatory requirements for EMK's in light of advancements in medical technology and treatments, the increase in passenger enplanements, and the anticipated increase in the occurrence of inflight medical events.
- To require equipment that would provide crewmembers and passengers who might come forward to assist during an inflight medical event, more up-to-date treatment options, specifically AED's.
- To require flight attendant instruction in cardiopulmonary resuscitation (CPR) and AED usage.
- To require needed modifications to current minimum equipment and training standards without raising expectation among passengers or crewmembers about the ability to receive and/or provide in-flight emergency medical assistance.
- To establish a separate subpart under part 121 of Title 14 of the Code of Federal Regulations (14 CFR part 121) that, while not deviating from established requirements for certain equipment and crewmember training, would provide greater regulatory flexibility in making future modifications that may be needed.
- To allow those affected air carriers that have not made emergency medical equipment modifications sufficient time to provide crewmember instruction and procure medical enhancements.

Comments Received

The FAA received 370 comments on the proposal; 321 from the general public in support of the proposal, in particular, that AED's be carried on board passenger-carrying aircraft. Most of these 321 comments are from family, friends, co-workers, and acquaintances of a 28-year-old man who, they indicate, died on board an airliner in July 2000. These comments state that this passenger had been diagnosed with hypertrophic cardiomyopathy [1] a few months prior to the flight and that, if an AED had been on board, it may have saved his life. These commenters express concern about the welfare of other passengers and state that they want to promote awareness about checking with an air carrier before booking a flight to assure the availability of an AED. This incident is of particular concern to the commenters given the young age and apparent sound physical condition of the passenger who died. The commenters state that he had been an accomplished athlete.

For the remaining comments, which are discussed in further detail below, 25 generally support the proposal but make detailed comments and/or request modifications; 22 express neither support nor opposition for the action but provide comments for consideration.

The former (25) comments are from the following:

- Aerospace Medical Association (ASMA)
- Agilent Technologies (an AED manufacturer)
- Air Line Pilots' Association (ALPA)
- Air Transport Association (ATA)

[1] A primary myocardial disease of unknown cause that is characterized by a hypertrophied, nondilated, hypercontractile left ventricle. The annual mortality is 3–5%. The common mode of demise is sudden cardiac death. (Sudden cardiac death is defined as an unexpected, unpredictable cessation of effective contractions of the heart.) Therefore, the primary objectives of treatment are the amelioration of symptoms, the control of arrhythmias, and the prevention of sudden death. American Journal of Medical Science; Sept 1987: pp 191–210]

- American Heart Association (AHA)
- America West
- Association of Professional Flight Attendants (APFA) (representing American Airlines' flight attendants)
- Complient (a national training center for the American Heart Association and the National Safety Council)
- Food Allergy Network
- Florida International University
- International Association of Firefighters
- International Association of Machinists and Aerospace Workers, AFL–CIO
- International Brotherhood of Teamsters Airline Division
- MedAire, an air carrier medical care provider
- Northwest Airlines
- Pakistan International Airways
- Teamsters Local 2000 (representing Northwest Airlines flight attendants)
- 3 private citizens, 4 private physicians, and a volunteer firefighter

The latter (22) comments are from private physicians, nurses, flight attendants, the Association of Flight Attendants (AFA), Atlantic Southeast Airlines, Continental Express (two separate comments), the Regional Airline Association (RAA), and the Small Business Administration.

One commenter, identified as a Registered Nurse, is opposed to the proposal. She indicates, among her other comments, that ''if it is deemed necessary to be able to administer advanced medical care on any given flight, then turn this over to flight nurses and/or flight paramedics who are trained in all aspects of flight medicine/pathophysiology/flight physiology.''

The Civil Aviation Authority of the Hashemite Kingdom of Jordan states that it would like to implement the proposal for Jordan Air Lines.

Discussion of Comments

Because the additional suggestions and requests for further modifications received from the various commenters are elaborate, for clarity of discussion the FAA categorizes them specifically as follows:

Automated External Defibrillators

Battery Requirements

Agilent Technologies, an AED manufacturer, comments that the FAA should state the minimum requirements that AED's and their batteries must meet to be allowed in the aircraft environment and, in addition, reference the Flood and Drug Administration's (FDA) requirements for ensuring the safety and effectiveness of AED's. Agilent states that the reference in proposed part 121, appendix A to ''FDA-approved AED'' should be changed to ''AED legally marketed in the United States in accordance with FDA requirements.''

Agilent requests that the FAA add further requirements to the regulation, specifically that paragraph 2. of the AED section of proposed part 121, Appendix A read as follows:

2. Demonstrated through compliance with applicable sections of Technical Standard Order (TSO) requirements or other standards or testing to meet the following requirements:

(a) The AED does not interfere with the safe operation of other aircraft equipment.

(b) The AED and its power supply have safety features that prevent fire and explosion hazards.

(c) The AED is designed such that the AED system does not create a hazard for occupants of the aircraft cabin.

FAA response: The FAA agrees, and has verified with the FDA, that the reference to ''FDA-approved AED'' in the proposal should be changed to ''AED legally marketed in the United States in accordance with FDA requirements'' in the final rule.

The FAA disagrees that further regulatory requirements for AED's are needed for this action. As with all equipment carried on board aircraft the certificate holder must ensure that AED's placed on aircraft do not interfere with safe operation of the aircraft.

The FAA issued TSO–C142 on April 4, 2000. This TSO prescribes the minimum FAA performance standard that lithium cells and batteries must meet to be identified with the applicable TSO marking. The standards of this TSO apply to lithium cells and batteries intended to provide power for aircraft equipment including emergency and standby systems. The FAA intends that any AED powered by lithium batteries placed on an aircraft on or after April 4, 2000, would have to comply with this TSO.

This requirement, in addition to being approved for aircraft use by the FDA, is adequate for the purposes of this action.

Servicing/Maintenance

Complient, a national training center for the AHA and the National Safety Council, suggests that each AED should be serviced twice each year by a trained service specialist. Also, on-site service should be provided within 24 hours after each medical event to ensure that proper AED information and service requirements are met.

FAA response: The FAA disagrees with the comment. As proposed and adopted, part 121, appendix A requires that AED's be maintained in accordance with the manufacturer's specifications. The FAA has determined that this is the best method to meet maintenance requirements.

Storage

The ALPA recommends that AED's be stored in the cockpit. In its view, cockpit placement would assure that the flightcrew is well aware of the presence of an AED. Wtih the AED in the passenger cabin they state that flight attendants may become so focused on its use that the cockpit crew will not be notified about in-flight medical events. Further, the AED is a valuable piece of equipment and will be more secure in the cockpit.

The AFA states that if AED's are required on aircraft, the devices should be in locations that are suitable for quick emergency response.

FAA response: The FAA agrees that AED's should be stored in accessible locations as described under proposed part 121, appendix A.

The FAA does not agree that the devices should be stored in cockpits. If stored in cockpits, the devices would be less accessible to flight attendants, crewmembers who will be required to have instruction in AED usage. Also, as cockpit crew always are to be notified about in-flight medical events as required under § 121.417(b)(1), the FAA anticipated that cabin and cockpit crews will communicate during in-flight medical events.

In addition, just prior to issuing the Notice of Proposed Rulemaking (NPRM), the FAA was made aware of four separate AED battery ''rupturing'' incidents that had occurred on the ground, including one incident that occurred on a hangared jet. These ''rupturing'' incidents occurred in AED's powered by lithium sulfur dioxide batteries.

The extremely energetic materials used in lithium cells, and in other AED power sources, are not intrinsically safe. Safety concerns include the possibility of fire, explosion, and the venting of toxic or flammable gases from any portable power source such as AED batteries. The FAA determined, therefore, that AED's would have to meet more rigid standards when carried on aircraft and would be more safely stored in the passenger cabin rather than the cockpit, more critical to safe flight operations.

Visual Inspection

The ATA suggests that he FAA clarify that the inspection/marking requirement under proposed § 121.803(b) does not apply to the visual inspection of emergency equipment typically

performed by flight attendants at the start of each new crew shift.

FAA response: The FAA agrees that the inspection/marking requirement under proposed § 121.803(b) does not apply to visual inspection. However, as with all emergency equipment, AED's must be visually inspected by flight attendants as part of routine pre-flight procedures.

Data Collection

In-Flight Medical Events

The ASMA observes that differences of opinion among the medical community exist because no comprehensive database describing in-flight medical events and deaths exists.

The International Association of Machinists and Aerospace Workers, AFL–CIO, state that, to rely heavily on the data collection only, to support a rulemaking to provide AED's and related drugs on aircraft EMK's is ''woefully limited.'' Further, the FAA did not report from the data collection findings who used the AED's on passengers and whether any drugs were administered.

The RAA states that the evaluation that was used to justify the proposal is not representative of the regional fleet since some regionals are only now equipping some or all in their fleets. Further, without a study that specifically addresses the effective use of AED's on regional flights, it questions whether AED's will be used at all.

Contrary to these commenters, the ATA suggests that detailed reports on in-flight medical events is not needed and that the FAA should ''discard'' the idea of a supplemental information-gathering action. According to the ATA, it would be costly and burdensome, data submitted to the FAA likely will be subject to release under the Freedom of Information Act, and it will discourage emergency assistance from volunteer doctors and other health care providers.

FAA response: The FAA does not believe that further studies are needed for this action at this time. As described in the NPRM, the FAA has conducted separate and specific studies on in-flight medical events. (Copies of these studies are on file in this docket.) Very limited assumptions can be made as a result of most of the studies conducted by the FAA (as well as outside organizations) on in-flight medical events and EMK usage for the following reasons: the long-term outcome of the passenger(s) beyond what occurs on the aircraft frequently cannot be determined; a passenger's past and subsequent medical history is a private matter and therefore generally unavailable. Thus it is typically difficult to assess why or even what medical event occurred.

When it conducts studies, the FAA is obligated, under the Paperwork Reduction Act [5 CFR 1320.13], not to overburden entities from which it is collecting information. Therefore, the FAA typically does not collect data unless it is absolutely warranted, mandated, and/or invited. For this action, the Act directed that ''a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports on'' death or threat-of-death incidents occurring on board its flights. In the data collection that was conducted, up to 15 different air carriers, carrying approximately 85 percent of U.S. domestic airline passengers, contributed data throughout the year. As acknowledged in the NPRM, the data received had multiple limitations and appeared highly variable. Not all of the air carriers who supplied data were carrying AED's and/or enhanced EMK's; however, the intent of the study was, in part, to determine whether AED's (as well as other enhancements) would have been used had they been available. In that regard, out of a total of 188 events, an AED was reported as ''not available'' for 40 events in which they may have been used.

The FAA was able to determine from this data collection that four passengers who were administered at least one AED shock during flight survived and continue to survive. In at least two of these incidents the event occurred right after takeoff. Subsequent to the data collection, further cases of long-term survival as a result of AED usage were revealed to the FAA, including cases involving crewmembers, some on short-haul flights. Because some events occurred right after takeoff and the flights were diverted back to the airport of departure, it is apparent that these events can occur regardless of the size of the aircraft or the length of the flight.

Overall, 156 (of the total 188) events reported some type of medical assistance being provided on board the flight. The actual number might have been somewhat lower as it was impossible sometimes to determine whether a reported paramedic or emergency medical technician was a passenger or part of the ground response team. Physicians were reported available on the aircraft for 92 events, nurses for 49 events. Nitroglycerin and epinephrine were the medications most commonly reported as being used. Atropine and intravenous (IV) saline were used on time each.

Because of conclusions that could be made from its most recent data collection and because the FAA anticipates an increase in in-flight medical emergencies for the future, the FAA has determined that this rule is needed now. The FAA will continue to study in-flight medical emergencies, to consider any recommendations, and to monitor the usage of the enhancements being made to the EMK's.

Emergency Medical Kits

EMK Containers; Location on the Aircraft; and Quantity Needed

America West Airlines comments that, if the FAA intends to mandate that the modified EMK be contained in a single container or compartment, such a requirement should be specified in the rule. Similarly, the ATA indicates that, because the NPRM does not address containers for EMK's the final rule should clarify that soft-sided containers are acceptable. America West Airlines also states that the placement of the items should be left to air carrier discretion. Requiring a single container to include the current and new requirement would require air carriers to retrofit with larger-sized kits, triggering both material and labor expenses.

Northwest Airlines suggests that language be included in the rule that would allow airlines to augment their existing EMK's with other additional specially designated medical kits without reference to any specific kit nomenclature. These additional kits would have as a minimum the additional EMK items called out in the NPRM. This modification would preclude the waste associated with making the existing EMK obsolete. It should also be noted that the additional items required under the NPRM will not fit into the existing EMK box found on Northwest Airlines aircraft.

Pakistan International Airways would like to have the EMK divided into two types; one for the use of the cabin crew and a second for physicians travelling abroad.

The RAA comments that regional airplanes do not have the space to accommodate a larger EMK and that it will be more costly to retrofit a regional airplane.

FAA response: The FAA disagrees, in part, with these commenters. The proposal does not specify that the modified EMK be contained in a single container or in a hard, versus a soft, container. Therefore, this action does not require a retrofit and should not severely affect available storage space on an aircraft.

The FAA modifies part 121, appendix A under this action to state ''at least one'' EMK to accommodate certain air

carriers who may use more than one container or more than one EMK. Some air carriers, for example, carry a so-called ''basic box'' to meet the minimum requirements and then also carry their own separate, modified EMK; some others may be carrying ''grab-and-go kits;'' and the like. Beyond what is set out in the regulation, the certificate holder may choose the number and type of kits desired as long as the basic, minimum EMK requirements are met.

The FAA is aware that many air carriers contract with various medical kit providers and that these providers use various types of containerization, (e.g., soft-sided vinyl bags as well as rugged, double-walled, polyethylene cases.) The choice of which type of EMK, and whether more than one container may be used to meet the minimum requirements, is at the air carrier's discretion.

As some air carriers may be using, or need to use, more than one container to meet the requirements the FAA adds the following paragraph under part 121, appendix A:

3. If all of the above-listed items do not fit into one contained, more than one container may be used.

It should be noted that formerly, under existing § 121.309 (b)(4) and to be adopted under § 121.803 (b)(4), an FAA-required EMK container(s) must be marked as to contents and date of last inspection.

Expiration Date of EMK Medications

America West Airlines suggests that procedures be established to preserve the shelf life of temperature-sensitive medications. Those such as lidocaine, if stored in a standard EMK, would require constant replacement thereby creating additional cost and administrative burden.

FAA response: Currently required EMK medications as well as the following medications proposed for the EMK's have an expiration date of approximately 1 year: atropine, bronchodilator inhaler, dextrose, epinephrine, saline solution, and lidocaine; aspirin, non-narcotic analgesic, antihistamine, and nitroglycerin tablets.

Under current experience (since 1986) with injectable antihistamine, dextrose, epinephrine, and nitroglycerin tablets, the FAA has not found expired medications to be a problem. Therefore, the FAA does not anticipate that medications will require constant replacement. If temperature extremes occur on the aircraft or if the medications have surpassed their expiration date; however, then the certificate holder should replace them. As has been the case since first required, EMK's must be inspected periodically according to schedules developed under operations specifications.

Medications

The following is a list of additional equipment and medication that commenters suggest the FAA should include in EMK's:

Items Suggested:

- AED patient care kit containing a razor and towel
- Audio-prompting device
- Auto-injector to administer epinephrine
- Burn gel
- 16 French Coude catheter
- Connecting tubing, IV Start kit, IV catheters 18g, 20g, 22g, Atropine 1mg, Epinephrine 1:10,000 1mg and Lidocaine 100 mg
- CPR masks fitted with an oxygen inlet and with a standard 15–22-mm connector available in one average size for adults with additional sizes for infants and children, equipped with a 1-way valve that diverts the victim's exhaled gas
- Dexamethasone
- EKG machine
- Endotracheal tube/laryngoscope
- Furosemide injection
- Glucometer
- Glucose gel-administered orally for symptoms of hypoglycemia
- Medication for seizure control
- Nasal cannulas in sizes appropriate for adult, child, and infant
- Pocket masks
- Portable oxygen equipment with regulator capable of delivering between 4 L/min and 12 L/min, including a hose capable of connecting to a resuscitation face mask, bag-valve mask, and a connecting system for use with a nasal cannula.
- A standardized portable response kit to include an AED, AED preparation kit, emergency oxygen, first-aid/BBP kits and supplies, and an audio prompt device.
- A manual resuscitation bag-valve that has:
  - A self-refilling bag
  - A nonjam valve system allowing for a maximum oxygen inlet flow of 30 L/min
  - A non-pop-off valve
  - Standard 15–/22-mm fittings
  - A system for delivering high concentrations of oxygen through an ancillary oxygen reservoir
  - A true nonrebreathing valve
  - The capability to perform satisfactorily under all common environmental conditions and extremes of temperature
- Stretcher
- Torch lights w/spare batteries

Eleven commenters stress the importance of air carriers carrying an epinephrine auto-injector. Although the FAA currently requires epinephrine, and proposes to require an additional quantity of it, the commenters indicate that an auto-injector is far easier and quicker to use and would be critical when attending to a passenger suffering from a severe allergic reaction in flight.

FAA response: The FAA disagrees with these commenters. No commenters provided data (as requested in the NPRM) to confirm that these suggested additions for the EMK's would be necessary. Also, as noted in the NPRM, the purpose of the EMK's is to add some medical options; it is not comprehensive. The certificate holder may carry additional equipment/ medications if deemed appropriate.

Since 1986, all major, passenger-carrying air carriers have been required to carry epinephrine in on-board EMK's. Part 121, appendix A, requires two quantities of epinephrine (1:1000) in ''single dose ampule or equivalent.'' An additional preparation of epinephrine (1:10,000), a dose that may be used for heart stimulation, proposed under this action is intended to complement the dosage currently required, which is intended for use as a treatment for severe, or anaphylactic, allergic reactions.

The FAA did not propose to require epinephrine auto-injectors because recent and former studies (on file in the docket) that the FAA has conducted on in-flight medical events did not reveal a need to make epinephrine auto-injectors available. These studies did suggest the need for an oral treatment for allergic reactions, therefore, an oral antihistamine was included in the NPRM.

The FAA will review this matter in any future considerations of the EMK contents and for any subsequent regulatory action.

The AHA cautions the FAA to be ''extremely conservative'' when considering EMK expansion. According to the AHA, the FAA should not approach expansion of the EMK's from the perspective of simply making available every drug and medical device ever requested by an in-flight physician. According to AHA, its international guidelines on CPR and emergency cardiovascular care have recommended far fewer resuscitation medications and medical devices than ever before.

Medications

MedAire comments that consideration should be given to increasing the quantities of the proposed medications (in particular atropine, epinephrine, lidocaine) and that supplies needed to administer certain medications are not being required. For example, saline solution is included in the recommended kit contents, but no provisions have been made for an IV catheter, which is essential to administer the fluid. Also, specific syringe and needle sizes should be required.

FAA response: The FAA disagrees with this comment. The FAA took a very conservative approach when assigning quantities to proposed medications given the limited need to use such medications in flight.

In the preamble to the NPRM, it is clear that the FAA intends to require ''an IV administration kit'' which would include one or more IV catheters. In the regulatory language under proposed part 121, appendix A, that intent may have been misunderstood as the words ''1 set'' are used rather than ''kit.'' Therefore, for clarity, in the final rule, the FAA moves the word ''set'' from the ''Quantity'' column under proposed part 121, appendix A and places it after ''IV Admin'' so that the intent is clear.

The FAA did include recommended, appropriate needle and syringe sizes in its proposal to part 121, appendix A. Further, the original language from 1986 (''or sizes necessary to administer required medications'') was maintained so that the FAA could remain as descriptive as possible.

Another comment on medications, from the ATA, states that convenience medications, such as low-strength analgesics, should not be included in the kit. The kit should be intended for life-threatening emergencies only, and be opened only in the event of a true emergency by a ''responding health care provider'' or as directed by a ''qualified health care provider.''

FAA response: The FAA's study entitled ''The Evaluation of In-Flight Medical Care Aboard Selected U.S. Air Carriers from 1996 to 1997'' (on file in this Docket) reveals that certain convenience medications, such as an oral antihistamine, a non-narcotic analgesic, and a bronchodilator inhaler are appropriate for inclusion in air carrier EMK's. In its study, the FAA found these items to be necessary additions to the EMK because passengers, especially those with chronic allergies or asthma, do not always carry them or may inadvertently leave them in their checked baggage.

Oral antihistamines may prove useful and necessary for attempting to assist a passenger experiencing severe allergy problems; a non-narcotic analgesic, to relieve muscle aches and headaches; and a brochodilator inhaler, to attempt to restore normal breathing in an asthmatic passenger.

Periodic Review of Appropriate Content

MedAire Inc., an air carrier medical care provider, requests that the FAA conduct a review of the EMK content every 2 years to ensure that required drugs continue to meet the AHA Advance Cardiac Life-Saving guidelines. MedAire indicates that the FAA should establish a database in order to monitor kit usage and the appropriateness of its content.

FAA response: The FAA concurs that EMK content must come under periodic review and the FAA will continue working in close collaboration with the public in that regard. However, the FAA did not propose to adopt the AHA Advance Cardiac Life-Saving guidelines and does not adopt that requirement now.

It should be noted that the AHA, in its comment to the docket, cautions the FAA to be ''extremely conservative'' when considering expansion of in-flight EMK's. This is the approach that the FAA has adopted at this time. This final rule will establish a separate subpart under part 121 with a view to facilitating short-term issuance of any needed amendments in the future.

Protective Barrier Devices

According the MedAire, the requirement for protective barrier devices (e.g., gloves, masks, etc.) can be simplified by allowing airlines the ability to use those that have been designed for universal application rather than having to house three different, specific sizes within the kit.

For items such as airways, resuscitation devices, and CPR masks, the ATA indicates that, rather than specifying quantity and sizes, the final rule should simply require that the EMK contain those items suitable for all air travelers. This change would permit airlines to select, for example, a universal mask that could fit or be adapted to all travelers, including infants, children, and adults.

The AFA believes that a face mask is more appropriate than a face shield. It is concerned that some of the air carriers have chosen to provide only a face shield. Without the FAA mandating the personal protective equipment required, some air carriers may choose to continue to provide this type of barrier device versus a face mask.

The APFA requests that pocket masks be required and made more accessible. Without a mask, it indicates, flight attendants are potentially exposed to hepatitis, AIDS, and other diseases. The APFA recommends that ''grab-and-go parts of acronym-syndrome kits'' be made ''no-go'' items or that each flight attendant be issued a mask and be required to carry it. Pocket masks also could be attached or made part of the ''defibrillator kit.''

FAA response: The FAA is not opposed to affected air carriers carrying airways, CPR masks, and masks for use with self-inflating manual resuscitation devices designed for universal application, provided they are carried in quantities of three and provided they are appropriate for pediatric and small and large adult use. The devices must, however, be equivalent to those required under the regulation.

The FAA did not propose that any equipment be used but rather that it be available for possible use if the certificate holder or its agents (e.g., flight attendants) so choose. Therefore, if different equipment, in addition to that required is desired then the certificate holder may provide it.

With the addition of the words ''or equivalent'' after the requirements for airways, self-inflating resuscitation devices, and CPR masks under part 121, Appendix A, the final rule is adopted as proposed.

Quality of EMK's

The Teamsters Local 2000, National Safety and Health Department, representing Northwest Airlines flight attendants, states that, in many cases, EMK's include cheap, disassembled parts, with medical equipment manufacturers taking advantage of the air carriers by placing sub-standard equipment in the kits purchased by the air carriers. The applicable regulations specify contents of the EMK but do not make determinations about their quality. As referenced in the FAA report published in 1991, and based on a 2-year study of medical kit use, the poor technical quality of the most frequently used equipment was revealed. The commenter believes that this aspect of EMK's must be addressed.

FAA response: The FAA disagrees that it requires or allows EMK's of poor technical quality. Part 121, appendix A as it currently exists and as it will be adopted requires an ''approved'' EMK that must contain ''appropriately maintained contents.'' Not maintaining equipment or carrying sub-standard equipment, therefore, constitutes a violation of part 121. While the FAA does not endorse or recommend

equipment suppliers, it is expected that the certificate holders will procure equipment of appropriate quality.

The available data from the 1991 FAA report entitled ''Response Capability During Civil Air Carrier In-flight Medical Emergencies'' (filed in this Docket) did not reveal overall poor technical quality of the EMK. Rather, it revealed one case in which an ''inopertative'' blood pressure cuff was criticized and fewer than five cases in which better airway equipment was recommended. The FAA believes that the quality of the equipment required by the regulations is maintained by routine FAA oversight of air carrier operations.

Usage of EMK's on Regional Air Carriers

The RAA indicates that the proposed enhanced EMK's simply will not be used in a typical regional operation given the lack of opportunity and lack of medical guidance needed to use the materials.

FAA response: The FAA disagrees that in-flight medical events will not occur during regional operations. Cardiac events can occur at any time, in any place, and to anyone. While professional medical guidance may not be as readily available or forthcoming on a regional flight, it is anticipated that certificate holders and its agents will act appropriately to provide for the safety of the passengers on the aircraft.

Flight attendants receive instruction in passenger emergency medical care only to a level that would allow them to attempt care if appropriate and safe. Under this action, they will need to become familiar with the modifications being made to the EMK in the event that care is chosen to be provided or if any other passenger attempts to assist.

It should be noted that crewmembers have been required, under existing § 121.417(b)(3)(iv), to be familiar with what is contained in the EMK. This action does not change that requirement, except to move the provision under § 121.805(b)(3) and to require familiarization with the EMK as modified.

If serious medical events do occur in flight, having enhanced emergency medical equipment available may facilitate the ability to attempt to assist a passenger.

Flight Operations

EMK's/AED's as ''No-Go'' Items

With the proposed additions to the medical equipment onboard aircraft and the increased cabin crewmember training, MedAire's experience indicates that airlines will be using their onboard medical equipment much more often. Therefore, MedAire comments that consideration should be given to the airlines allowing them to fly a passenger flight to a maintenance facility where the equipment/medical kit can be replaced rather than having them maintain expensive inventories at every destination. The high cost of this equipment and stocking requirements would make it difficult for the airlines to manage the program under a strict ''no-go'' rule. The possibility exists that a diversion into a non-station airport potentially could ground an aircraft and strand passengers.

The ATA comments that the FAA needs to clarify the intent of the words ''unless authorized by the Administrator'' under § 121.803 (a) that flights are not delayed or canceled unnecessarily. Specifically, air carriers should not be forced to seek authorization on a case-by-case basis as the issue arises. The ATA recommends that an airplane should be permitted to operate in commercial service for a reasonable period of time (up to 5 days) while an AED is not available, such as for battery replacement or maintenance or, in the case of an EMK, required items are replenished. To achieve this, the FAA could allow conditional FAA Principal Operations Inspector (POI) authorization for such operations in advance through operations specifications, a Master Minimum Equipment List provision, or as past of approved AED maintenance plans.

The APFA recommends that ''grab-and-go kits'' be made ''no-go'' items such that aircraft cannot depart without them unless each flight attendant is issued a mask and is required to carry it.

FAA response: The FAA agrees, in part, with these comments. In particular, the ATA's comment that air carriers should not be forced to seek authorization on a case-by-case basis for flights without EMK's and/or AED's available.

Under long-standing regulation, existing § 121.309 (a), an airplane may not be operated unless it is equipped with required emergency equipment, including EMK's. Therefore, EMK's have always been considered ''no-go'' items and must be carried as listed by the Master Minimum Equipment List. ''Grab and go kits,'' as suggested by the APFA, are not an adequate substitute.

Under § 121.803 (a), as proposed, the FAA carried over the provisions of § 121.309 (a) but added the words ''unless authorized by the Administrator.'' The intent of this proposal was to cover situations in which an AED may be inoperable or not available for flight; however, the FAA inadvertently extended that provision to all ''emergency medical equipment'' which also would include EMK's. Upon further review, the FAA has determined that AED's should be, and EMK's should remain, ''no-go'' items.

To allow an airplane without an EMK or AED to be operated in commercial service up to 5 days, as ATA suggests is not consistent with this action. Nor is it consistent to provide conditional POI authorization through operations specifications, a Master Minimum Equipment List, or as part of approved AED maintenance plans. Therefore, until the FAA develops more experience with the enhanced EMK's and AED's it will continue the current provision under § 121.309 (a) and will adopt § 121.803(a) without the words ''unless authorized by the Administrator.''

Single Flight Attendant Requirement

Continental Express suggests limiting the applicability of the proposal to flight operations requiring two, rather than one, flight attendant. Airplanes with as few as 10 passenger seats are required under § 121.391 to have a flight attendant. Continental Express asserts that it is unreasonable to expect a single flight attendant to attend to a stricken passenger while simultaneously performing the duties associated with approach and landing.

The International Brotherhood of Teamsters, Airline Division, wants the rule to explicitly address potential conflicts between existing regulations and the administration of CPR and/or the provision of any other first-air/responder care. It must also explicitly provide for resolution to these conflicts. While common sense may determine that the flight attendants continue with CPR, the regulations should address these circumstances. Air carriers and their employees should not have to be burdened with conflicting rules.

The Teamsters Local 2000 (representing Northwest Airlines flight attendants) comments that, when medical emergencies occur, compliance with certain regulations pertinent to cabin crewmembers may become more challenging.

The RAA indicates that the proposed rule fails to address the potential safety concerns in having one flight attendant devote time to attending to a medical event when this flight attendant has regulatory responsibilities and other passengers. On a regional airline there is the possibility that a flight attendant could accidentally shock him or herself. The suggested airborne medical emergency procedures will subject the flight attendant and other passengers to a greater risk of injury from airplane

movement particularly if a flight diversion occurs. In contrast to these commenters, MedAire believes that the recommendation to include aircraft with a single cabin crewmember as a part of the ruling is a sound one.

According to MedAire, since a person must be defibrillated within 10 minutes following cardiac arrest, it becomes impossible for any aircraft to reach life-saving medical attention in time. Today's single cabin crewmembers routinely are taught CPR during emergency training. Defibrillation has become a portion of the basic life support capability that is embodied within the CPR skill. Just as on any other aircraft, a flight attendant who is handling a medical emergency must redirect priorities if another emergency occurs that stands to impact the lives of others onboard.

FAA response: The FAA disagrees that this action conflicts with existing regulations as there is no regulation that the certificate holder or its agents provide care.

As noted previously, the FAA amended § 121.309(d)(1)(ii) under the ''Commuter Rule'' to require an EMK in airplanes for which a flight attendant is required. This action transfers that provision to § 121.803 and expands it to include an AED as well as an EMK. The FAA bases the determination to continue this requirement on the 5 years of experience it has had under the regulation and did not find a need to modify it.

While not a routine occurrence, in-flight medical events, like other on-board events such as smoke or fire, do affect the ability of flight attendants to perform their duties. For this reason, unexpected scenarios, and how to respond to them while maintaining a safe, calm, and orderly passenger cabin environment, must be trained. But exactly how to deal with these events is at the discretion of the certificate holder and its agents.

Size/Seating Capacity of Aircraft Affected

Continental Express indicates that the FAA has not factored airplane size or route length into its justification and that it appears that the size of aircraft affected was an arbitrary decision. The added weight, unit expense, and scarce cabin space may render the smaller (50 passengers and less) aircraft unlikely candidates for this rule. It suggests that the applicability of this rule, and others like it, be driven by passenger seat capacity (a fixed value) versus a variable weight. Further, Continental Express asserts that the probability a passenger suffering a medical event while on board a small airplane operating a short flight segment is much lower than the probability of a passenger suffering a medical event on a large airplane, operating a long flight segment.

FAA response: The size of the aircraft affected under this action was constrained in part by the direction set forth in the Act as follows:

> ''(d) Limitation.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.''

Although there are variables in payload capacity and size of aircraft, the more than 7,500 pound payload capacity roughly translates to aircraft with a capacity for 30 passengers.

In 1995, the FAA required one flight attendant as part of the ''Commuter Rule'' [60 FR 65832; December 20, 1995] for this size aircraft. This rule also required an EMK. Based on its experience, the FAA has determined that this size aircraft is the size necessary for EMK's and AED's.

The FAA has no data to indicate that the probability of a passenger experiencing an in-flight medical event is lower on a small airplane operating a short-flight segment. The FAA has determined that all passengers should be treated equally by having, to the extent possible, the same options for in-flight medical treatment.

Good Samaritan Protection

Seven commenters raise the issue of the applicability of the ''Good Samaritan'' provision.

A flight attendant indicates that flight attendants need legal protection under a ''Good Samaritan law'' that would provide them tort immunity (except in the case of gross negligence). If this is not the case, this flight attendant points out that he may not respond as quickly or aggressively as he might otherwise out of fear of being sued.

The AFA and the Trinity Medical Network, a global emergency medical evacuation company based in Singapore, propose that letters of indemnification be given to flight attendants to protect them from liability.

The International Association of Machinists and Aerospace Workers, AFL–CIO, appreciates the fact that the Act includes a ''Good Samaritan'' provision that limits air carriers' liability when obtaining medically qualified non-employee passengers to assist persons but questions whether this same protection applies to flight attendants.

The ALPA recommends that the ''Good Samaritan'' provisions be clearly stated in the rule itself and should be a specific required training subject. Knowledge of the ''Good Samaritan'' protection could positively influence the willingness of a medical professional to step forward to assist in an in-flight medical emergency.

The International Brotherhood of Teamsters, Airline Division, observes that the NPRM only briefly touches on legal liability issues in its background discussion section. Legal liability issues may arise out of these new requirements and expectations. This liability must not be placed on the shoulders of the flight attendant or flight deck crewmember. Crewmembers must be indemnified. At the very least, air carriers must be required to provide indemnification for their employees who respond in accordance with air carrier policies and procedures.

Teamsters Local 2000 (representing Northwest Airlines flight attendants), reveals that the legal immunity afforded flight attendants in the use of emergency medical equipment presents a concern. The legal protection afforded flight attendants must be clearly defined and made a part of the proposed regulations applicable to crewmember actions in support of a medical emergency, whether on or off the aircraft (as in the jetway for example).

FAA response: The FAA disagrees with these commenters. As stated before, there is no requirement that certificate holders or their agents provide medical assistance to passengers. If the certificate holder or its agents voluntarily choose to provide care, the provisions of the Act will apply. The ''Good Samaritan'' provisions of the Act do not require further implementation by the FAA. The issues raised by the commenters are between employees and employers and as such are not subject to this rulemaking.

Quality Control

Complient suggests that reference to data management criteria should be provided in the final regulation. It suggests a program to track and report the details of every in-flight medical event via the Internet. This process would ensure compliance and allow immediate access to all quality assurance information.

The AHA concludes that the FAA should implement strong quality improvement components by establishing close medical review of all uses of an AED during commercial air travel. This review should include both appropriate, and perhaps not so appropriate, use of the AED.

The ASMA and America West Airlines suggest a standardized review program that would provide an efficient and expeditious process for monitoring the use and effectiveness of the equipment and medicines and aid in determining the need for possible future modifications to the kits.

Complient recommends that the FAA review new technologies that support the mission and implementation of the ''AED program.''

A private citizen, who does not identify affiliation, observes that the distribution of technology does not ensure its proper use. A significant portion of the plan for this distribution should be focused on proper training for flight attendants and education for the airborne public.

FAA response: The FAA disagrees with these comments. As discussed in the NPRM preamble, while the FAA believes that this action is needed, it is also aware that adding enhancements could be misinterpreted. The FAA is not establishing a proposal for in-flight medical care. Passenger expectations regarding the level of medical care should not unrealistically raised by this action. In-flight medical assistance will continue to be discretionary to the certificate holder and its agents. In-flight medical care voluntarily provided must be regarded as limited emergency treatment with no unrealistic expectations of favorable outcomes for passengers having medical events in flight.

While it is not within the purview of the FAA to mandate or regulate health care, the FAA can require that certain equipment be available. When equipment is carried on the aircraft, the FAA requires that airline personnel must be familiar with where it is located and how it is used. Making the equipment available and having airline personnel recognize where it is located and how it is used, if so desired, is the basic intent of this action.

The FAA has long-standing procedures and personnel in place to assure that all equipment carried on board an aircraft are maintained and stored properly. The FAA continues this by including AED safety standards, initial training requirements for crewmembers, and recurrent training provisions for flight attendants.

Training

Annual vs. Biennial Recurrent Training Hours Needed

MedAire recommends that the FAA adopt, at the very least, an annual recurrent training requirement, which would tie into the flight attendants' annual training program.

The AFA states that, until an air carrier adopts the concept of performance-based standards, the training schedule for AED and CPR should be conducted every 12 months. It is imperative that the FAA follow the guidelines set by the American Red Cross and the AHA. These guidelines best represent the knowledge of training in these areas and set the minimum recurrent standards that these two organizations have set. According to the AFA, the last training outline that it received from these organizations revealed that a training certificate was valid for 1-year intervals. Therefore, the FAA should follow that guidance.

The International Brotherhood of Teamsters, Airline Division, concurs that the regulation should require recurrent training annually rather than every 24 months.

According to the International Association of Machinists and Aerospace Workers, AFL–CIO, non-medical professionals, such as police officers and fire fighters most likely are faced with having to use an AED than are flight attendants and have assistance more readily available. The huge majority of flight attendants probably will never face such situations or maybe once in their careers. Receiving appropriate training every 2 years when they may never have encountered a real-life situation does not ensure the confidence level that the rule is assuming.

FAA response: While the FAA recognizes that annual performance drills would be preferable and applauds those air carriers that conduct the drills at 1-year intervals, under existing § 121.417 similar recurrent training is conducted on a 24-month basis. The FAA did not want to deviate from existing practice by establishing a separate training schedule.

Blood-Borne Pathogens/Occupational Safety and Health Administration (OSHA)

The International Association of Machinists and Aerospace Workers, AFL–CIO, comments that blood-borne pathogens have not been addressed in the NPRM and that it must be addressed in conjunction with the IV kits. At the least, the training aspect of dealing with blood-borne pathogens must be included in this rule.

The International Brotherhood of Teamsters, Airline Division, remarks that the proposed rule does not address occupational safety and health risks for flight attendants who potentially may be exposed to blood-borne pathogens in the performance of their duties. Further, it does not require enforcement of the OSHA Bloodborne Pathogen Standard to safeguard against those risks. This standard, and a requirement for compliance by air carriers, must be incorporated by reference into the final rule. Such action would demonstrate the FAA's intent to act on the Memorandum of Understanding recently signed with OSHA.

Teamsters Local 2000 (representing Northwest Airlines flight attendants), comments that flight attendants must have both the training and personal protection to take on ''first responder'' responsibilities. Such training must include blood-borne pathogens, with the current OSHA Bloodborne Pathogen Standard applied to Flight Attendants to safeguard against the known risks involved. It would be irresponsible to require AED training and not include CPR and blood-borne pathogen training as well.

According to the AFA, it is anticipated that the OSHA standard on blood-borne pathogens will be one of several OSHA standards that will be proposed as OSHA rules covering flight attendants after an initial OSHA/FAA team report is completed by December 6, 2000. If the air carriers are going to be doing training on CPR and in AED usage, OSHA promulgation of its blood-borne pathogen standard covering flight attendants should be coordinated to take effect on the same date as this FAA final rule. This will ascertain that the air carriers have an obligation to provide training on occupational exposure to blood-borne pathogens and other potentially infectious materials, in addition to other protections provided by the standard.

Complient comments that, if employees are trained and designated as responsible for rendering first-aid or medical assistance as part of their job duties, they are covered by the protections of the OSHA standard. It is an OSHA violation if employees who administer first-aid as a collateral duty are not offered a hepatitis B vaccine. It also comments that a program of blood-borne pathogen training mandated annually would provide impetus to conduct at least an annual review of AED–CPR procedures.

FAA response: Because of the FAA's ongoing review [2] of blood-borne pathogens, among other issues, with OSHA, this action does not include a regulatory reference to blood-borne

[2] See the First Report of the FAA/OSHA Aviation Safety and Health Team, dated December 2000, entitled, ''Application of OSHA's Requirements to Employees on Aircraft in Operation'' on file in this docket.

pathogens. The FAA continues to promote awareness of blood-borne pathogen exposure through guidance material found under Advisory Circular 120–44; March 9, 1995.

Guidance Material for FAA Inspectors

The AFA is in favor of FAA inspectors being provided with criteria to use when approving the training associated with this rule. If the FAA intends to provide criteria or guidance through another means such as an Advisory Circular or Handbook Bulletin, this should be stated in the preamble. These criteria should be made available for public comment before they are published, within 6 months following the issuance of the final rule.

FAA response: The FAA developed a Flight Standards Information Bulletin for Airworthiness, FSAW 98–05, that provides POI's with information regarding installation and use of medical portable electronic devices abroad aircraft. Specifically, it familiarizes and standardizes the carriage, testing, and operational use of AED's aboard aircraft, and provides policy and guidance concerning this issue.

Typically, the FAA does not issue Advisory Circulars until adoption of a final rule. Whatever guidance the FAA issues as a result of this action will be published in the **Federal Register** for public comment.

On-Line Training Programs

Complient mentions an on-line training program as a means of ensuring that all flight attendants are properly trained and of containing initial and recurrent training costs.

FAA response: Flight Standards Handbook Bulletin for Air Transportation, HBAT 98–09, clarifies and presents guidance for POI's in responding to operators' requests to substitute home study training modules for approved traditional classroom training modules. The FAA POI must ensure that the course of study will effectively duplicate the classroom training to be replaced. No substitutions are considered for any flight training, Basic Indoctrination, Initial, Transition, or Upgrade training. Requests for substitutions to Recurrent, Requalification, or Refresher training are considered. Only cognitive or knowledge-based training is eligible for consideration for home study. Hands-on AED or CPR training would not be possible.

Standardization

The AHA recommends standardizing the ''in-flight'' defibrillation course'' to a nationally recognized CPR–AED curriculum, such as the Heartsaver AED course of the AHA, the National Safety Council, or the American Red Cross. A training curriculum is needed that integrates both CPR and the use of the AED into a single integrated course. Further, customize the course for the specialized clinical environment of in-flight commercial aircraft. It indicates that it has assisted organizations, such as the recreational ski industry and the cruise-ship industry, with industry-specific protocols.

According to the AFA, using organizations such as the American Red Cross and the AHA will give the flying public assurance that training is being performed to a well-recognized worldwide standard. According to the AFA, the FAA has a responsibility to set minimum standards and can do so by looking to the guidelines provided by the national organizations. The minimum guidelines that these national organizations set should be the same minimum that the FAA requires.

The AFA supports the concept of ''performance-based training'' rather than specified minimum training hours. The AFA believes that this approach would mirror the concepts listed in AC 120–54, Advanced Qualification Program. Each flight attendant should receive a Certificate of Proficiency upon successfully completing the training, prior to undertaking in-flight medical event duties. This certification will enhance the confidence of the flight attendant to perform life-saving tasks.

The International Brotherhood of Teamsters, Airline Division, states that the level of flight attendant training varies greatly from carrier to carrier. In many instances, flight attendants are not sufficiently trained for the first-aid/first response duties already assigned to them. Upgrading the equipment on aircraft without simultaneously upgrading the training requirements for flight attendants will only exacerbate this problem. At the very least, air carriers should be required to train flight attendants to a standard equivalent to that received by other ''flight responders.'' The standard must be specified in the regulation, not left to the discretion of the air carriers.

Teamsters Local 2000 (representing Northwest Airlines flight attendants), would like to see comprehensive first-aid training requirements, increased programmed hours of instruction/frequency for CPR, and proficiency requirements.

The ATA concurs with the FAA proposal not to require a specific number of hours of training.

According to the ATA, the final rule should clarify, however, that the result of the training is not to ''certify'' the trainee. It should be explained that the purpose of the training is to ensure that the trainee has satisfactorily completed the training course. Using terms such as ''certify'' creates an expectation, if not a legal standard.

According to the ATA, it is extremely important for the text of the final rule, not just the preamble, to state expressly that it is not the intention of the FAA to convert flight attendants or flightcrew into emergency medical personnel. Therefore proposed § 121.801 should have a new paragraph added to read as follows:

> Nothing in this subpart is intended to require crewmembers to provide emergency medical care or to establish a standard of care for the provision of emergency medical care by crewmembers or air carriers covered by this subpart.

Further a new § 121.805 (c) should be added to clarify that the required training is not intended to achieve a level of proficiency required of emergency medical personnel as follows:

> (c) The training required by this section is not intended to achieve the level of proficiency required to be attained by trained emergency medical personnel.

Other comments received from individual commenters on the issue of standardization included the following: Medical training for flight attendants should be standardized and regulated; the minimal training that needs to be done is a certified paramedic training program; involve the Association of Air Medical Services, the Emergency Nurses Association, and the National Association of Paramedics; staff the cabin crew with several members certified in basic life support; and include at least two passenger cabin personnel who are certified in first-aid and CPR.

FAA response: Given that almost every major air carrier voluntarily has implemented some form of acceptable and approved training program for flight attendants on the proposed modified EMK's, including AED's, the FAA did not propose to standardize ''one-size-fits-all'' requirements. The FAA believes that a specific, recommended course of standardized training would be overly burdensome. It does recommend, however, that instruction conform to national programs including those offered by the AHA or the American Red Cross. But as the provision of care is up to the certificate holder, it is up to the certificate holder to decide what program best fits its needs.

Requiring flight attendants to be certified as first responders would put more responsibility on them, which is not the intent of this action. While in some cases, flight attendants may be the first and only responders to an in-flight medical event, it is up to the certificate holder to decide what, if any, care will be provided. Requiring first responder certification would be inconsistent with this action.

Hands-on drills for medical emergencies are useful to have as an option for care. But, like other events for which training and drilling occur (e.g., fire) no certificate is provided.

The FAA concurs that the ATA's recommended amendments to §§ 121.801 and 121.805 would serve to clarify the intent of this action and adopts them, with minor modifications, under the final rule.

Suggested Training for Pilots

Pakistan International Airways believes that cockpit and cabin crew should be able to institute IV fluids. All cockpit/cabin crew should acquire basic training in CPR and basic life support.

The ALPA supports having flightcrew members being given initial training in the AED to include instruction in its proper use. While the flight attendants generally are the crewmembers who will use the AED, it also would be beneficial for pilots to be given such training.

FAA response: Although the FAA does not require it, air carriers are not precluded from providing more extensive training to any crewmembers, including pilots. The FAA did not require pilot training on the AED's because it could not foresee, except under rare circumstance,s that the equipment would be used by pilots during flight.

Other Comments Received

The following are additional comments received that, because they did not apply within the categories discussed above, are rendered here below categorized as ''OTHER COMMENTS RECEIVED.''

Airports

The AHA, the ATA, and a private citizen request that this proposal be extended to include airport action.

The AHA indicates that the airport programs already implemented have reported a remarkable level of early success. It urges the FAA to consider the successes of these current airport public access to defibrillation programs and reconsider its decision not to act to advance these successes in other airports.

The ATA states that the NPRM ''does not deal'' with the issue of whether airports should ''install'' AED's and EMK's. Experience demonstrates that passengers do have medical emergencies in airports for which the availability of AED's and EMK's could be beneficial. The ATA urges the FAA to initiate rulemaking to address this need.

FAA response: The FAA addressed airport medical events under separate action pursuant to the Act. As indicated in its June 6, 2000, Notice of Decision [65 FR 35971], the FAA determined that it would not require the same kind of enhancements at airports.

The FAA conducted a survey and found that most airports are already well-equipped and have well-trained personnel available to respond to airport medical events. Data on 130 airports indicate that 108, or 83 percent, have defibrillators, and that 11 airports, or 8.5 percent, have an off-airport response rate of less than 6 minutes. Thus, 119 airports, or 91.5 percent, have the medical capability to address medical events including those in which AED's may be of assistance.

In light of the determinations, of the widespread availability of emergency medical care, including AED's, at or near airports, the FAA decided not to propose action at airports.

First-Aid Kits

The ATA requests that ammonia inhalants be deleted form the first-aid kit content as they are an ''archaic modality.'' Attempting to administer ammonia inhalants to a passenger in Sudden Cardiac Arrest would waste valuable time. ATA also comments that the requirement to carry up to four first-aid kits is excessive because multiple uses of first-aid kits on a single flight are rare. Therefore, only one first-aid kit per airplane should be required.

FAA response: The focus of this action is on EMK's and not first-aid kits. The FAA does not address first-aid kits in this action except to delete an outdated, obsolete (and therefore meaningless) reference to a Defense Department specification. The commenter's suggestions regarding first-aid kits cannot be considered because the FAA does not have data that would warrant removing the requirement to carry ammonia inhalants and/or reducing the number of first-aid kits required to be carried.

Ground-Based Medical Advisory Providers

The RAA and MedAire mention the need to have a ground-based medical advisory provider. MedAire indicates that this service can be a valuable resource in helping to reduce medical-related diversions. The RAA indicates that several regional air carriers use these services but, in every instance, the flightcrew makes the call and not the flight attendants since air-to-ground phones are not available in the passenger cabin on regional airplanes.

FAA response: As noted before, certificate holders can add equipment, including communication links, if they deem the equipment necessary. The FAA did not propose nor will it require this equipment as it is up to the certificate holder to provide whatever care the certificate holder deems appropriate.

New Subpart X Unnecessary

Continental Express comments that, by removing the existing requirement in part 121, subpart K for EMK's (effective now) and putting it into new subpart X (effective in 3 years), the EMK requirement is inadvertently deleted in the interim. Continental Express finds that creation of a new Subpart X is unnecessary and cumbersome and that if the FAA intends to establish a separate subpart for emergency medical equipment only, it also should establish separate subparts for fire extinguishers, flotation equipment, crash axes, and megaphones. It suggests incorporating changes to emergency medical equipment requirements into existing subpart K and changes to crewmember training into existing subpart N. Otherwise, it can be construed that the air carriers will be required to provide identical training to crewmembers under two separate training programs. Also, removing the requirement in existing subpart K for training in ''other abnormal situations'' removes training requirements for addressing situations such as abusive passengers, intoxicated passengers, passengers who might jeopardize safety, turbulence encounters, and crew coordination.

FAA response: The requirement to carry an EMK is not deleted in this action. Section 121.803 (c)(2) as added under new subpart X, will continue to require an approved EMK; however, air carriers will have 36 months to modify their existing EMK's to meet the new standard. But, as the rule language could be misread, the FAA adds new paragraph (b)(4) under § 121.805 and a new paragraph 2. under part 121, appendix A ''Emergency Medical Kits'' to be more explicit.

The requirement for training to accommodate ''other abnormal situations'' is not deleted; it continues to be found under existing § 121.421(a)(1)(ii).

It is not the intent of the FAA to create a need for two separate training programs to comply with the crewmember training requirements outlines in § 121.805. It is the intent of the FAA that these training requirements will be incorporated into each air carriers' approved training program.

The FAA developed a new subpart X for several reasons. Currently provisions for emergency medical equipment are dispersed throughout subparts N and O and, in the course of developing this action, the FAA determined that it would be more appropriate to incorporate emergency medical equipment requirements into one subpart. Because existing part 121 sets forth specifications for emergency medical equipment under one separate appendix (part 121, appendix A), the FAA determined that regulatory provisions corresponding to these specifications would be more easily understood set forth under one separate subpart.

Noticing Intent of the Regulation in Airports and in Ticket Jackets

The International Brotherhood of Teamsters, Airline Division, states that, to provide clear notice to the public of the intent of the regulation, notice should be posted in airports and in ticket jackets much the same as is required of security and hazardous materials information.

FAA response: The FAA disagrees that signage requirements at airports and notification in passenger ticket jackets is necessary. As the intent of this action is to provide the certificate holder and its agents the option of providing in-flight medical assistance, there is no reason to alert the public by sinage that limited in-flight medical assistance may be available from the certificate holder.

The FAA has always encouraged the public to seek qualified medical advice before travelling regarding any medical concerns.

Other Suggested Proposals for This Action

Certain commenters request that the FAA do the following:

- Staff flights with medical personnel ready to respond to medical events.
- Limit alcoholic beverages consumed on flights.
- Establish a coordinated training program for crewmembers that would link them to ground EMS.
- Establish one centralized school for training flight attendants.
- Have passengers inform air carriers about particular physical status and/or special dietary needs.
- Deny air passage to pregnant women.
- Maintain oxygen with a flow regulator in a container adequate for at least 4 hours on overwater flights.
- Require two separate blood-borne pathogen kits (a response kit and a cleanup kit) containing several items.

FAA response: These suggestions are inconsistent with and beyond the scope of the FAA's proposal. Commenters desiring these changes can submit separate petitions to the FAA for consideration of such actions.

Other Suggested Rule Language Changes for This Action

The ATA comments that proposed § 121.805(b)(3) should be deleted in its entirety. This proposed paragraph merely says, in a different way, what will be required by proposed § 121.805(b) (1) and (2). If this provision is not deleted, it should be clarified that the ''handling'' of medical events means only ''responding'' in a general sense. Also, although the term ''familiarization'' is a carryover from existing regulations, it is somewhat vague and imprecise when contrasted with the specific requirements set forth in § 121.805 (b)(1) and (2). If retained, this term should be explained.

The final rule should set forth the compliance date for training in more direct terms than proposed, ATA states. For example, the final rule could state:

> The training required in this section shall be completed on [36 months after the effective date of the final rule.

The AFA would like the words ''programmed hours of instruction'' added to proposed § 121.805 (b)(4)(iii). Further, proposed § 121.805 only mentions the word ''instruction'' therefore leaving the reader with the implication that ''hand-on'' training would not be required. Not requiring ''hands-on'' training with respect to CPR and AED usage is not acceptable. Proposed § 121.805 does not mention the word ''perform'' anywhere in the text of the new sub-paragraph.

FAA Response: The FAA agrees that paragraphs (b)(1), (2), and (3) of § 121.805 may contain redundancies as proposed and has revised these paragraphs based on the ATA's comment. These changes are made to clarify that crewmembers are not expected to know how to use but rather to be able to recognize, and therefore be familiar with, the content of the EMK's.

The FAA agrees that it should specify, under § 121.805, the 3-year timeframe allowed before being required to carry enhanced EMK's and has added a new paragraph accordingly. The FAA does not a add a specific compliance date for completing any of the required instruction. As noted in the NPRM, however, the required instruction must be completed within 36 months after the effective date and before compliance is required.

The FAA concurs with the AFA's comment and has revised § 121.805 (b)(4) accordingly. To further clarify the intent of this action, the FAA deletes references, that may have appeared erroneous, to § 121.421 (under proposed paragraphs (b)(4)(i) and (ii)) and to § 121.427 (under proposed paragraphs (b)(4) (iii)).

Reducing the Proposed 3-Year Compliance Date

Teamsters Local 2000 (representing Northwest Airlines flight attendants) believes that the time has come to directly address the increase in passengers needing in-flight medical assistance and the continuing growth of passengers flying with medical conditions who are more likely to experience an in-flight medical event. From a realistic viewpoint, the proposed rule changes are long overdue. In fact, the 36-month compliance date noted for the affected rule is in question, in that many U.S. air carriers have addressed many of the provisions of the proposal.

FAA response: Because many of the major air carriers already comply or will comply with the proposal, the compliance date is an issue mainly for the regional air carriers. The FAA set a 3-year compliance date to allow those air carriers that have not made modifications sufficient time to provide crewmember instruction and procure medical enhancements.

Use of Equipment by Medical Professionals Only/International Civil Aviation Organization (ICAO) Standards

The International Association of Machinists and Aerospace Workers, AFL–CIO, suggests permitting the use of the enhanced equipment only when qualified medical personnel are on board, or when a ground-to-air link with qualified medical personnel can be made. This would eliminate a flight attendant being put in the position of physician.

It also comments that it agrees with ICAO Standards on crew training and equipment requirements and that the approach of the proposed rule is ''way beyond the scope'' of the ICAO Standard.

FAA response: As explained in the NPRM, the FAA acknowledges that it is unrealistic to expect crewmebers to achieve the same level of proficiency as emergency medical personnel who perform medical procedures routinely on a daily basis and that this action only adds the option of limited in-flight medical assistance. Even in the case of a threat-of-death, in-flight medical event when on-board medical assistance is available, the certificate holder and its agents have to choose what assistance, if any, to provide a stricken passenger. The FAA does not have the authority, nor is this action intended, to mandate or regulate health care on board commercial air carriers; it can only require that the equipment be available.

Because the FAA will be requiring AED's, while ICAO Standards and Recommended Practices (SARP's) do not, the FAA will exceed ICAO SARP's for equipment in one area. This action, therefore, does not constitute a serious difference. The FAA concurs with the ICAO Recommended Practice that it is preferable that EMK's be used by qualified and trained personnel but, under U.S. law, it is the certificate holder who makes that decision. With the advent of medical assistance via radio, certificate holders may choose to have less qualified personnel use the EMK to assist stricken passengers under the guidance of ground-based medical providers.

Alternative Considered

The following are alternatives the FAA could have considered for this action:

- Continue case-by-case approval, without codified regulations, of voluntary AED carriage for those air carriers who seek it.
- Amend 14 CFR part 91 only and limit the action to providing authority for air carriers to carry AED's on board aircraft.
- Apply the proposal only to those air carriers having a passenger seating capacity of 51 seats or more and serviced by at least two flight attendants.

The FAA determined that, absent regulations codified under part 121, none of these options would be fully responsive to the Act and the majority of the commenters for the following reasons:

- Nothing would preclude air carriers from taking AED's off of aircraft.
- Regular maintenance and safe and appropriate usage of AED's could not be enforced.
- Enhanced emergency medical equipment would not be available on smaller air carriers.
- EMK's have been required on aircraft under 51 seats serviced by just one flight attendant for many years. The FAA could not justify allowing such aircraft to be exempt from modifications to be required under part 121.
- CPR instruction for flight attendants would not be required on all passenger-carrying aircraft. CPR, not currently required, is a necessary adjunct to AED usage as it must be initiated and continued in the event of any of the following: the AED voice-prompt indicates ''no shock,'' and a pulse is absent; three AED shocks are administered to no avail; or the AED malfunctions.

Adopting the final rule as proposed appears to be the most appropriate FAA option. The data collection conducted as directed under the Act revealed at least 40 events in which AED's may have been used had they been available. It also revealed four events in which AED's were available and used to shock stricken passengers; these passengers continue to survive today. Subsequent to the data collection, further FAA investigation reveals that more passengers, and a crewmember, have had similar experiences.

Many public commenters request that the FAA require more emergency medical equipment and training than proposed. Because the FAA determined that these additional modifications would be burden some and would require supplemental notice for public comment, these requests could not be considered.

Comments from the Small Business Administration (SBA), the RAA, and Continental Express address the economic impact of this action on small entities. These comments are described and analyzed in further detail directly below.

Summary of Economic Comments

Small Business Administration

The SBA's comment disagrees with the FAA's statement in its NPRM (preliminary) evaluation that the proposed rule would not have ''a significant economic impact on a substantial number of small entities.'' The SBA notes that the FAA's NPRM evaluation estimates that the rule would impact 60 small air carriers, and cites to the contrary data from the Bureau of Census to the effect that ''scheduled air transportation firms totaled 715 employee firms. Of these, 452 firms have less than 20 employees; 192 firms have between 20 and 499 employees. Taken together, small firms constitute 90 percent of the industry, not 75 percent. Only 71 firms have 500 or more employee.''

The SBA also finds fault with the FAA's preliminary analysis as it concerns (a) the threshold of ''significant impact;'' (b) the cost estimates of AED's, EMK's, and training in terms of their being disadvantageous to small business in particular.

FAA response: The FAA reviewed its preliminary analysis and now agrees with the SBA that this rule will have ''a significant economic impact on a substantial number of small entities,'' according to the SBA formula. However, the FAA finds that the burden is neither as significant nor is the number of small entities as substantial as the SBA presents. As shown in Table A of the Regulatory Flexibility Analysis (see page 22 of the Final Rule Regulatory Evaluation on file in the Docket), this rule will impact 28 small businesses. Of these, 17 will be significantly impacted. A full discussion of the impact of this rule on these small businesses is provided in the Regulatory Flexibility Analysis. This section of the final rule Regulatory Evaluation also details the procedure by which the 28 small air carriers were identified. As noted in the Regulatory Flexibility Analysis section of the Regulatory Evaluation on file in the Docket, the FAA used the Fleet PC™ database product maintained by Back Associates, Inc., first to identify all the rule-designated airplanes (those with maximum payloads greater than 7,500 pounds) that are active or inactive (for example, undergoing maintenance checks) used in civil aviation by U.S. operators, and then to match the airplanes with their operators. The resulting data were further pared down to eliminate cargo operations, non-part 121 operations, businesses that have 1,500 or more employees, businesses that are owned as subsidiaries by other businesses, and businesses that are decertified or are otherwise operationally dormant. This approach ensured that the FAA would not omit any affected, certificated air carrier.

The group of small air carriers that resulted from this process is volatile. Within this group, between September, 1998 and September, 2000:

- DOT certificated six airlines to start operations;
- DOT recertificated a previously dormant airline;
- DOT decertificated four airlines, three for dormancy and one for cause; and three airlines were in Chapter 11 (reorganization) bankruptcy.

For this analysis, all the newly certificated airlines and the re-certificated airline were assumed to be subject to this rule. In August 1999, one

of thre three bankrupt airline emerged from the Chapter 11 bankruptcy of its parent company. Because it had not suspended its operations during bankruptcy, because it is a non-subsidiary, and because it reported financial data to the FAA, it is included in this analysis as subject to this rule.

As shown in Table A of the section on Regulatory Felxibility (see page 22 of the final rule Regulatory Evaluation, on file in the Docket) the FAA determined that only 28 carriers [3] with no more than 1,500 employees are certificated by the FAA to conduct operations subject to this rule.

The FAA's estimate of this rule's average initial burden on these small business carriers is $43,301. In no case is this amount more than one percent of any carrier's annual operating revenue, even though for this analysis, the FAA assumes that these carriers will bear all the initial cost of compliance in the first year of effectiveness, rather than spread the costs over the first 36 months of effectiveness, as the rule permits. The follow-on burdens of operation and upkeep were ignored in this analysis because (a) they are much smaller than the initial costs, (b) the financial data are limited, and (c) this carrier size category displays short business life spans. However, because 17 of these carriers reported negative *net* operating revenue for the immediately preceding reporting period (generally, which ended June 30, 2000), the FAA reasoned that these 17 could not pay the costs of compliance from current net revenue. The FAA concludes this rule will have ''a significant impact'' on these 17 carriers. The FAA's final estimate of AED costs is $3,140, ready for use in flight. This estimate was produced by combining the list price of the device with prices known to have been paid by air carriers already in voluntary compliance. The FAA's attenpts to learn vendor discount policy resulted in the information that such policy was confidential, that a discount could be given on as small an order as one AED, and that other factors, such as early or prominent adoption, also account for discounts. Thus, the FAA can make no conclusive statement on the availability of discounts on AED's.

For this final rule Regulatory Evaluation, based on comments, updates, and clarifications, the FAA also revised its estimates of costs of AED's, EMK's and training from the values noted by SBA. The FAA agrees with the SBA that the costs of complying with the rule will fall disproportionately on small carriers, because 90 percent of the affected air carrier industry (based on revenue passenger miles) is known to already have initiated voluntary compliance. This 90 percent includes all but one of the major air carriers and many of them small airlines, will bear the burden of compliance with this rule when it becomes effective.

In clarifying earlier comments to the FAA, one of the two major vendors of AED's noted that discounts had been given on orders as small as a single unit. This vendor noted that early or prominent adopters were as likely as volume buyers to be given discounts.

Regional Airline Association

The RAA's comments include suggestions that the applicability of the rule be limited to operations that require at least two flight attendants, and that further study be devoted to the feasibility of use of AED's and enhanced EMK's on airplanes typically operated by RAA members.

FAA response: This FAA response replies only to the economic and not to the physical or operational feasibility implications of this rule, which the FAA already has discussed above. Table B of the Regulatory Flexibility Analysis (see page 28 of the Regulatory Evaluation, on file in the Docket), shows that of 185 RAA members, only 28 will be impacted by this rule. Fifteen of the 28 are subsidiaries of larger businesses. Nine more non-subsidiary air carriers have code-sharing or other affiliation arrangements with other, larger businesses.

One thousand two hundred and fifty-nine airplanes of the total fleet of airplanes operated by these 28 air carriers will be subject to this rule. Only 132 of these airplanes offer 51 or more seats and thus require two or more attendants. The FAA has no reason to believe that the population of passengers on the 30–50 seat airplanes operated by RAA members is different in terms of its medical needs than the passengers on the 627,956 American Airlines departures equipped with AED's on which AED use was studied in 1997–1999. Thus the FAA believes that similar benefits would be generated on flights by RAA members and by American Airlines, when those flights are operated subject to this rule. Because the FAA in its regulatory evaluation determined this rule to be cost-beneficial, the FAA believes that applying this rule only to 132 of the 1,259 affected airplanes operated by RAA members would be likely to be less cost-beneficial than applying it to all.

Continental Express

As above, this response addresses only specific economic comments. Continental Express provides very detailed cost estimates of its burden of complying with the rule. The Continental Express comment extends item cost estimates for AED's, EMK's, and training, to its fleet and to its staff of attendants.

FAA response: Generally, the FAA accepted Continental Express's cost breakdown structure categories and incorporated them into its final rule evaluation. The FAA did not accept all of its estimates of item cost.

The FAA believes that its estimate more closely resembles actual industry practice than Continental Express' estimate. The FAA's procedure (shown in Tables 2, 3, and 4 of the Regulatory Evaluation, on file in the Docket) tracked the provisions of the rule that allow each carrier 36 months to bring its existing fleet and staff into compliance. Thus, the FAA estimated costs separately for each of the 10 years of the period of analysis including 2001 through 2011 and discounted each annual total to its present value. In contrast, Continental Express provides 10-year lump sum totals.

The FAA's estimate also differed from Continental Express' in distinguishing between the existing fleet of airplanes that require only to have their EMK's brought up to enhanced status (1,194 airplanes at $155 each) and those newly added airplanes added annually at 4.1 percent growth rate to the fleet from 2001 (49) through 2011 (70 at $514 each).

The FAA accepted Continental Express' assertion of the need to annually train the attendants who must be hired to replace those lost through attrition at the annual rate of 20 percent. The FAA used the same elements and rates of cost that Continental Express provided for its training cost estimate, but the FAA believes this training is better characterized as taking one day instead of two. Thus, the FAA maintains Continental Express' training cost of 4 hours of flight pay credit per day of training cost of 4 hours of flight pay credit per day of training at $28 per hour, but applies it to one day. The FAA retains the Continental Express estimate of $94 per night for lodging for one night, but applies the estimate of $32.40 per diem allowance to only one day.

The FAA reduced Continental Express' estimate of $3,500 per AED to $3,000 to reflect prices known to have been paid by air carriers. The FAA

[3] In December, 2000, one of the small carriers included in this group suspended operations and sought Chapter 11 bankruptcy protection. This analysis does not reflect that event.

retained Continental Express' estimate of $140 for installation. The FAA departed from Continental Express' estimate of $30 to enhance existing EMK's, and continued to rely on its NPRM cost of $155 for enhancement only for the fleet in existence at the base year, 2000. For the new airplanes to be added annually afterward, the FAA used the list price of $514 for the bottom-of-the-line enhanced EMK. In summary, to a great extent, the FAA incorporated Continental Express' economic comments into its estimate.

However, as the FAA shows in Table B of the Regulatory Flexibility Analysis (on file in the Docket), and also as reported on the Form 10K report filed for the year 1999 by Continental Airlines, Inc., with the Securities and Exchange Commission of the United States, Continental Express is a wholly-owned subsidiary of Continental Airlines, Inc., which already has initiated voluntary compliance with this rule. This relationship implies that the cost burden presented by Continental Express would be borne by its parent, Continental Airlines, Inc., in a manner similar to that in which other parent corporations, such as AM Corp., Inc., already bear the cost of voluntarily equipping their wholly-owned subsidiaries, such as American Airlines, Inc., and American Eagle Holding Company (American Eagle) Inc., to comply with this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has determined that there are no requirements for information collection associated with this proposed rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to review International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARP's) and to comply to the maximum extent possible.

ICAO Standard (Annex 6, Part 1, Chapter 6, Section 6.2.2) states that airplanes shall be equipped with ''accessible and adequate medical supplies appropriate to the number of passengers the aeroplane is authorized to carry.'' ICAO Recommended Practice (Annex 6, Part 1, Chapter 6, Section 6.2.2) states that medical supplies should comprise ''one or more first-aid kids'' and ''a medical kit for the use of medical doctors or other qualified persons in treating in-flight medical emergencies for aeroplanes authorized to carry more than 250 passengers.'' Attachment B to this Recommended Practice lists, in part, the ''typical contents'' of first-aid kits and emergency medical kits.

Part 121, Appendix A, as currently drafted, complies with those ICAO SARO's insofar as first-aid kits and emergency medical kits are required to be carried. Part 121, Appendix A does not include all ICAO-recommended emergency medical kit items under ICAO Attachment B, however, and does not specify who is authorized to use the emergency medical kit.

The FAA has added to the emergency medical kits those items warranted for inclusion as a result of its study entitled ''The Evaluation of In-Flight Medical Care Aboard Selected U.S. Air Carriers from 1996 to 1997'' and those items necessary to support AED protocol. The FAA concurs with the recommendation that emergency medical kits be used by qualified and trained personnel only. Adding such a requirement to part 121, however, would involve defining the various medical specialties and, perhaps, limiting access to the extent that the only person available to assist on a flight might not be included.

ICAO Standard (under Annex 6, Part 1, Chapter 12, Section 12.4) states, in part, that cabin attendants shall complete training programs that ensure that each person is ''drilled and capable in the use of emergency and life-saving equipment required to be carried, such as * * *, first-aid kits.'' Existing §§ 121.417 and 121.805 comply with these ICAO guidelines.

ICAO SARPS do not address AED usage on aircraft.

Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, Regulatory Planning and Review, directs the FAA to assess both the costs and benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify its costs. Our assessment of this proposal indicates that its economic impact is minimal.

Economic Evaluation, Regulatory Flexibility Determination, Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, or $100 million or more, in any one year (adjusted for inflation).

In conducting these analyses, the FAA has determined that this rule: (1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order but is ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) will have a significant impact on a substantial number of small entities; (3) has a minimal impact on international trade; and (4) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. These analyses, available in the Docket, are summarized below.

The Evolution of the Estimates of Benefits and Costs

While this final rule evaluation derives directly from the NPRM evaluation, the cost estimates are lower and the benefits estimates are higher for the final rule than for the NPRM. The reasons for these differences are as follows:

- The extent of voluntary compliance by affected carriers has increased since the NPRM was issued. The carriers known to have initiated voluntary compliance account for about 90 percent of revenue passenger miles flown by carriers subject to this final rule. Thus, this analysis applies only to those carriers not now in voluntary compliance;
- The increased extent of voluntary compliance reduced the base year fleet and staff estimates for non-complying carriers from 2,600 to 1,194 airplanes, and from 54,400 to 25,500 attendants;
- The final rule evaluation assumed currently non-complying carriers would take the full 36 months allowed by the rule to equip their existing airplanes and to train their existing attendants;
- Reviewing, updating, and clarifying the comments to the NPRM resulted in

the upward revision of the costs of some items, including training and the fully enhanced EMKs, and in its downward revision of the costs of the AEDs; and

• Review of a study published in the October 26, 2000 New England Journal of Medicine resulted in revising the estimated ten-year forecasts of averted (statistical) fatalities upward from 55 to 94.8.

The Estimate of Benefits

Quantifiable Benefits

The FAA estimate of the total benefits is based principally on the findings of a study based on American Airlines operations and published in the New England Journal of Medicine October 26, 2000. Considering only those passengers flying on carriers not already in voluntary compliance, the FAA expects the number of fatalities averted because of this rule becoming effective will total to 95 over the 10-year period of analysis that includes 2001 through 2010. This total compares to the 55 of the NPRM evaluation.

Based on the $2,700,000 value of an averted fatality, the total quantifiable safety benefit over the ten year period of analysis is about $176.8 million dollars, when discounted at seven percent annually to its present (year 2000) value as prescribed by OMB. Viewed over 10 years, this discounted value converts to uniform annual benefits of about $25.2 million dollars.

Unquantifiable Benefits

The FAA has identified but has not attempted to quantify benefits from the availability of enhanced EMK's, and also from the use of AED's apart from the benefits of defibrillation. Incidental to their use in defibrillation, AED's detect and provide electrocardiographic (EKG's) parameters of passenger/patients. Properly interpreted by a passenger/physician, these EKG's possibly can rule out the necessity for diverting a flight, as otherwise might be determined prudent absent a properly interpreted EKG readout. Further, the availability of on-board enhanced EMK's for use by a passenger/physician could rule out the necessity of diverting a flight. Because flight diversions are costly, their reduction is a benefit, but the FAA has not attempted to quantify it.

The Estimate of Costs

The comments to the NPRM resulted in the FAA's upward revision of the costs of some items, including AED's, enhanced EMK's and training. For example, the vendor's list price of $514 for the entry-level EMK was determined to be a more accurate reflection of carriers' costs than was the NPRM estimate. The FAA estimate of initial training costs was raised from its NPRM value of $151 to $238.40. The new estimate reflects partial acceptance of the costs provided by a commenter who postulated 2 days of initial training at $384. The FAA estimate applies that commenter's cost elements over 1 day of training. For this final rule evaluation, a 20 percent annual attrition rate among attendants was included in the computation of training costs. The cost of a defibrillator was decreased from its NPRM $3,500 list price to $3,000, reflecting reports of actual pricing. Installation costs of $140 were added to this acquisition cost. The annual operational cost of the current generation of AED batteries and pads was increased to $157.50 from $100 as clarified and updated by a vendor/commenter.

For AED's EMK's and training, this final rule evaluation assumes each affected carrier not already in voluntary compliance will spread fleet complianace over the full 36 months allowed by the rule. This means that for AED's and enhanced EMK's the base year 2000 fleet of 1,194 airplanes will be brought to compliance at the rate of one third of this fleet or 398 airplanes per year. In like manner, the base year complement of about 25,500 attendants to be trained will be trained at 8,481 per year until all are trained.

These estimates also incorporated new airplanes and new attendants assumed to be added annually in step with FAA estimates of industry growth. Finally, this estimate included one-half day of recurrent training at 2–year intervals.

The FAA totaled all the expected costs over the 10-year period including 2001 through 2010 (the period of analysis) of this regulatory proposal. The present value of this cost stream was calculated using a discount factor of seven percent annually.

The FAA's estimates of the costs of this final rule are as follows:

AEDs	$5,759,129
Enhanced EMKs	1,692,184
Training	8,848,821
Fuel weight penalty	319,860
Total	16,619,994
Uniform Annual Cost over ten years	2,366,687

Benefits/Costs Comparison

Discounted to their present (year 2000) value, the benefits of this rule are about $176.8 million. The present value of the total costs of this rule is about $16.6 million dollars. Viewed over the 10-year period of analysis, the comparison of uniform costs and benefits is about $25.2 million dollars annually for benefits and about $2.4 million dollars annually for costs. This final rule is cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities (small business and small not-for-profit government jurisdictions) are not unnecessarily and disproportionately burdened by Federal regulations. The RFA, which was amended March 1996, requires regulatory agencies to review rules to determine if they have ''a significant economic impact on a substantial number of small entities.'' The Small Business Administration defines small entities to be those airlines with 1,500 or fewer employees for the air transportation industry.

For this final rule, the small entity group of interest is drawn from among those air carriers that are certificated by the FAA to operate under 14 CFR part 121, and which have 1,500 or fewer employees. The final rule specifically applies to the use by such carriers of airplanes that have maximum payloads of more than 7,500 pounds and more. Although this rule also encompasses air carriers certificated to operate under 14 CFR part 135, the rule as it regards them includes only a non-substantive editorial change, with no economic impact. Thus for operators certificated under 14 CFR part 135, the economic impact of this final rule on such carriers is negligible.

The FAA determined this final rule will have a significant economic impact on a substantial number of small entities. Twenty-eight small business air carriers will feel the impact of this rule. To ensure that the estimated burden of these small carriers would not be understated, the FAA assumed they would undertake to comply with the rule within 1 year, instead of the 3 allowed. In no case was the actual burden estimated to be greater than one percent of annual operating income. However, because 17 of these carriers had negative net operating income for the year that ended June 30, 2000, the FAA stipulates that these carriers cannot meet the costs of this rule out of their operating income.

International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic

objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this final rule and has determined that it will have little or no effect on trade-sensitive activities. U.S. carriers that have voluntarily upgraded their emergency medical equipment account for a majority of the U.S.-flag international service. The FAA believes that the popularity among U.S. carriers of the provisions of this rule extends to foreign carriers in international flights to and from the United States. The FAA is aware that many foreign carriers carry AEDs on flights to and from the United States. Among those of which the FAA is aware are the following: Aegean Airlines; Air Canada; Air Zimbabwe; British Airways; Cathay Pacific; Emirates Airlines; Finnair; Iberia; Malev; Quantas; Swiss Air; Varig; And Virgin Atlantic.

Final Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act.), enacted as Pub. L. 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on States, local, and tribal governments.

Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Pub. L. 94–163. as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 135

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 121 and 135 of Title 14, Code of Federal Regulations (14 CFR parts 121 and 135) as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

2. Amend § 121.303 by revising paragraphs (b) and (d)(2) to read as follows:

§ 121.303 Airplane instruments and equipment.

* * * * *

(b) Instruments and equipment required by §§ 121.305 through 121.359 and 121.803 must be approved and installed in accordance with the airworthiness requirements applicable to them.

* * * * *

(d) * * *

(2) Instruments and equipment specified in §§ 121.305 through 121.321, 121.359, 121.360, and 121.803 for all operations, and the instruments and equipment specified in §§ 121.323 through 121.351 for the kind of operation indicated, wherever these items are not already required by paragraph (d)(1) of this section.

* * * * *

§ 121.309 [Amended]

3. Amend § 121.309 by removing and reserving paragraph (d).

4. Amend § 121.323 by revising the introductory text to read as follows:

§ 121.323 Instruments and equipment for operations at night.

No person may operate an airplane at night under this part unless it is equipped with the following instruments and equipment in addition to those required by §§ 121.305 through 121.321 and 121.803:

* * * * *

5. Amend § 121.325 by revising the introductory text to read as follows:

§ 121.325 Instruments and equipment for operations under IFR or over-the-top.

No person may operate an airplane under IFR or over-the-top conditions under this part unless it is equipped with the following instruments and equipment, in addition to those required by §§ 121.305 through 121.321 and 121.803:

* * * * *

6. Amend § 121.415 by revising paragraph (a)(3) to read as follows:

§ 121.415 Crewmember and dispatcher training requirements.

(a) * * *

(3) For crewmembers, emergency training as specified in §§ 121.417 and 121.805.

* * * * *

§ 121.417 [Amended]

7. Amend § 121.417 by removing and reserving paragraphs (b)(2)(ii) and (b)(3)(iv).

8 Amend § 121.427 by revising paragraph (b)(2) to read as follows:

§ 121.427 Recurrent training.

* * * * *

(b) * * *

(2) Instruction as necessary in the subjects required for initial ground training by § § 121.415(a) and 121.805,

as appropriate, including emergency training (not required for aircraft dispatchers).

* * * * *

9. Amend part 121 by adding subpart X to read as follows:

Sec.

Subpart X—Emergency Medical Equipment and Training

121.801 Applicability.
121.803 Emergency medical equipment.
121.805 Crewmember training for in-flight medical events.

Subpart X—Emergency Medical Equipment and Training

§ 121.801 Applicability.

This subpart prescribes the emergency medical equipment and training requirements applicable to all certificate holders operating passenger-carrying airplanes under this part. Nothing in this subpart is intended to require certificate holders or its agents to provide emergency medical care or to establish a standard of care for the provision of emergency medical care.

§ 121.803 Emergency medical equipment.

(a) No person may operate a passenger-carrying airplane under this part unless it is equipped with the emergency medical equipment listed in this section.

(b) Each equipment item listed in this section—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes;

(2) Must be readily accessible to the crew and, with regard to equipment located in the passenger compartment, to passengers;

(3) Must be clearly identified and clearly marked to indicate its method of operation; and

(4) When carried in a compartment or container, must be carried in a compartment or container marked as to contents and the compartment or container, or the item itself, must be marked as to date of last inspection.

(c) For treatment of injuries, medical events, or minor accidents that might occur during flight time each airplane must have the following equipment that meets the specifications and requirements of appendix A of this part:

(1) Approved first-aid kits.

(2) In airplanes for which a flight attendant is required, an approved emergency medical kit.

(3) In airplanes for which a flight attendant is required, an approved emergency medical kit as modified effective April 12, 2004.

(4) In airplanes for which a flight attendant is required and with a maximum payload capacity of more than 7,500 pounds, an approved automated external defibrillator as of April 12, 2004.

§ 121.805 Crewmember training for in-flight medical events.

(a) Each training program must provide the instruction set forth in this section with respect to each airplane type, model, and configuration, each required crewmember, and each kind of operation conducted, insofar as appropriate for each crewmember and the certificate holder.

(b) Training must provide the following:

(1) Instruction in emergency medical event procedures, including coordination among crewmembers.

(2) Instruction in the location, function, and intended operation of emergency medical equipment.

(3) Instruction to familiarize crewmembers with the content of the emergency medical kit.

(4) Instruction to familiarize crewmembers with the content of the emergency medical kit as modified on April 12, 2004.

(5) For each flight attendant—

(i) Instruction, to include performance drills, in the proper use of automated external defibrillators.

(ii) Instruction, to include performance drills, in cardiopulmonary resuscitation.

(iii) Recurrent training, to include performance drills, in the proper use of an automated external defibrillators and in cardiopulmonary resuscitation at least once every 24 months.

(c) The crewmember instruction, performance drills, and recurrent training required under this section are not required to be equivalent to the expert level of proficiency attained by professional emergency medical personnel.

10. Revise Appendix A to part 121 as follows:

Appendix A to Part 121—First Aid Kits and Emergency Medical Kits

Approved first-aid kits, at least one approved emergency medical kit, and at least one approved automated external defibrillator required under § 121.803 of this part must be readily accessible to the crew, stored securely, and kept free from dust, moisture, and damaging temperatures.

First-aid Kits

1. The minimum number of first aid kits required is set forth in the following table:

No. of passenger seats	No. of first-aid kits
0–50	1
51–150	2
151–250	3
More than 250	4

2. Except as provided in paragraph (3), each approved first-aid kit must contain at least the following appropriately maintained contents in the specified quantities:

Contents	Quantity
Adhesive bandage compresses, 1-inch	16
Antiseptic swabs	20
Ammonia inhalants	10
Bandage compresses, 4-inch	8
Triangular bandage compresses, 40-inch	5
Arm splint, noninflatable	1
Leg splint, noninflatable	1
Roller bandage, 4-inch	4

Contents	Quantity
Adhesive tape, 1-inch standard roll	2
Bandage scissors	1

3. Arm and leg splints which do not fit within a first-aid kit may be stowed in a readily accessible location that is as near as practicable to the kit.

Emergency Medical Kits

1. Until April 12, 2004, at least one approved emergency medical kit that must contain at least the following appropriately maintained contents in the specified quantities:

Contents	Quantity
Sphygmomanometer	1
Stethoscope	1
Airways, cropharyngeal (3 sizes)	3
Syringes (sizes necessary to administer required drugs)	4
Needles (sizes necessary to administer required drugs)	6
50% Dextrose injection, 50cc	1
Epinephrine 1:1000, single dose ampule or equivalent)	2
Diphenhydramine HC1 injection, single dose ampule or equivalent	2
Nitroglycerin tablets	10
Basic instructions for use of the drugs in the kit	1
protective nonpermeable gloves or equivalent	1 pair

2. As of April 12, 2004, at least one approved emergency medical kit that must contain at least the following appropriately maintained contents in the specified quantities:

Contents	Quantity
Sphygmonanometer	1
Stethoscope	1
Airways, oropharyngeal (3 sizes): 1 pediatric, 1 small adult, 1 large adult or equivalent	3
Self-inflating manual resuscitation device with 3 masks (1 pediatric, 1 small adult, 1 large adult or equivalent)	1:3 masks
CPR mask (3 sizes), 1 pediatric, 1 small adult, 1 large adult, or equivalent	3
IV Admin Set: Tubing w/ 2 Y connectors	1
Alcohol sponges	2
Adhesive tape, 1-inch standard roll adhesive	1
Tape scissors	1 pair
Tourniquet	1
Saline solution, 500 cc	1
Protective nonpermeable gloves or equivalent	1 pair
Needles (2–18 ga., 2–20 ga., 2–22 ga., or sizes necessary to administer required medications)	6
Syringes (1–5 cc, 2–10 cc, or sizes necessary to administer required medications)	4
Analgesic, non-narcotic, tablets, 325 mg	4
Antihistamine tablets, 25 mg	4
Antihistamine injectable, 50 mg, (single dose ampule or equivalent)	2
Atropine, 0.5 mg, 5 cc (single dose ampule or equivalent)	2
Aspirin tablets, 325 mg	4
Bronchodilator, inhaled (metered dose inhaler or equivalent)	1
Dextrose, 50%/50 cc injectable, (single dose ampule or equivalent)	1
Epinephrine 1:1000, 1 cc, injectable, (single dose ampule or equivalent)	2
Epinephrine 1:10,000, 2 cc, injectable, (single dose ampule or equivalent)	2
Lidocaine, 5 cc, 20 mg/ml, injectable (single dose ampule or equivalent)	2
Nitroglycerin tablets, 0.4 mg	10
Basic instructions for use of the drugs in the kit	1

3. If all of the above-listed items do not fit into one container, more than one container may be used.

Automated External Defibrillators

At least one approved automated external defibrillator, legally marketed in the United States in accordance with Food and Drug Administration requirements, that must:

1. Be stored in the passenger cabin.
2. Meet FAA Technical Standard Order requirements for power sources for electronic devices used in aviation as approved by the Administrator.
3. Be maintained in accordance with the manufacturer's specifications.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

12. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

13. Amend § 135.177 by revising paragraph (a)(1) to read as follows:

§ 135.177 Emergency equipment requirements for aircraft having a passenger seating configuration of more than 19 passengers.

(a) * * *

(1) At least one approved first-aid kit for treatment of injuries likely to occur in flight or in a minor accident that must:

(i) Be readily accessible to crewmembers.

(ii) Be stored securely and kept free from dust, moisture, and damaging temperatures.

(iii) Contain at least the following appropriately maintained contents in the specified quantities:

Contents	Quantity
Adhesive bandage compresses, 1-inch	16
Antiseptic swabs	20
Ammonia inhalants	10
Bandage compresses, 4-inch	8
Triangular bandage compresses, 40-inch	5
Arm splint, noninflatable	1
Leg splint, noninflatable	1
Roller bandage, 4-inch	4
Adhesive tape, 1-inch standard roll	2
Bandage scissors	1
Protective nonpermeable gloves or equivalent	1 pair

* * * * *

Issued in Washington, DC, on April 6, 2001.

Jane F. Garvey,

Administrator.

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Part IV

Farm Credit Administration

12 CFR Part 650

Federal Agricultural Mortgage Corporation; Risk-Based Capital Requirements; Final Rule

FARM CREDIT ADMINISTRATION

12 CFR Part 650

RIN 3052–AB56

Federal Agricultural Mortgage Corporation; Risk-Based Capital Requirements

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: This final rule amends Farm Credit Administration (FCA) regulations, through the Office of Secondary Market Oversight (OSMO), by establishing risk-based capital regulations for the Federal Agricultural Mortgage Corporation (Farmer Mac). The final rule in part 650 sets forth the risk-based capital regulations for Farmer Mac, including definitions, methods, parameters and guidelines for developing and implementing the risk-based capital stress test. The final rule also specifies capital calculation, reporting, and compliance requirements; and delineates our monitoring, examination, supervisory, and enforcement activities with respect to Farmer Mac's compliance with the rule's risk-based capital requirements. Finally, the final rule prescribes certain requirements for business and capital planning.

EFFECTIVE DATE: This regulation will become effective 30 days after publication in the **Federal Register** during which either one or both houses of Congress are in session. We will publish a notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Objective

The objective of this final rule is to establish a risk-based capital stress test for Farmer Mac as required by section 8.32 of the Farm Credit Act of 1971, as amended (Pub. L. 92–181) (Act). The purpose of the risk-based capital stress test is to determine the minimum level of risk-based regulatory capital necessary for Farmer Mac to maintain positive capital during a 10-year period in which the most stressful credit and interest rate conditions occur.[1] The final rule contains specific information on the structure of the risk-based capital stress test, including guidelines for implementation, monitoring, reporting and examination. The rule also includes requirements for business and capital planning. The guidelines and procedures for implementation of the stress test are available to the public through the final rule, Appendix A to part 650, subpart B, and an electronic version of the risk-based capital stress test (spreadsheet-based) that is available on our Web site *''www.fca.gov''* or on written request. Appendix A contains details on how to construct the risk-based capital stress test, including basic assumptions used in the test.

II. Background

Farmer Mac is a federally chartered instrumentality of the United States (U.S.) established on January 6, 1988, by the Agricultural Credit Act of 1987 (Pub. L. 100–233) (1987 Act), which amended the Act. Farmer Mac is a Government-sponsored enterprise tasked with the public policy mission of providing a secondary market for agricultural real estate loans. Farmer Mac is charged with increasing liquidity to rural lenders, increasing available long-term credit to farmers and ranchers at stable interest rates, and enhancing the ability of individuals in rural communities to get financing for moderately priced homes.

A. Legislative History

Farmer Mac's statutory authority, established under title VIII of the Act, has been substantively amended several times since its origination in the 1987 Act. The 1991 amendments (Pub.L. 102–237) created OSMO and clarified FCA's authority, acting through OSMO, to regulate Farmer Mac. The 1991 amendments also set forth definitions for core capital,[2] regulatory capital, and established minimum capital[3] and critical capital[4] levels. The 1991 amendments required us to develop and issue a risk-based capital stress test for Farmer Mac, which will establish risk-based capital requirements for Farmer Mac. The 1996 amendments (Pub.L. 104–105) prohibited us from establishing a risk-based capital stress test prior to February 10, 1999, 3 years following the effective date of those amendments.

B. Overview of the Proposed Rule

We published a proposed risk-based capital rule in the **Federal Register** on November 12, 1999 (64 FR 61740) for a 120-day comment period. At the request of Farmer Mac, we extended the comment period to June 12, 2000 (65 FR 9223, February 24, 2000).

The risk-based capital stress test required by the Act determines the initial amount of regulatory capital necessary for Farmer Mac to preserve positive capital while undergoing stressful credit and interest rate risk conditions during a 10-year period. The Act also requires an added amount of capital to cover management and operational risks.

Section 8.32 of the Act requires that the risk-based capital stress test subject Farmer Mac to credit losses on agricultural mortgages it owns or guarantees. The rate of loan default and severity of losses must be reasonably related to those experienced in contiguous areas of the U.S. containing at least 5 percent of the total U.S. population that experienced the highest rate of default and severity of agricultural mortgage losses during a historical period of at least 2 consecutive years. We refer to this rate as the benchmark loss rate.

The Act also requires us to incorporate in the risk-based capital

[1] ''Regulatory capital'' is defined in section 8.31(5) of the Act as core capital plus an allowance for losses and guarantee claims (in accordance with generally accepted accounting principles (GAAP)). For the purposes of this definition, regulatory capital includes any allowance or reserve accounts Farmer Mac maintains for losses on loans held in portfolio and for losses on securities it has guaranteed, particularly, reserves required by section 8.10 of the Act.

[2] ''Core capital'' is defined in section 8.31(2) of the Act as the sum (as determined in accordance with GAAP) of: (1) The par value of outstanding common stock; (2) the par value of outstanding preferred stock; (3) paid-in capital; and (4) retained earnings.

[3] Farmer Mac's ''minimum capital'' requirements are described under section 8.33 of the Act. The minimum capital level for Farmer Mac is an amount of core capital equal to the sum of: (1) 2.75 percent of the aggregate on-balance sheet assets of Farmer Mac, as determined in accordance with GAAP; and (2) 0.75 percent of the aggregate off-balance sheet obligations of Farmer Mac which include: (a) The unpaid principal balance of outstanding securities that are guaranteed by Farmer Mac and backed by pools of qualified loans; (b) instruments that are issued or guaranteed by Farmer Mac and are substantially equivalent to (a); and (c) other off-balance sheet obligations. These minimum statutory capital standards will continue in effect after the risk-based capital rule becomes effective.

[4] Farmer Mac's ''critical capital level'' is described in section 8.34 of the Act. The critical capital level for Farmer Mac is an amount of core capital equal to 50 percent of the total minimum capital amount determined under section 8.33 of the Act.

stress test an interest rate risk stress scenario based on rising and falling interest rates on Treasury obligations of various terms.

In addition to the risk-based capital level required as a result of the credit loss and interest rate change components of the risk-based capital stress test, Farmer Mac is required to maintain additional capital to protect against management and operational risks. This additional capital level is specified in the Act as 30 percent of the capital level required for the sum of the credit loss and interest rate change components of the risk-based capital stress test.

The Act also required us to develop risk-based capital regulations containing specific information on the requirements, definitions, methods and parameters used in implementing the risk-based capital stress test. This enables others to apply the test in a similar manner. Finally, we must make available to the public any statistical model used to implement the risk-based capital stress test.

Although the risk-based capital stress test produces a dollar-valued total regulatory capital requirement, it also creates marginal capital requirements. Incremental capital requirements based on the riskiness of each additional dollar of business for every type of product that Farmer Mac guarantees or holds in its portfolio are required through application of the test. Marginal capital requirements for mortgages held in portfolio will vary depending on the interest rate and credit risks associated with the mortgages as well as Farmer Mac's funding strategy. These marginal capital requirements may have significant bearing on how Farmer Mac implements its business strategies.

We developed the risk-based capital stress test to reflect the risks inherent in Farmer Mac's various business activities. We incorporated, to the extent permitted by the Act, consistent relationships between the economic environment of the stress period and Farmer Mac's business activities. To do so required modeling Farmer Mac's assets, liabilities, and off-balance sheet positions at a sufficient level of detail to capture various risk characteristics.

Our philosophy guiding the development of the risk-based capital stress test was that it should:

- Be consistent with the requirements of the statute, i.e., it should reflect worst-case credit conditions and interest rate movements, as defined in the Act;
- Reflect Farmer Mac's regulatory capital needs for credit and interest rate risks measured under stressful conditions;
- Be internally consistent;
- Not create inappropriate economic incentives;
- Aim for simplicity; and
- Reflect, to the extent practical and meaningful, Farmer Mac's current operating policies and practices.

In developing the risk-based capital stress test, we engaged in three distinct activities that varied in complexity and time horizons:

- Identification of the benchmark loss experience;
- Construction of the risk-based capital stress test; and
- Examination and oversight.

The final rule specifies the basic structure and parameters of the risk-based capital stress test and allows Farmer Mac to implement the stress test internally, using a model built according to our specifications, to determine its risk-based capital level.

The goal of the risk-based capital stress test is to align capital requirements with risk and avoid creating incentives for Farmer Mac to engage in inappropriate risky activities. The stress test approach also provides greater flexibility to meet regulatory requirements than is available in traditional capital requirements. For instance, the stress test approach recognizes risk-mitigating activities. As an example, Farmer Mac may meet its risk-based capital needs by reducing risk and/or increasing capital.

III. Summary of Comments Received

We received six comment letters in response to the proposed rule. We received a comment letter from Farmer Mac, three from Farm Credit Banks (FCBs) who support the comments provided by Farmer Mac, one from the U.S. Department of the Treasury (Treasury), and a follow-up letter from Farmer Mac. The commenters generally supported the proposed rule and the risk-based capital stress test. However, the commenters did provide remarks on certain aspects of the proposed rule and stress test. These specific issues are discussed individually in the following sections of this preamble.

IV. Response to Comments on the Risk-Based Capital Stress Test

The principal objective of the risk-based capital standard is to ensure that Farmer Mac has sufficient capital to remain solvent in the face of extreme stressful economic conditions. Therefore, we focused our efforts on developing a risk-based capital stress test to reflect the risks inherent in Farmer Mac's various business activities. We incorporated, as required by the Act, consistent relationships between the economic environment of the stress period and Farmer Mac's business activities. To do so required modeling Farmer Mac's assets, liabilities, and off-balance sheet positions with sufficient detail to capture the risk characteristics. However, we recognize that as the level of detail in the stress test increases so does its complexity and the time and resources required for its implementation. Thus, we worked carefully to maintain an appropriate balance between the model's complexity and its applicability.

Overall, the commenters uniformly supported our efforts in developing a stress test for Farmer Mac that adheres to statutory requirements and contains an appropriate level of detail given Farmer Mac's current size and level of business activities. Farmer Mac noted in its comments that the FCA made significant strides toward the promulgation of a final rule that would comply with the terms and intent of the Act. Farmer Mac remarked that our most significant achievement was proposing a risk-based capital stress test with a high level of operational simplicity that can be performed using well-defined data inputs in a spreadsheet format. We agree with the commenters that this approach helps us to meet the requirements of the Act that the model be made available for public review and eases the regulatory burden on Farmer Mac for performing the final risk-based capital stress test, at least quarterly, or as needed.

Commenters also recognized the many challenges and limitations that we faced. Commenters realized that the task of designing and implementing an appropriate risk-based capital stress test is not simple. Farmer Mac identified numerous constraints on the development of the stress test, including conceptual and methodological issues relating to the limited availability and quality of historical data; model specification and estimation; and application of economic stress assumptions meeting the requirements of the Act. Farmer Mac added that, in many respects, we have succeeded in identifying and integrating the relevant sources of credit and interest rate risks into the risk-based capital model.

Treasury also commented on the challenges we encountered in developing the risk-based capital stress test for Farmer Mac. Treasury cited two key constraints in measuring agricultural mortgage credit risk:

- Models of agricultural mortgage default are much less developed than those for residential mortgage default; and

• Available agricultural mortgage performance data are highly limited compared to those for residential mortgage performance.

Treasury further commented that the lack of comprehensive literature on agricultural mortgage performance makes evaluation of the loss frequency model difficult. Treasury encouraged us to work with Farmer Mac and the Farm Credit System (FCS or System) in building a comprehensive agricultural mortgage database to help develop a better understanding of the determinants of agricultural mortgage performance.

Commenters encouraged us to develop a conditional default model in future revisions to the stress test when more data become available. Commenters contend that many of the conceptual and statistical issues raised from the use of a lifetime default model would be reduced with a conditional default model, but conceded that current data limitations could create a different set of issues affecting the implementation of a conditional default model.

We found that, from a statistical perspective, lifetime default models that used information based on origination and subsequent economic information were consistently more reliable than conditional default models. Specifically, the conditional models we reviewed were difficult to implement given that the Farm Credit Bank of Texas (FCBT) estimation data contained no updated information on underwriting variables through time or other ancillary conditioning variables. As a result, using the FCBT data to estimate a conditional model would require the reuse of independent underwriting variables at the origination values, or the development of other assumption-driven methodologies, to forecast conditioning variables through time. Repeating the same origination values during each year of a loan's life would not be an accurate reflection of loan performance through time and creates an artificial correlation among the independent variables. A true conditional model would be difficult to implement because the interest rate stress specified in the Act is a one-time instantaneous change to current interest rates. Whereas, both the current interest rate level and subsequent interest rate changes are likely to be significant drivers in a conditional model.

We are committed to periodically evaluating the stress test and refining it to improve its effectiveness as a regulatory tool. However, a significant period of time may be needed to collect and analyze new data for the process of updating the risk-based capital stress test procedures. The ongoing nature of the risk-based capital stress test will enhance our understanding of how changes in Farmer Mac's business activities affect its risk profile and resulting capital requirements and help us identify needed improvements. We support the suggestion that we should work closely with other agricultural mortgage lenders to encourage the development of loan-level databases so that our understanding of the factors affecting agricultural mortgage performance will be enhanced.

Although commenters provided general support for the proposed stress test, they also had a number of specific comments, objections and suggestions on certain components of the stress test. We have incorporated a number of changes into the stress test in response to the commenters' suggestions. The two most significant changes we incorporated were in response to comments received from Farmer Mac. As suggested by Farmer Mac, we modified our methodology for modeling the effect of loan size on the probability of loss and included the tax effect associated with gains and losses on marketable investments due to changes in interest rates. These changes, as well as others, are discussed in detail in the following responses to specific comments on the stress test components.

A. Credit Risk Component

1. Selection of a Stressful Economic Scenario for Land Value Change

The Act requires that we determine the rate and severity of losses occurring in contiguous areas of the U.S., containing an average of not less than 5 percent of the population, and exhibiting the highest rate of default and severity of agricultural mortgage losses for a period of not less than 2 consecutive years. As explained previously, we refer to this rate as the benchmark loss rate. The Act further requires that the losses used in the stress test must be ''reasonably related'' to the benchmark loss rate. To identify the benchmark loss rate, we conducted extensive searches for historical agricultural mortgage data.

We commissioned a study to identify the worst-case historical loss experience, as required by the Act. We published the study entitled ''Risk-Based Capital Regulations for Farmer Mac: Loan Loss Estimation Procedures'' for comment in the **Federal Register** on July 28, 1998 (Study).[5] Farmer Mac commented on the Study, and we discussed those comments in the preamble to the proposed rule.

We found two data sets with historic loan-level agricultural mortgage losses, one from the former St. Paul FCB and one from the FCBT.[6] The Study identified the FCBT as the most reliable data source. Although the FCBT data was the most reliable, it did not represent the worst agricultural mortgage loss as required by the Act. Therefore, we used a statistical procedure of extrapolation to determine the worst-case loss experience.

To implement the extrapolation, we used accepted statistical approaches to estimate a relationship from the FCBT data using information observable in all regions in the U.S. We analyzed the relationship between land value changes and loss rates in the FCBT data. We then applied the relationship observed in Texas to other states to estimate loss rates in other regions. It is necessary to use sample data to estimate relationships that exist in the population. We used the FCBT data as a sample data set for understanding the relationship between the land value change and losses nationwide. The extrapolation process identified the worst-case agricultural mortgage loss region as Minnesota, Iowa and Illinois during the 2-year period of 1983–1984.[7]

The primary variable used in the extrapolation was the change in farmland values. The change in farmland value is also the primary variable used in the default equation of the risk-based capital stress test. We incorporated Farmer Mac's current risk characteristics with the extrapolated farmland value decline for the worst-stress time period to determine the benchmark loss rate.

Farmer Mac provided several comments related to the proposed use of the stressful economic scenario for land value change derived from the Study. Farmer Mac asserts we proposed applying a credit stress scenario, based on the Study, that does not meet the requirements of the Act. Farmer Mac also contends the Study contains empirical and methodological shortcomings that invalidate both the

[5] *See* 63 FR 40282.

[6] In its comments, Farmer Mac agrees that the only available data for agricultural mortgage losses is in the former St. Paul FCB and the FCB of Texas.

[7] The extrapolation process yielded estimated historic time series of loan loss rates on Farmer Mac eligible loans for each state of the U.S. Using these historic data series, a ranking was compiled of 2-year loss rates for contiguous regions representing at least 5 percent of the 1990 U.S. population. The worst-case region contains Minnesota, Iowa and Illinois during the 1983–1984 time period with a 2-year loan loss rate of 4.18 percent.

proposed benchmark region and the related land value decline.

Farmer Mac proposed an alternative benchmark region and related credit stress scenario based on data from the FCBT without extrapolation. Farmer Mac believes its method is fully consistent with the Act and can be validated by actual credit loss data. Three FCBs supported Farmer Mac's comments on the benchmark loss issue and use of the FCBT data without extrapolation as the benchmark loss data.

Farmer Mac also commented that we did not adequately respond in the proposed rule to its comments on the Study. We believe we have been fully responsive to Farmer Mac. In the preamble to the proposed rule, we responded directly to Farmer Mac's comments that were relevant to how the Study was used in the proposed stress test. In addition, following publication of the Study, we provided Farmer Mac additional information on, and an explanation of, the Study in response to its questions and comments. We also met with Farmer Mac on many occasions to discuss the Study and other stress test issues.

a. Historical Loan Loss Data and Consistency With the Act

Farmer Mac commented that actual default and loss experience do not substantiate the proposed benchmark loss information because loss data for Farmer Mac-eligible loans do not exist for the three-state region identified as the benchmark region. Farmer Mac asserted that the Study does not meet the requirements of the Act because Congress mandated the use of actual, historic loss rates and not estimated rates. Farmer Mac suggested two alternatives to using actual, historic loss rates. Farmer Mac stated that we could have used the former St. Paul FCB data as the benchmark loss data. Alternatively, Farmer Mac contended that the FCBT data represented the worst-case agricultural mortgage loss data and are usable without estimation. Finally, Farmer Mac compared FCA's task to that of the Office of Federal Housing Enterprise Oversight (OFHEO) and asserted that OFHEO rejected the use of estimated data as the benchmark loss data.

First, we respond to Farmer Mac's comment that we could have used the St. Paul data as the benchmark loss experience. We do not believe the St. Paul data represent clear, definable losses that would be suitable for use in the stress test. The St. Paul FCB used loan workout techniques, such as restructuring and forbearance, that resulted in fewer foreclosures. As a result, losses were spread out over longer periods of time, operating expenses reflected higher loan management and forbearance costs, and earnings were reduced from rate concessions. In addition, loan restructurings resulted in some direct losses from partial debt forgiveness. Consequently, the direct charge-offs reported in the loan data from the St. Paul FCB region do not represent total regional losses.

Also, some areas of the St. Paul district were subject to a foreclosure moratorium for a portion of the sample period. In order to use the St. Paul data, we would have had to determine the impacts that forbearance procedures had on lending costs. We would also have had to use lost earnings as proxies for the loan loss rates to use the St. Paul data for the stress test. We determined that using the St. Paul data would not have been feasible given the large number of assumptions necessary to construct appropriate measures of credit loss from the St. Paul data. The FCBT did not use restructuring and forbearance to any substantial degree. The FCBT recorded immediate, quantifiable losses, making the data more reliable and verifiable, which results in a more reliable and verifiable stress test than if the data from the former St. Paul FCB were used.

Next, we respond to Farmer Mac's comment that we could have used the FCBT data without extrapolation. Farmer Mac claimed that use of the FCBT data without extrapolation is appropriate for the following reasons: The Act requires actual historical losses rather than estimated data; the FCBT data are the worst-case data (rather than Iowa, Illinois, and Minnesota); and the Texas losses are higher than any that might be seen in the future.

In initial comments on the Study, Farmer Mac asserted that the Act requires the FCA to use the FCBT data as the worst-case agricultural mortgage losses because it believes the Act requires the use of actual, historic losses rather than estimated losses. We responded to this comment in the proposed rule. As stated in the preamble to the proposed rule, the Act directs us to use the worst-case experience, not simply the worst-case data that are available. We continue to believe that using an extrapolation process permits us to reasonably identify the worst-case region as required by the Act.

We concluded that Texas was not the region in the U.S. with the worst-case loan losses based on the well-documented geographic distribution of financial stress and losses experienced by both farmers and agricultural lenders. In fact, the historical geographic distribution of farm financial stress and loan performance problems show that the greatest stress occurred in the Corn Belt, Lake States, and Northern Plains regions in 1984. Support for this conclusion is provided in the experience of the System, financial assistance provided by the Financial Assistance Corporation (FAC), and in an Economic Research Service (ERS) report entitled ''Loan Repayment Problems of Farmers in the Mid-1980s.'' [8] Based on an analysis of allowance for loan losses, the FCS experience of credit stress shows that the FCBT was the sixth worst of the eight Farm Credit banks.[9] In addition, substantial FAC assistance was provided to several FCBs other than the FCBT.[10] Lastly, the ERS report concluded that Texas ranked fourth worst for farms most affected by financial stress during 1984 to 1986 and third from 1987 to 1989. The report also consistently identified the upper Midwest as the focal point of farm stress in the 1980s, a result that is consistent with the findings of the Study. This evidence clearly shows that the State of Texas did not experience the worst historical agricultural mortgage losses.

Farmer Mac's contention is that the FCBT data must be used because the losses are higher than any losses that are likely to occur in the future. A comparison of the historic losses to ''possible'' future losses is not a relevant consideration for determining the benchmark loss rate in the Act. The benchmark losses must be higher than other losses experienced in history, not in the future, in order to be used as the benchmark for the stress test.

Finally, we believe that Farmer Mac's comparison of the benchmark used by OFHEO and the proposed stress test benchmark is invalid. Accurate, quantifiable data reflecting a wide geographic scope of housing mortgage losses are available to OFHEO to determine the worst-case benchmark housing mortgage losses. Despite an exhaustive search, we were not able to identify accurate, quantifiable, and geographically broad data to directly identify the agricultural mortgage loss

[8] Hanson, G., A. Parandvash, and J. Ryan. Loan Repayment Problems of Farmers in the Mid-1980s, AGR Report No. 649, ERS, USDA, 1991.

[9] Although more than 8 banks existed in the 1980s, this ranking is expressed in terms of the banks in existence at the time of the Study.

[10] FAC provided assistance to four banks in the amounts of $90 million for the FCB of Louisville, $133 million for the FCB of St. Paul, $107 million for the FCB of Omaha, and $89 million for the FCB of Spokane. The financial assistance was provided to strengthen their capital positions and for other purposes.

benchmark other than the Texas data. Thus, a comparison of our use of extrapolation and the lack of extrapolation by OFHEO is not appropriate.

After considering these comments, we are making no changes to the final rule in this area.

b. Underwriting Screens Applied to the FCBT Data

In the Study to determine the benchmark loss rate, we used underwriting standards in order to screen the Texas data and identify loans in that portfolio that could be considered ''qualified loans'' for Farmer Mac's programs under the Act. Farmer Mac commented that the underwriting screens applied to the historical FCBT data in the Study were different from those used in estimating the loss-frequency equation in the proposed rule.[11] As a result, Farmer Mac stated that the Study included loans inconsistent with Farmer Mac's current underwriting practices. Farmer Mac stated that the benchmark worst-case land value decline was invalid because it was developed using underwriting standards different from those used to estimate the loss-frequency equation used in the stress test. We address consistency with Farmer Mac's current loan-underwriting practices in a later section entitled ''Data Screens Applied in Estimating the Loss-Frequency Equation.''

Farmer Mac is correct that different underwriting screens were used in the Study and in estimating the loss-frequency equation in the stress test. To respond to the comment, we analyzed the FCBT data using data screens consistent with those used in the loss-frequency equation estimation.[12] Based on this analysis, we concluded that using either set of data screens leads to the selection of the same worst-case region and explanatory variable of land value change. Because the explanatory variable is the same, the ranking of the State-level losses is unchanged. The worst-case region remains Minnesota, Iowa, and Illinois during 1983–1984. Therefore, the 23.52 percent average 2-year land value decline for the worst-case region is an appropriate stressful input to use in the risk-based capital stress test and is consistent with the underwriting screens used in the risk-based capital stress test. It is not necessary to make any changes to the final rule because the use of different screens in the Study does not change the outcome of the Study.

Based on Farmer Mac's comment on the Study, we reviewed all aspects of the credit risk estimation procedures to ensure that consistent underwriting screens were applied throughout the stress test. As a result, we made a technical modification to the loan-seasoning adjustment as discussed in the later section entitled, ''Miscellaneous Technical Changes.''

c. Other Technical Comments on the Study

The proposed rule generated numerous comments on technical aspects of the Study, other than those already discussed. We address these comments in this section.

Farmer Mac commented that the FCBT data used to estimate the loss-frequency equation must be from the 2-year worst-case benchmark time period. Farmer Mac further observed that this benchmark is based on a worst-case land value decline occurring in 1984 and 1985 before losses occurred in the FCBT data. We believe Farmer Mac misunderstood the relationship between the benchmark land value change used in the stress test and the estimation and application of the loss-frequency equation in the stress test. There is no requirement for the time periods to be identical. The losses for other regions are based on maximum land value declines that occurred at different points in time, so the difference in timing is not consequential. Thus, the time period of losses occurring in the FCBT data set is not relevant to the use of the land value decline in the risk-based capital stress test.

Farmer Mac further suggested that a better approach would be to use the land value decline in Texas of 16.69 percent that actually occurred during the time period of the FCBT data. However, this land value decline is significantly less than those occurring elsewhere in the nation. As we have previously discussed, we know that other regions experienced greater losses than those that occurred in Texas. To comply with the Act, we must use the land value decline input in the stress test that corresponds to the worst-case historical agricultural mortgage losses.

Farmer Mac also noted that in the proposed rule, we recognized that the proposed land value decline of 23.52 percent exceeded the 16.69-percent decline occurring in the FCBT data used to estimate the loss-frequency equation. Farmer Mac claimed the use of a land value decline exceeding the decline found in the estimation data could result in unreasonably large loss rates. Farmer Mac suggested that we use the 16.69-percent land value decline as the stressful input in the loss-frequency equation, rather than the proposed adjustment for restricting the slope of the loss-frequency equation, to account for the possibility of unreasonably large loss rates.

We respond that the 16.69-percent FCBT land value decline is not the worst-case that occurred. The proposed 23.52-percent land value decline is more appropriate and consistent with the requirements of the Act. Restricting the slope of the loss-frequency equation is a reasonable approach to address the nonlinear nature of the loss-frequency equation when using inputs beyond those observed in the estimation data. We did, however, slightly adjust the technical calculation of the slope adjustment for other reasons as discussed in the later section entitled, ''Miscellaneous Technical Changes.''

Farmer Mac further commented that the application of the land value decline in the risk-based capital stress test is unnecessarily complex. Although our approach for restricting the slope of the loss-frequency equation is somewhat complicated, it directly addresses the difference between the 23.52-percent land value decline that occurred in the worst-case region and the maximum 16.69-percent land value decline that occurred in the FCBT data used to estimate the loss-frequency equation. We conclude that the proposed approach is an appropriate application of the stress scenario in the risk-based capital stress test and that it complies with the Act's requirement to use the worst-case region in the stress test. Thus, we made no changes to the benchmark land value decline as a result of these comments.

Although we are making no changes to the benchmark land value decline specification, we will study any new agricultural mortgage loss information and update the benchmark loss rate as appropriate. We note, however, that replacing the extrapolated benchmark data with direct, verifiable data requires the agricultural mortgages in a region (meeting the statutory criteria) to experience a loss situation that mirrors or exceeds the farm crisis of the 1980s. If such a loan loss situation occurs, we will examine loan portfolio data from Farmer Mac, the FCS, and other agricultural lenders in considering any changes.

[11] The loss-frequency equation is often referred to by commenters as the default model, lifetime default model or credit loss model. However, we use the term ''loss-frequency equation'' throughout because the equation was estimated based upon the occurrence of a loss in the screened FCBT data and not the occurrence of a default.

[12] See Farmer Mac's June 12, 2000, comment letter for the data presented in the column of Table 2 that represent the loan charge-off rates based upon data screens used for the estimation of the loss-frequency equation.

2. Distribution of Credit Loss by Exposure Years

After determining the rate and sensitivity of loss to apply in the stress test, we had to determine a reasonable way to apply that stress over the 10-year period. We proposed to distribute age-adjusted lifetime losses through time on a deterministic path that provides a stressful scenario. The proposed deterministic time path for converting from origination year to exposure year credit losses was 43 percent in year one, 17 percent in year two, 16 percent in year three, and 3.4 percent in each of the last 7 years.

Farmer Mac raised a number of conceptual issues with the proposed methodology for distributing credit losses by exposure year and suggested an alternative solution. Among the concerns Farmer Mac raised with our proposed approach were:

- Using single-year events appears to be inconsistent with the Act. The Act requires the use of a 2-year period for applying rates of default in the stress test.
- The loss allocation pattern aggregates and redistributes loan loss into a deterministic path in a manner that did not occur in history. The distribution of losses is not representative of any actual exposure year loss experience of loan cohorts in the FCBT data. Instead, it selectively concentrates the historical experiences of different loan cohorts across a range of exposure years into a single year of the stress test.
- The allocation method does not control for truncated default and loan loss effects, which could cause the losses to be biased upwards in origination years with limited default information.
- The distribution of the losses is inconsistent with the beta loss distribution used to derive State-level seasoned adjusted loan loss. The redistribution of loan losses obscures the relationship between loan age and the timing of loan losses established by the beta loss distribution.

Each of these concerns is addressed in turn in the following discussion.

First, we believe Farmer Mac has mistakenly concluded that the 2-year time period requirement in the Act applies to the distribution of losses in the stress test. The Act requires that the frequency and severity of loan losses used in the stress test must reasonably relate to a benchmark historical loss period of at least 2 consecutive years. We have complied with the 2-year requirement in the Act by using the land value decline from the 2 worst loss years, as determined by the Study, in the credit loss model to determine the loss frequency rate used in the stress test. The Act does not, however, prescribe how we must distribute the loss frequency over the 10-year stress period. Therefore, we applied a reasonable methodology to determine the most appropriate way to allocate the benchmark loss stress over the 10-year stress period required by the Act.

Second, Farmer Mac commented that the loss allocation pattern aggregates and redistributes loan loss into a deterministic path in a manner that did not occur in history. Section 8.32 of the Act does not require the allocation pattern to exactly replicate a specific historical pattern.[13] The Act requires that the rate be ''reasonably related'' to the historical data. Accordingly, we constructed a stressful allocation pattern that is reasonably representative of the historical data. In developing the stress test, we were required to identify a reasonable, but stressful pattern of losses. Among the choices considered in developing the proposed rule were to: (i) Place all origination losses into a single-exposure year; (ii) estimate a function to capture the time dependence observed in portfolio-level losses; (iii) sort in descending order from the maximum observed losses in any given cohort-exposure year as the sequence of maximum possible stress to minimum stress and take the top 10 (normalized to sum to one), or; (iv) use empirically guided descriptors from the limited data on losses available to construct a plausible, but stressful loss pattern.

In constructing the loss-allocation pattern, the limitations of the data led to our choice of the fourth approach, appropriately relating the FCBT data to the stressful conditions employed in the stress test.

Farmer Mac and other commenters also pointed to the significant data problems as barriers to implementing certain theoretical approaches. The data provide a relatively short loss observation window, and the observed loss levels contain unknown total lifetime losses. Thus, we concluded that simply taking the 7 years of data as the only possible loss values and arranging them into a specific time pattern that represents stress was not the most realistic method to characterize the stressful conditions required by the Act. We selected an average of the maximum 1-year, 2-year, 3-year, and so on, loss rates as the method to allocate losses. We used the cohort-weighted average of the individual loss rates to control for the influence on the relative loss rates of the shorter observation window of the latter originations. As a result, no individual loss rate observations were used independently from cohort-weighted averages to determine the loss pattern. This procedure prevents a single individual observation from becoming the maximum used to determine the exposure-year loss pattern. As a result, this procedure avoids the use of the maximum individual exposure-year loss occurrence of 91 percent observed in the data as the maximum loss rate when determining the exposure-year loss pattern.

Third, Farmer Mac also stated that the proposed allocation method does not control for truncated default and loan loss effects. The potential truncation bias referred to by Farmer Mac should be viewed relative to the overall application of losses within the stress test. Losses are estimated using a loss-frequency equation that only included losses observable in the data window. We believe it would not be appropriate to forecast loan activity occurring outside of the 7-year time period of the data set. As a result, the observed losses were truncated for loans with remaining lives at the end of the observed data window, including loans originated near the end of the data window. We believe the methodology selected to allocate losses into exposure years is appropriate due to the limitations of the available data.

Fourth, Farmer Mac suggested that the distribution of the losses is inconsistent with the beta-loss distribution used to derive State-level, age-adjusted loan loss totals. It contended that the redistribution of loan losses obscures the relationship between loan age and the timing of loan losses established by the beta distribution. In response, we note that the State-level loss totals are based on loans that are individually age-adjusted using a beta distribution as the seasoning function. The beta distribution was not estimated from, nor intended to reflect, the portfolio-level pattern of those losses through time. The loan-level ''unconditional'' seasoning effects (wherein cohorts were pooled across origination time in estimation) are not the same as the explicitly ''conditional'' time period effects (explicit dependence on a specific time period) that result in non-uniform, loss-allocation patterns at the portfolio level. Thus, we believe use of the beta distribution is not the appropriate method to control allocations of portfolio-level losses

[13] Also, using the 7-year historical pattern found in the historical data directly as the loss pattern would not account for the allocation of losses over the entire 10-year period of the stress test.

through time. Whereas, using different distributions for the loan seasoning and allocation effects is a logical and consistent application in the stress test. These two functions are inherently separate and it is not appropriate to apply the same distribution for both effects. We are not adopting Farmer Mac's comment in the final rule.

3. Data Screens Applied in Estimating the Loss-Frequency Equation

Our objective in determining the loss-frequency equation is to estimate the relationships between loss frequency and the independent variables that help explain loss frequency. Farmer Mac's comment raised concerns with the data screens used to select FCBT farm mortgages for estimating the loss-frequency equation. Generally, Farmer Mac contended that the data screens are not representative of its current loan underwriting practices and, therefore, the data includes loans Farmer Mac would not make today. Before we address Farmer Mac's specific concerns with the data screens, we first summarize the proposed data screens.

As noted in the proposal, the FCBT farm real estate loans used to estimate the loss-frequency equation had to satisfy at least three of four underwriting standards. This approach was intended to include estimation data encompassing ranges of data observed or potentially observed in Farmer Mac's current portfolio. The four data screens specify that: (1) The debt-to-asset (D/A) ratio must be less than 0.50; (2) the loan-to-value (LTV) ratio must be less than 0.70; (3) the debt-service-coverage ratio (DSCR) must exceed 1.25; and, (4) the current ratio (current assets divided by current liabilities) must exceed 1.0. Farmer Mac's procedures permit it to waive complete compliance with its underwriting standards if a loan is judged to have appropriate offsetting strengths. Accordingly, in our approach, we required that loans satisfy at least three of the four specified data screens. In addition, we restricted the D/A and LTV ratios to be less than or equal to 0.85.

Farmer Mac objected to our use of the three-out-of-four screening approach and the use of D/A and LTV ratios less than or equal to 0.85. Farmer Mac contended that the screening was incorrect because it misinterprets Farmer Mac's loan underwriting standards and practices. Farmer Mac's standards and practices ensure that any one standard exception/deficiency is duly offset by a compensating surplus/strength in another standard. It argues that the high LTV loans found in its portfolio relate solely to part-time farmer loans, which have additional compensating factors mitigating risk exposure. Farmer Mac referenced its policy of restricting the purchase of full-time farm loans with LTVs greater than 0.70.

Prior to publishing the proposed regulation, we reviewed portions of Farmer Mac's loan portfolio and found several instances where D/A and LTV ratios exceeded 0.50 and 0.70, respectively, with values of both ratios rarely exceeding 0.85. In the Farmer Mac data reviewed, 3.3 percent of the loans and 3.1 percent of the outstanding loan balances had LTV ratios exceeding 0.70. In response to Farmer Mac's comment, we reviewed and evaluated Farmer Mac's current loan portfolio characteristics for the 3 most recent quarters to determine if the screening criteria were appropriate. In our review of the March, June, and September 2000 Farmer Mac loan portfolios, we found numerous loans with LTV ratios greater than 0.70 that were to full-time farmers. For instance, at September 30, 2000, Farmer Mac's loan portfolio included 5.7 percent of loans and 3.0 percent of the origination loan balances, where the LTV ratios exceeded 0.70.[14] Of this group, 0.7 percent of loans and 1.1 percent of origination loan balances were full-time farmer loans. Part-time farmer loans with LTV ratios exceeding 0.70 represented 5.0 percent of loans and 1.9 percent of origination loan balances. We also found several instances of full-time farmer loans where D/A ratios exceeded 0.50. Given the characteristics of loans in Farmer Mac's portfolio, we conclude that the proposed data screens are reasonably consistent with its current underwriting practices. Therefore, we did not modify the data screens in the final rule.

We further note that the data screens used permit the estimation of the relationships across the entire range of data observed in Farmer Mac's portfolio. For instance, the use of the maximum values for LTV and D/A and the three of four standards requirement is intended to include data in the estimation sample that ''could'' occur in Farmer Mac's portfolio. Having a complete data set for estimating the loss-frequency equation is essential to appropriately estimate the relationships between underwriting variables and the frequency of loss.

We must apply a varied set of data screens to the FCBT data because Farmer Mac uses a varied set of underwriting practices based on the economic environment and other subjective factors. More importantly, the econometric methods we used to estimate the relationships between independent variables use nonlinear specifications of some variables. A rich data set is needed to estimate the nonlinear relationships and should include, if available, data across the entire range in which the relationship will be applied. Restricting the data to only data that met all underwriting criteria at any given time could restrict the estimation of the nonlinear relationship as well as exclude data that could be used to estimate the relationships. The data screens used provide a data set sufficiently rich to correctly estimate the loss-frequency equation, including the nonlinear relationships. The data screens result in selection of FCBT loans that span all observed underwriting characteristics found in Farmer Mac's portfolio.

4. Specification of the Loan-Size Variable Used in the Loss Frequency Model

We proposed using several variables to determine losses in the risk-based capital stress test. Specifically, we use a multivariate model to project credit losses. One of the proposed explanatory variables used in the loss-frequency model is loan size (SIZE) expressed in 1997 dollars. This variable is stated in absolute dollars, whereas all other variables are expressed as ratios (D/A and DSCR) or percentages (LTV and LANDVAL).[15] The LTV variable is represented as a nonlinear power function and LANDVAL is discounted by the age of the loan at the time of the maximum land value decline.

Farmer Mac commented that the loan-size variable disproportionately impacts projected loss frequency, regardless of the values of other underwriting variables, such as LTV and DSCR. Farmer Mac noted that for large loans, the loan-size variable dominates the lifetime default relationship and results in unrealistically high rates of default, even at low values of LTV and high values of DSCR. Farmer Mac stated that the estimated coefficient of SIZE is positively biased for relatively small and relatively large loans. Farmer Mac commented that loan size dominates the impacts of all the other explanatory variables for larger loans and causes the model to project extremely high loss frequency.

For these reasons, Farmer Mac suggested we re-estimate the loss-frequency model using a nonlinear specification for the loan size variable,

[14] All loan portfolio percentages are based on origination loan volume.

[15] LANDVAL refers to the maximum percentage land value decline.

consistent with the treatment of other variables such as LTV and LANDVAL. Farmer Mac explained that including this nonlinear specification for the impact of loan size on the lifetime probability of loss frequency improves the ability of the stress test to measure the actual risks of Farmer Mac's business.

We agreed with Farmer Mac's general assessment regarding the use of the linear specification for loan size and re-evaluated its use in the stress test. During the development of the model, we originally adapted and accepted the linear specification from Farmer Mac's preliminary modeling efforts to maintain some consistency with Farmer Mac's independent modeling efforts. We found that a linear specification of the loan size was adequate for use in the stress test because it generally had the desirable intuitive and statistical properties. The proposed specification was consistent with our observation that large loans resulted in higher loss frequencies and could have a material adverse impact on an institution due to size. After further analysis in response to the comment, however, we found that the FCBT data supported the use of a nonlinear specification for the SIZE variable. Although we observed that measured losses increase as loan size increases, the actual loss rate does not increase linearly with loan size. Thus, we re-estimated the model using a nonlinear estimation procedure to simultaneously estimate coefficients and nonlinear parameters for the model. Similar to maximum likelihood techniques for solving standard logit problems, this procedure minimizes the likelihood function.

We made nonlinear transformations to three independent variables: (1) LTV, (2) maximum land price decline, and (3) loan size. A functional form is required of each nonlinear variable. We chose the same forms as proposed for LTV and maximum land price decline. The functional form selected for loan size incorporates the observed relationship between loan size and frequency of default. The FCBT data suggest that frequencies of loss increase as loan size increases, but the rate of loss frequencies tends to increase at a decreasing rate as loan size increases. Within this relationship, the amount of dollar losses always increases as loan size increases. The form of the transformation we chose is:

$$1\text{-}\exp(-\beta_8 \cdot \text{Age-adjusted loan size})$$

The size of β_8 impacts the change in the loss frequency rate relative to the change in loan size. The transformation results in lower loss rates for both small and large loans as compared to the proposed loss-frequency equation. For smaller loans, a given change in loan size has a greater impact on loss rates than for larger loans.

The following table displays the estimated dollar losses and loss rates for various sized sample loans from the application of: (1) The proposed model, (2) the model suggested by Farmer Mac, and (3) the revised model (final rule).

Loan size (000's)	Proposed rule loss amount/rate ($/%)	FAMC example loss amount/rate ($/%)	Final rule loss amount/rate ($/%)
$50	$531/1.063	$222/0.444	$142/0.284
100	1,106/1.106	444/0.444	644/0.644
300	3,894/1.298	10,231/3.410	9,880/3.293
500	7,601/1.520	31,070/6.214	26,533/5.307
750	13,859/1.848	46,604/6.214	46,823/6.243
1,000	22,387/2.239	62,139/6.214	64,945/6.495
2,500	158,136/6.325	155,349/6.214	164,521/6.581
5,000	789,818/15.796	310,698/6.214	329,042/6.581

Notes: Loan size is shown in thousands and loss rates are shown as percentages. We calculated the estimated dollar losses and rates by varying the origination principal balance for an individual loan with the following characteristics.
Loan Origination Year: 1996.
Loan Age: 4 years.
LTV at Origination: 0.5.
D/A at Origination: 0.5.
DSCR at Origination: 1.3984.
Percentage Land Value Change: −23.52.
Loss severity: 20.9%.
Dampening factor: 4.133%.

The table shows that the final rule loss-frequency equation results in dollar losses and loss rates comparable to the example equation that Farmer Mac supplied and supported in its comments. As discussed previously, the dollar losses and loss rates increase at a decreasing rate and, thus the impact of a change in loan size on loss rates is greater for smaller loans. As shown in the table, dollar losses and loss rates increase significantly as the size of the origination principal outstanding changes from a small amount (e.g., $50,000) to a moderate amount (e.g., $300,000). As anticipated, the table further shows that dollar losses and loss rates increase at a lower rate as origination principal loan size changes from a large amount ($1,000,000) to a very large amount ($2,500,000). The model presented by Farmer Mac has a fixed ceiling on loss rates for loans greater than $500,000, whereas the loss rates in the final rule equation increase by an ever-smaller amount as loan size increases.

As can been seen in the table, the originally proposed specification caused dollar losses and loss rates to increase significantly at larger loan sizes. By comparison to the final rule, the proposed specification may have understated losses on moderately sized loans and may have overstated losses on larger sized loans—a point made by Farmer Mac in its comment letter. The nonlinear relationship is supported by the FCBT data and is consistent with expectations. Overall, the treatment of loan size adopted in the final rule provides a better specification of the relationship between loan size and losses.

5. Use of a Constant Loss-Severity Rate To Determine Credit Losses

We proposed a constant loss-severity rate of 20.9 percent on all mortgages in Farmer Mac's portfolio. The loss-severity rate was calculated by taking the average loss rate of defaulted loans in the FCBT data, weighted by loan volume. To calculate expected age-adjusted lifetime losses on individual loans, the loss-severity rate is essentially multiplied with loss-frequency

probability, origination loan size, and an appropriate age-adjustment factor.[16] We selected the constant severity rate after determining that the FCBT data provided insufficient evidence to the contrary. No significant statistical relationship was found between loss-severity rates and various independent indicators in the FCBT data.

Farmer Mac and the FCBs objected to using a loss-severity rate of 20.9 percent for all mortgages. Principally, commenters noted industry practice of varying loss-severity rates to account for different credit risk profiles of mortgages, especially LTV ratio categories. Although Farmer Mac acknowledges that the FCBT data may not provide the expected relationships between the loss-severity rate and LTV ratios, it contends that industry practice and academic research clearly indicate that these relationships exist. Farmer Mac further commented that applying a constant loss-severity rate would discourage risk-based pricing and suggests all borrowers would be charged the same interest rate, contrary to efficient market theories. Additionally, Farmer Mac commented that loss-severity rates on older loans, or loans with low original LTVs, are much lower due to the higher levels of borrower equity.

Farmer Mac suggested applying at least three different loss-severity rates, based on groupings of LTV ratios, as an alternative to the constant loss-severity rate for all mortgages. Farmer Mac provided independent research on agricultural mortgage losses and recommended a loss-severity rate of:

- 20.9 percent for mortgages with an LTV greater than 60 percent.
- 10.5 percent for mortgages with an LTV ranging from 40.01 to 60 percent.
- Zero for mortgages with an LTV that is less than or equal to 40 percent.

Farmer Mac presented no data to support this suggested application. Applying the average loss-severity rate to only the highest LTV category would result in lower total losses than supported by FCBT data.

Prior to publishing the proposed regulation, we met with Farmer Mac to discuss an approach for determining a loss-severity rate to use in the credit risk component of the stress test. Farmer Mac had also evaluated the FCBT data to determine whether a relationship existed between LTV and loan losses. Based on its own analysis, Farmer Mac concluded that the data were insufficient to estimate an acceptable loss-severity rate and concurred that when a richer data set becomes available, the loss-severity rate should be re-estimated. At that time, and based on its earlier efforts, Farmer Mac suggested a constant loss-severity rate of 20 percent may be appropriate based on its approach of averaging the loss-severity rate on defaulted loans that met its criteria in the FCBT data. We generally accepted Farmer Mac's initial approach.

It may be conceptually appealing to assume that loans with lower LTV ratios have lower loss rates than loans with higher LTV ratios. It may also be logical to assume that the equity buffers provided by borrowers help reduce loss exposure. We understand that residential mortgage research indicates different loss-severity rates should be applied to mortgages with different LTV ratios. As such, we carefully evaluated the proposal presented by Farmer Mac.

We found that the Farmer Mac proposal, which only applies the average loss-severity rate to the suggested top LTV category (*i.e.,* loans with LTV ratios greater than 60 percent), understates the expected total losses on Farmer Mac's loan portfolio, particularly compared to the losses found in the historical estimation data. To correct for this understatement, we analyzed loss-severity levels found in the FCBT data for the LTV categories suggested by Farmer Mac.

We performed additional analysis of the statistical relationship between LTV and loss-severity rates. Our data analysis confirmed the earlier results that there is no statistically significant relationship between LTV and loss-severity rates in the FCBT data. Therefore, we were unable to develop a statistically supportable method using available data to apply different loss-severity rates to various ranges of LTV ratios. In our analysis, the loss-severity rates we might have applied to various ranges of LTV ratios would have been arbitrary and without sufficient supporting data. We could have selected other approaches to loss severity, such as using the highest loss-severity rates observed by the data or the highest loss-severity rates over a 2-year period. However, such approaches would have produced extremely large expected credit losses not reasonably related to the historical FCBT data.

We also reviewed the study cited by Farmer Mac in support of its argument for varying loss-severity rates by LTV ratios on agricultural mortgages.[17] The study was intended to demonstrate the application of option theory to default. The analysis was based on changes in land values and did not reflect actual default or loss experienced by borrowers. The study was set up to show a certain outcome in a pre-determined way, and did not ''find'' that LTV is related to loss rates, only that such a relationship is assumed to exist in its model.

For the reasons noted above, we continue to believe that a constant 20.9-percent loss-severity rate, on average, reasonably reflects credit risk stemming from all agricultural mortgages in Farmer Mac's portfolio. Accordingly, the final rule requires Farmer Mac to use a 20.9-percent loss-severity rate for estimating loan losses on all its agricultural mortgages in its portfolio. When a more extensive data set becomes available, we will consider if the loss-severity rate should be re-estimated and evaluate other approaches to estimating the loss-severity rate on all loans.

6. Comparison of Actual to Predicted Losses Using Revised Loss-Frequency Equation and Unchanged Constant Loss-Severity Rate

As explained above, in response to comments received, we revised the loan size specification in the loss-frequency equation. We evaluated the revision by comparing the actual and estimated loss rates and amounts for all the FCBT loans for the years 1979 to 1992. To estimate the losses, we applied the revised loss-frequency equation, the unchanged constant 20.9-percent loss-severity rate, the appropriate maximum land value decline, and the loan-seasoning adjustment to the FCBT loan-level data. We then compared the estimated losses to actual losses observed in the actual FCBT data.

The comparison revealed that the revised loss-frequency equation and unchanged loss-severity rate performed well in replicating losses contained in the actual FCBT data. The predicted results are comparable to the actual loss rates and amounts found in the FCBT data. Our analysis estimates total losses over the entire sample period to be $10,341,616. Actual losses incurred total $9,805,472. The average of the predicted loss rates is 0.52 percent from 1979–1992, while the average of the actual rates is 0.50 percent. The maximum 1- and 2-year actual loss rates

[16] The example calculation of expected age-adjusted lifetime losses contained in Appendix A to subpart B, is separated into numerous steps for illustrative purposes. However, mathematically, several steps of the example calculation can be combined into a single step that calculates dollar losses by multiplying the final slope-adjusted loss frequency probability, loss severity, origination loan amount, and the appropriate age adjustment.

[17] See, DeVuyst, C.S., E.A. DeVuyst, and T. G. Baker. ''Expected Farm Mortgage Default Cost'' Agricultural Finance Review, Vol. 55, 1995 pp. 10–22.

in the FCBT data are 1.54 percent and 2.17 percent in 1985 and 1984–1985, respectively. The maximum 1- and 2-year loss rates estimated by the model are 1.26 percent in 1986 and 2.42 percent in 1985–1986.

To predict the losses, we applied the revised loss-frequency equation, the unchanged 20.9-percent loss-severity rate, ''actual Texas land price declines'', and the loan-seasoning adjustment. At the loan level, the largest discrepancies between the actual and predicted loss rates and amounts occur on loans originated in 1986 and 1987. As expected, many of the loan-level discrepancies are partly associated with using an average loss-severity value. Using an average loss-severity rate underestimates predicted losses on specific loans that have actual severity rates exceeding 20.9 percent and overestimates in other instances. However, at the portfolio level, using a weighted average loss-severity rate produces consistent results in predicted total portfolio loss rates and total-portfolio-dollar loss amounts.

7. Approximating Mortgage Performance Through Time

We used a dampening effect to reflect the econometric relationship between the land value change and the point in time in the life of a loan where loss is experienced. The dampening effect helps provide an appropriate structural representation of mortgage performance for the purpose of determining stressful credit losses.

Treasury asserted that the stress test contains two adjustment factors for loan age in the calculation of losses. Treasury stated that the first age adjustment is a result of applying the dampening factor to land value changes. The second is the loan-seasoning adjustment, which is applied after the constant loss-severity rate and loss frequency for a loan are combined to determine unseasoned dollar losses.[18] Treasury stated that these age effects could be estimated differently. Treasury suggested we estimate current LTV instead of using the original LTV.[19] Treasury explained that it may be possible to use loan-term information to amortize the origination balance through time to approximate the current LTV by updating the original property value. Treasury further commented that such a rough approximation might be conceptually more appropriate than making an adjustment to the effect of the decline in farmland values. Alternatively, Treasury suggested that a farmland price index that explicitly accounts for appreciation, if available, might be used. Treasury also suggested that loss severity and loan age could be more seamlessly tied together by directly relating loss severity, loan age at default and the origination LTV. We provide the following clarifications in response to Treasury's comments.

Treasury incorrectly indicated that the decline in the value of the property securing a 4-year old loan is assumed to be 4.3 percent (23.5 percent less the product of 4.8 percent and 4 years). Instead, the dampened decline in value of such a property is 19.5 percent ($23.5 (1 + 0.048) - 4 = 19.5$).[20] This calculation preserves much of the land value decline assumed in the model and provides a more appropriate model.

We believe that Treasury may have misinterpreted the dampening effect. We use a dampening effect to reflect the econometric relationship between the land value change and the point in time in the life of a loan that loss is experienced. Specifically, the 23.5-percent decline in agricultural real estate values is the stressful exogenous economic input in determining credit losses used in the stress test. When applying this land value decline in the loss-frequency equation, it is dampened for each year a loan has been in existence. This dampening of the stressful land value decline input is consistent with the relationship observed in the FCBT data of the effect of a land value decline on loss frequency. This relationship represents the impact that the timing of the land value change has on the loss-frequency probability. The dampening effect, however, does not take the place of the loan-seasoning effect on losses. The dampening effect also has no impact on loss severity.

Treasury asserted that the proposed loan-seasoning adjustment applied in conjunction with the constant average loss-severity rate gives Farmer Mac a substantial cushion. We do not believe the loan-seasoning adjustment provides Farmer Mac with a substantial cushion. In the model, we use average loss severity and the loss-frequency probability to determine the expected lifetime dollar losses before adjusting for loan seasoning. We then apply the loan-seasoning adjustment to provide an appropriate level of expected age-adjusted lifetime losses for use in the stress test. As a result, our approach appropriately considers the relationship between loan age and dollar loan losses. As previously discussed, the approach we used estimates losses that are comparable to the actual losses found in the historic FCBT data when stressful agricultural conditions occurred. There is no clear evidence of a substantial cushion being provided to Farmer Mac in our approach to predict age-adjusted lifetime dollar losses. Instead, the approach provides a level of stressful credit losses to use in the stress test that is reasonably related to actual historic losses.

Treasury further commented that, in reality, the loss-severity rate of 20.9 percent is actually the maximum loss severity. We generally agree with Treasury's observation. We note that the loss-severity rate is simply a fixed number, uniformly applied to all loans. The loss-severity rate is a constant and is not related to other variables. Thus, by its very construct, the rate is the maximum loss severity, and in fact the only loss severity, that can occur on an individual loan. As noted above, using a fixed loss-severity rate supports the calculation of an appropriate level of stress expected due to credit losses at the portfolio level. The term ''average loss severity'' was meant to be generally descriptive of how the loss-severity rate was determined from the FCBT data. We conclude that the use of the term ''average'' continues to be appropriate and that no change in the final rule is required.

We are unable to implement Treasury's suggestion to estimate the loss relationship to current LTV because the necessary loan terms are not available in the FCBT data. Therefore, it is not possible to directly calculate amortization schedules and prepayment patterns. We continue to believe that the use of the original LTV is more valid than an estimated LTV. The use of an estimated LTV depends on assumptions about changes in land value, interest rates, repayment arrangements, and other factors. In contrast, the use of the original LTV does not require such assumptions. We continue to believe that our approach effectively integrates loss-frequency probability, loss-severity, and loan-age effects.

8. Treatment of Long-Term Standby Loan Commitments

Farmer Mac commented that the proposed rule has an inconsistency in

[18] As discussed earlier, the maximum land value decline is dampened to reflect the effect that a land-value decline has on the loss-frequency probability given when the decline occurs in a loan's life. Separately, the calculation of dollar losses is adjusted for the effects of loan seasoning.

[19] Treasury's comment is based on the fact that the historical estimation data contains only values for underwriting variables at origination and not throughout the life of a loan. As a result, the historical data do not directly contain the necessary information to implement a different approach.

[20] *See* Proposed Risk-Based Capital Rule, Appendix A, Step 4, 64 FR 61759, November 12, 1999.

the calculation of the State-level loss rates for non-standby loans and standby loans. The proposed calculation for non-standby loans is total dollar losses divided by total ''origination'' loan balances for each State. Whereas, the calculation for standby loans is total dollar losses divided by ''current'' loan balances for each State. As a result of this difference in calculation, Farmer Mac contends that the model overstates the credit risk on standby loans. Farmer Mac suggested we modify the model to calculate the State-level loan loss rate for standby loans and non-standby loans in the same manner. The calculation Farmer Mac would use is the total dollar loan losses divided by ''origination'' loan balances, rather than ''current'' balances.

Given the purpose of the loss calculation, we cannot adopt Farmer Mac's suggestion. The primary purpose was to determine the dollar amount of losses to be applied in the stress test. The conversion to a loss rate was made for convenience to facilitate the calculation of expected age-adjusted lifetime losses in a separate spreadsheet named, ''Credit Loss Module. XLS.'' The loss rates were then copied to the spreadsheet called the ''FAMC RBCST,'' which is the spreadsheet that calculates the regulatory capital requirement under the stressful conditions required by the Act.[21] Our intent was always to apply loss rates in the FAMC RBCST spreadsheet that would produce a dollar amount of age-adjusted lifetime losses consistent with the amount estimated in the credit loss module component of the stress test.

Based on our analysis, the suggested change would misrepresent the loss rate on standby loans since the estimated losses are already adjusted for loan seasoning and tend to reflect the benefit of principal amortization that has occurred.[22] The following table illustrates this point.

(1) Year	(2) Origination principal balance	(3) Current balance	(4) Age-adjusted losses	(5) Age-adjusted losses divided by current balance (in percent)	(6) Losses applied to determine regulatory capital	(7) Age-adjusted losses divided by origination balance (in percent)	(8) Losses applied to determine regulatory capital as suggested
1	$100,000	$97,815	$2,664	2.72	$2,664	2.66	$2,606
2	100,000	95,455	2,442	2.56	2,442	2.44	2,331
3	100,000	92,906	1,853	1.99	1,853	1.85	1,721
4	100,000	90,153	1,114	1.24	1,114	1.11	1,005
5	100,000	87,180	525	0.60	525	0.53	458

Notes: The table shows the annual calculation of dollar losses and loss rates using both current and origination principal balances. The table also shows the dollar losses that would be applied to determine regulatory capital. The calculations in the table assume a hypothetical Farmer Mac portfolio consisting of only one standby loan originated in 1999 with an original principal balance of $100,000. The columns of the table are:

- Column 1 shows the year for the annual calculation.
- Column 2 of the table shows the origination principal balance.
- Column 3 shows the current principal balance as a result of principal amortization.
- Column 4 shows the age-adjusted origination year estimated losses for each subsequent annual calculation of the credit loss module.
- Column 5 shows the loss rate that would be calculated in the credit loss module component.
- Column 6 shows the dollar losses the FAMC RBCST would determine when calculating regulatory capital.
- Column 7 shows the loss rate calculated using Farmer Mac's suggested methodology.
- Column 8 shows the dollar losses that FAMC RBCST would determine using loss rates calculated following Farmer Mac's suggested methodology.

The eighth column of the table demonstrates that the suggested approach would understate the age-adjusted origination year loss rates. This result occurs because the calculated loss rates are applied to current principal balances outstanding in the FAMC RBCST component of the stress test. The current principal balances outstanding are based on the data input requirement of using the most recent quarterly financial statements for running the model. On Farmer Mac's financial statements, seasoned agricultural mortgage loans are not shown at origination value, but reflect principal amortizations made over time. Therefore, it would not be an appropriate application in the stress test to use origination principal loan balances to calculate loss rates as doing so understates the dollar amount of estimated losses.

However, we agree that the calculation of loss rates for standby and non-standby loans should be consistent. Consistency is needed to ensure the estimated age-adjusted lifetime loan loss rates are correctly calculated to replicate the right amount of dollar losses throughout the stress test. Rather than modify the calculation for standby loans as suggested by Farmer Mac, Appendix A of subpart B includes changes in the calculation of the loss rates for non-standby loans. In the final model, total dollar loan losses are divided by total ''current'' loan balances for each State to derive the State-level loss rate for both standby and non-standby loans in Farmer Mac's portfolio. The technical correction in the calculation of loss rates for non-standby loans ensures that the right amount of expected losses are applied in the stress test. The change in the calculation of loss rates for non-standby loans is discussed in detail in section IV.C.3 and Appendix A of subpart B of this rule.

9. Institutional Credit Risk

Treasury commented that we should include Farmer Mac's institutional credit risk exposure in the risk-based capital stress test. Treasury stated that Farmer Mac is exposed to institutional credit risk from a number of sources: AgVantage bonds; non-mission investments; sellers and servicers; and interest rate contract counterparties. Although Treasury agreed with us that these risks are currently limited, Treasury does not believe that the statutory 30-percent add-on for management and operations risks covers the institutional credit risks. Treasury also suggested that the risk-based capital requirements established by the Federal banking agencies and the OFHEO for

[21] The Credit Loss Module and FAMC RBCST spreadsheets are separate components of the stress test.

[22] The loss rate for non-standby loans are also adjusted for loan seasoning and tend to reflect the benefit of principal amortizations that have occurred.

insured depositories and Fannie Mae and Freddie Mac, respectively, should provide useful guidelines.

We proposed to capture Farmer Mac's institutional credit risk exposure through the 30-percent management and operations risk add-on provided in the Act. In response to Treasury's comment, we reviewed Farmer Mac's institutional credit risk relating to AgVantage bonds, sellers' and servicers' activities; other investments held by Farmer Mac and interest-rate contract counterparties. We found that Farmer Mac effectively manages its institutional credit risk exposure through appropriate policies and practices. We noted no increase in the level of institutional credit risk exposure since publication of the proposed rule.

As suggested by Treasury, we could develop and apply a risk-adjustment factor for institutional credit risks arising in the future, using several sources as guides, including the treatment by other financial regulators of such risks. We do not believe, however, that we can realistically predict how Farmer Mac's institutional credit risk may change in the future. Instead, we would have to determine an adjustment to apply to Farmer Mac's portfolio based on sources other than data specific to Farmer Mac's risks. At this time, adopting a risk factor adjustment to apply to Farmer Mac's portfolio would be an unnecessary step. The 30-percent add-on in the Act is clearly designed to capture risks such as those that are not measurable from historic benchmark agricultural mortgage losses. Congress has in essence, chosen a set percentage to apply in such situations. Therefore, we believe it is inappropriate to artificially add another factor that is not based on actual risk data.

We believe a better approach is to continue to monitor Farmer Mac's institutional credit risks. If we see changes in the nature of these risks, we can make adjustments to the stress test to capture them. This continuing approach to monitoring and addressing Farmer Mac's institutional credit risks is preferable to trying to capture possible future risks today. We will continue to monitor these risks and take regulatory action, including expedited rulemaking if warranted, at the appropriate time to address these risks.

We made no changes in the final rule in response to this comment.

B. Interest Rate Risk Component

We proposed a two-pronged interest rate risk test, combining stochastic market value of equity estimation with a deterministic steady-state cashflow projection. As part of the interest rate component of the stress test, we estimated the change in Farmer Mac's market value of equity in order to estimate the impact of an interest rate shock on Farmer Mac's net income over a 10-year period. To estimate the impact, we computed the effective duration of Farmer Mac's assets, liabilities and off-balance sheet instruments under each interest rate shock. The duration estimates were then used to calculate the estimated market value change in equity in the stress test.

Although the commenters generally supported our proposed approach of using Farmer Mac's internal risk models, they commented on, and requested changes to, several aspects of the proposed methodology. In response to commenters' suggestions, we incorporated several changes to the interest rate risk component of the stress test. Those changes and our response to specific comments are discussed below.

1. Timing of the Stressed Change in Interest Rates

The stress test is initialized with data from Farmer Mac's most recent historic quarter-end balance sheet. In the model, the starting position is identified as t^0. Subsequent annual accounting cycles are represented consecutively as t^1 to t^{10}. The model applies the stress test conditions required by the Act and builds pro forma financial statements that include the effects of the stress conditions.

Treasury commented that the change in interest rates should be applied at starting period (t^0) rather than the first period (t^1). Treasury observed that Farmer Mac generates earnings (from t^0 to t^1) on the amount of the interest rate risk that is not recognized until period t^1.

We generally agree with Treasury's observation that there is an earnings effect associated with not posting the interest rate shock to the starting balance sheet, t^0. We are further convinced that the stress test should reflect the effects of an interest rate change that occurs prior to period t^1. Changing the interest rates prior to period t^1 is more consistent with our goal of developing a stressful interest rate scenario that complies with the Act.

Therefore, we modified the interest rate shock calculation to include an earnings effect.

After careful analysis, we determined the earnings effect based on the assumption that the change in interest rates occurs mid-way in the annual income cycle from t^0 to t^1. Under this approach, the market value reduction in capital occurs at the end of the sixth month, which is halfway between periods t^0 to t^1. At month six, Farmer Mac's capital position decreases by the market value reduction and its liabilities increase by the same amount. However, rather than re-state Farmer Mac's balance sheet at month six, we capture the earnings effects by multiplying the market value change with Farmer Mac's annualized cost of funds and dividing by 2, as if the rates changed in the sixth month. This approach avoids unnecessary complications to the stress test and the confusion that may result from showing an inter-period balance sheet. Capital at t^1 is then adjusted to reflect the earnings effect. The interest rate shock posted to the balance sheet now reflects a market value change in equity and earnings effect, assuming rates change during the middle of the accounting cycle. As a result, starting in t^1, the earnings effect is fully reflected in the structure of the balance sheet.

2. Tax Effects of the Market Value of Equity Change From the Stressed Change in Interest Rates

In the proposed rule, we did not include the impact of taxes for the change in the market value of equity. Farmer Mac commented that the change in market value of equity for the interest rate risk portion of the stress test should be adjusted to reflect the effect of taxes before the increase or decrease is recorded to equity. Farmer Mac explained that accounting for the tax effects of market value gains and losses is consistent with GAAP treatment of unrealized holding gains or losses on available-for-sale assets under Statement of Financial Accounting Standards (SFAS) No. 115 and SFAS No. 109.

We concur that the estimated market value of equity change due to the stressful interest rate movement should include the effect of taxes, and we modified the stress test accordingly. This change more closely aligns the economic realities and accounting treatment resulting from changes in, or to, market value of equity. However, we placed some limitations on the amount of tax benefits that can be recorded during the stress test. The potential tax benefits of the unrealized market value loss in equity are captured in a similar manner as other financial institution regulators treat deferred-tax assets (DTA) in their regulatory capital requirements.[23]

[23] For FCA's treatment of DTAs, see 12 CFR 615.5120; for the Federal Deposit Insurance Corporation (FDIC), see 12 CFR 325.2 and 325.5; the Office of the Comptroller of the Currency (OCC), 12 CFR 3.2 and Appendix A to part 3, sections 1 and 2; the Federal Reserve Board (FRB), 12 CFR 208,

Continued

Generally, tax affects on available-for-sale securities are determined by multiplying the estimated unrealized market value loss by an enterprise's effective tax rate. As a result, a deferred tax asset is recorded. For regulatory capital purposes, DTAs may be included in the regulatory capital calculation if: (1) They are expected to be realized within the next 12 months; (2) they can be used to recapture taxes previously paid; or (3) they may reduce tax obligations 1 year into the future. We limit inclusion if DTAs exceed a specified level of certain components of capital.

Within the context of the stress test, we are treating the tax benefit of the unrealized market value loss in a manner that is similar, but not identical to, the other regulators' treatment of DTAs. Our approach differs in that we only address the potential DTAs that could arise from the unrealized loss in market value of equity as determined in the stress test. We exclude existing DTAs as immaterial and we do not create a DTA account on the balance sheet, as doing so would unnecessarily complicate the adjustment to the market value change for tax effects. The tax effects are limited solely to loss carry-backs to recapture previous taxes paid.

The stress test calculates a tax benefit from the unrealized loss that is included in regulatory capital. The amount included is based on the amount Farmer Mac can reasonably be assumed to realize immediately. The amount of the tax benefit included is based on the availability of tax-loss carry-backs to recapture any taxes paid in the past 2 years. The market value of equity loss resulting from stressful interest rate conditions is reduced by the amount of taxes actually paid in the 2 previous years. The stress test also permits the unrealized loss to be used to offset any tax obligations, subject to Internal Revenue Service requirements, in future accounting cycles.

3. Application of Interest Rate Risk Through Changes in the Market Value of Equity

To estimate the effects of the interest rate shocks (up and down scenarios) on Farmer Mac's equity position, the stress test computes the effective duration over each interest rate shock scenario using information supplied by Farmer Mac. The duration measure is then used as a proxy for market value effects under each interest rate scenario and market value changes are recorded as increases or decreases to equity on Farmer Mac's balance sheet.

As a comment on the proposed rule, Farmer Mac suggested revising the proposed approach to reflect interest rate risk in the stress test. Farmer Mac objected to using market value changes, contending that the Act's definition of regulatory capital excludes any reference to market valuation concepts. Despite this definitional concern, Farmer Mac suggested modifying the proposed treatment of interest rate risk in the stress test by marking-to-market the balance sheet equity stated in accordance with GAAP before applying the changes in market value equity for the statutorily prescribed stressful change in interest rates. Farmer Mac stated the suggested revision would ensure the market value changes are consistently calculated against the market value of equity rather than incorrectly against the book value of equity (determined in accordance with GAAP).

We developed the stress test so that its treatment of market value provides incentives for Farmer Mac to appropriately manage and control its exposure to movements in interest rates. The approach employed in the stress test uses effective duration measures supplied by Farmer Mac. We use these duration measures to determine a capital charge for interest rate risk. Our approach accepts that Farmer Mac's interest rate risk measurement accurately captures the dollar value of its interest rate risk exposure. This assumption represents a reasonable starting point for applying a stressful movement of interest rates used to determine Farmer Mac's regulatory capital requirement. Additionally, our approach eliminates the need to reconcile the differences between mark-to-market and book value financial statements that may vary through time for a multitude of reasons.

We also believe our treatment of interest rate risk is consistent with the approach taken by several other financial regulators. The OTS, for example, requires savings associations to deduct a portion of the measured interest rate risk exposure from total capital to determine whether it meets its risk-based capital requirement.[24] The starting point for determining total capital is a savings association's equity position determined in accordance with GAAP. The interest rate risk deduction to total capital is measured in accordance with the OTS Net Portfolio Value Model for a 200 basis point increase or decrease in market interest rates. The result of OTS's approach is a market value-based interest rate risk deduction to total capital that was determined in accordance with GAAP.

Other banking regulators[25] also apply a market risk component in the computation of regulatory capital ratios, again employing market value concepts.[26] These regulators require certain institutions to convert excess market risk exposure to a risk-adjusted asset, resulting in a dollar-for-dollar holding of capital for the exposure. The net result of this treatment is the inclusion of market value-based interest rate risk in regulatory capital requirements calculated on financial statements prepared in accordance with GAAP.

We also conclude that the treatment of interest rate risk is consistent with the Act's requirements and the definition of regulatory capital. The stress test implements the interest rate risk by considering its effect on various components that make up core capital, which in turn, make up regulatory capital.[27] The Act specifies the range that rates can be shocked in the interest rate risk component of the stress test. The Act does not prescribe how we should implement the interest rate risk in the stress test in order to determine the impact of the components on core capital, and thus regulatory capital. We must use our discretion to determine a reasonable way to measure and implement the interest rate stress. We believe that the duration method is an appropriate and reasonable way to determine the impact of the interest rate stress on the components of core capital. Implementing this approach captures the effects of stressful interest rate movements on Farmer Mac's regulatory capital requirements in accordance with the Act.

Treasury also commented on the treatment of interest rate risk in the stress test. Treasury suggested that interest rate risk effects could be measured using a cashflow approach

Appendix A, section B; and for the Office of Thrift Supervision (OTS), Thrift Bulletin 56—Regulatory Reporting Of Net Deferred Tax Assets, January 20, 1993.

[24] See 12 CFR 567.2 entitled, ''Minimum Regulatory Capital Requirement'' and 12 CFR 567.7, entitled, ''Interest Rate Risk Component.''

[25] The other regulators are the OCC, the FRB, and the FDIC. These agencies acted jointly to add a market risk component to capital requirements for bank holding companies with large trading activities relative to their size.

[26] See 61 FR 47357–47378 (September 6, 1996).

[27] ''Regulatory capital'' is defined in section 8.31(5) of the Act as core capital plus an allowance for losses and guarantee claims (in accordance with GAAP). For the purposes of this definition, regulatory capital includes any allowance or reserve accounts that Farmer Mac maintains for losses on loans that are held in portfolio and for losses on securities it has guaranteed, particularly, reserves required by section 8.10 of the Act.

where income and expenses are functions of the interest rate environment variable. Therefore, as rates moved in a stressful manner, Farmer Mac's net income performance would change.

We originally considered a cashflow approach, but decided to follow an effective duration approach because it reduces the complexity of the stress test, thereby increasing efficiency in implementing the model. From a theoretical perspective, the effective duration-based approach uses market value estimates for interest rate shocks from Farmer Mac that already summarize cashflow effects. Therefore, there is no need to duplicate these effects in the cashflow component. As stated in the proposed rule, Farmer Mac may use its own cashflow generator for running the stress test as long as it is consistent with the final rule.

4. Operating Expenses Regression Equation Used in the Stress Test

Farmer Mac commented that our proposed regression equation to represent operating expenses could be improved. Farmer Mac identified three problems with our proposed operating expense regression: (1) We should have included off-balance sheet assets in addition to on-balance sheet investments and program assets; (2) expenses are not a simple linear function of assets, but rather expenses increase at a decreasing rate as the volume of assets increases; and (3) we do not account for the difference in Farmer Mac's operating structure that resulted from a substantial statutory revision in 1996. Farmer Mac proposed the following regression equation:

$$Y = \alpha + \beta_1 \ln(X) + \beta_2 D$$

Where Y is operating expenses, excluding provision for losses and tax expenses; ln(X) is the natural log of investments and Farmer Mac program assets held on- and off-balance sheet, and D is a dummy variable (1 represents pre-1996 and 0 represents post-1996).

The regression is estimated using ordinary least squares, where (α) is the intercept, (β_1) is the coefficient for the natural log of the on-balance sheet program assets and investments, and off-balance sheet program assets, and (β_2) is the coefficient of the dummy variable.

Based on Farmer Mac's comments, we considered several different operating expense equations, including Farmer Mac's proposed equation. We also evaluated whether loans, by themselves, would be a better indicator of operating expense growth. We found that loans, both on- and off-balance sheet, plus investments were relevant to operating expenses. We also found that including off-balance sheet assets is beneficial. We analyzed Farmer Mac's suggested equation and found that including the dummy variable and the log-linear approach are appropriate to use based on standard goodness-of-fit criteria. We also concluded that there is a reasonable conceptual basis for the loans and investments to be good predictors of operating expenses.

We concur that the treatment of operating expenses should reflect the structural shift that occurred for Farmer Mac in 1996 due to statutory changes. Based on our analysis, we accept Farmer Mac's suggested regression equation as an appropriate treatment of operating expenses and we have revised Appendix A of subpart B accordingly.

C. Miscellaneous Technical Changes

Farmer Mac made several technical comments on the stress test and Appendix A to subpart B. In addition, since developing the proposed risk-based capital stress test, we have conducted additional audits of the model specifications and Appendix A. Through this effort and the process of receiving public comments, we identified errors and inconsistencies that warranted technical changes in the proposed model specifications and Appendix A. As a result, we provide the following changes and clarifications.

1. Beta Distribution Used for the Seasoning Adjustment

We noted an error in the implementation of the proposed beta distribution. In the proposed rule, we reported that the proposed beta distribution was estimated using a 14-year average loan life, while controlling for potentially longer lives. As implemented, using a 14-year life effectively compresses the losses back into a shorter life than that used to estimate the proposed beta function parameters. Doing so resulted in a misstatement of the effects of loan seasoning in the calculation of expected age-adjusted lifetime losses. The misstatement occurs in the application of the shorter average loan life in the stress test compared to the effective interval of loan life used in estimating the beta distribution. We corrected for the scaling error in the final rule, which caused expected age-adjusted lifetime losses to increase compared to the proposed rule. As discussed below, we made an additional refinement in the estimation of the loan-seasoning function in response to comments received.

Based on Farmer Mac's comments regarding the application of consistent underwriting screens to the estimation data, we again reviewed all components of the stress test to ensure we used appropriate data screens. This review revealed that we had estimated the proposed beta distribution parameters using different data screens than those used in the Study and in the estimation of the loss-frequency equation. However, the use of different data screens was not a critical concern or issue in selecting the functional form. For the final model we re-estimated the beta distribution parameters to fully address Farmer Mac's comment about consistent underwriting screens.

To re-estimate the beta distribution parameters, we used the same screened FCBT data that was used to estimate the loss-frequency model. The final re-estimated beta distribution parameters, assuming a 14-year average loan life, are $p = 4.288$ and $q = 5.3185$. The choice of data screens has an insignificant impact on the beta distribution properties.

2. Segregation of Off-Balance Sheet Instruments

Under the proposed rule, we required that off-balance sheet items be classified either as off-balance sheet assets or as off-balance sheet liabilities. Farmer Mac commented that its internal valuation models do not differentiate between off-balance sheet assets and liabilities and requested that we clarify this issue. We have considered the treatment of off-balance sheet items and have decided to change the stress test to accommodate Farmer Mac's concern. While making this change, we made conforming changes to the effective duration calculations and calculation of the dollar amount of market value of equity change. The calculation now uses the base value of equity before any change in interest rate to determine the dollar amount of interest rate risk. This approach provides a consistency between the amount of interest rate risk measured by Farmer Mac and the amount applied in the regulatory capital calculation contained in the stress test. Because we eliminated the separate asset and liability duration calculations, we needed a new link to Farmer Mac's measured interest rate risk amount. This treatment of measured amounts of interest rate risk is similar to that used by other regulators in their regulatory capital requirements as discussed earlier in the section entitled, ''Application of MVE Impacts.''

3. Calculation of State-Level Loss Rates for Non-Standby Loans

As discussed in section IV.A.8, we made a technical correction to the calculation of the loss rates for non-standby loans in the credit risk module. We now determine the loss rate for non-standby loans found on the ''Estimated Losses'' sheet of the credit loss module spreadsheet by dividing the estimated age-adjusted loan origination loss rates by the current principal balance outstanding. The change in methodology was needed to ensure consistent application of the correct dollar amount of estimated losses in the stress test. The revision also provides uniformity for the blending of non-standby and standby loss rates since each uses the same divisor.

This revision caused the loss rates to increase slightly because we eliminated an error in the proposed rule that tended to slightly understate losses. At September 30, 2000, the overall blended loss rate determined by the credit loss module in the proposed rule was 2.0 percent. In the final rule, the blended loss rate increased to 2.02 percent, before making any of the other changes to the credit loss module as discussed throughout this preamble.

4. Other Technical Corrections

Farmer Mac noted an inconsistency with the estimation of the logit model and application of the coefficient estimates to Farmer Mac's portfolio. We have changed the text in section 2.1 of Appendix A to subpart B to clarify the presentation.

Farmer Mac identified a spreadsheet error in the Credit Module Excel Worksheet named, ''Transformed Data.'' We corrected the reference in the VLOOKUP command to the array of land value declines by State. The correction has no effect on the results of the stress test because there were no loans in the States that the model incorrectly referenced and the stressful land value change applied in the stress test is the same for all States.

We also corrected an error in the spreadsheet relating to the computation of the 3-year maximum loss shares. Farmer Mac noted that when computing the 3-year losses for the column labeled 1992, the sum mistakenly included the column labeled, ''Total Losses.'' This corresponds to cohorts total lifetime losses so that the 3-year loss shares reported for 1992 are too high. This resulted in an erroneous 3-year maximum loss share of 95.3 for the 1982 loan cohort. Correcting this error results in a 3-year total weighted average loss share of 71.82 percent (versus 75.98 percent), and implies a year three stress period loss share of 11.66 percent (versus 15.82 percent), with an average loss share over the remaining 7 years of the stress period of 4.03 percent (versus 3.43 percent).

Farmer Mac noted that at June 30, 1999, the quarterly average 10-year Constant Maturity Treasury yield was 5.10 rather than 5.54 as shown in the illustration in the section of the proposed preamble that includes the interest rate risk sensitivity discussion. We found that this error only occurred in the preamble illustration and the correct interest rate was used in both Appendix A to subpart B and the model. The error does not impact the illustration and it still shows the correct effects that different starting rates would have on the stress test. Thus, no change is necessary.

In the preamble to the proposed rule, we noted that home mortgages from lenders in rural areas and small communities are eligible for sale to Farmer Mac for pooling and securitization. In that discussion, we incorrectly stated that the rural housing limit was $133,000. The current figure is $145,375, and is adjusted annually for inflation. This error had no effect on the model specifications.

D. Regulatory Capital Requirements Determined by the Final Stress Test

The impact of the stress test depends on Farmer Mac's risk profile and starting capital position. High-risk loan assets or significant interest rate risk exposure will result in the stress test determining a higher regulatory capital requirement. Conversely, if Farmer Mac maintains a low risk profile in its loan portfolio or interest rate risk exposure, the stress test will determine a low capital requirement.

Given Farmer Mac's September 30, 2000, financial position and risk profile, the stress test would not require Farmer Mac to increase its available regulatory capital. At this date, the stress test determined a regulatory capital requirement of $64.8 million. For illustration purposes only, this compares to Farmer Mac's core capital of $98.3 million and a statutory minimum capital requirement of $93.6 million.

We emphasize that the regulatory capital requirement is based on an evaluation of Farmer Mac's current financial condition and risk profile. If Farmer Mac accepts more risk as it grows into a mature business in the future, the risk-based capital requirement could exceed the statutory minimum capital standards. In such a situation, there are several options/alternatives available to Farmer Mac to meet its risk-based capital requirement, including:

- Issuing additional stock;
- Increasing guarantee fees to build earnings and capital;
- Reducing credit risk by modifying loan underwriting standards or obtaining credit enhancements; or
- Mitigating interest rate risk through funding and hedging strategies.

As addressed previously, commenters recommended numerous changes to the proposed stress test. In response to these comments, we modified the proposed stress test as described earlier. We compared the proposed and final rule results over the five most recent quarters. In all quarters, the final rule stress test produced higher estimated credit losses and thus a higher regulatory capital requirement. At September 30, 2000, using Farmer Mac's financial position and risk profile, the proposed rule would have determined a regulatory capital level of $36.2 million, while the final rule determined a regulatory capital level amount of $64.8 million. The final rule determines higher regulatory capital because of appropriate and consistent changes made to the stress test in response to comments about the loan size variable used in the loss-frequency equation, the loan-seasoning function, and the computation of loss rates in the credit loss component. With respect to the interest rate risk component, we changed the market value of equity calculation to provide consistent application based on comments received. This change had an insignificant impact on the level of interest rate risk factored into the final stress test compared to the proposed rule.

E. Appendix A to Subpart B of Part 650

We have modified Appendix A to reflect the changes previously discussed. Farmer Mac requested more detailed information on every component of the stress test to help it understand and implement all details of the models and to effectively manage the stress test. Specifically, Farmer Mac asked for additional information on:

- The estimation and application of a power function for LTV in the lifetime default model;
- The estimation and application of the discount function applied to the maximum annualized decline in farmland values in the lifetime default model; and
- The derivation and application of a beta distribution to account for loan-seasoning adjustments.

In response to Farmer Mac's request, we have included additional supporting information on each of these areas in the final Appendix A to subpart B. We anticipate that we will make additional revisions to Appendix A in the future, both to provide users more information and to clarify items. The most current version of Appendix A will be made available on our Web site (www.fca.gov) or by request.

V. Other Issues

A. Board of Directors and Reporting Issues

1. Business Planning Guidelines

Farmer Mac's comment letter discussed various aspects of the proposed risk-based capital rule's requirements relative to business and capital planning and provided recommendations for revising the proposed rule's requirements on planning. Farmer Mac commented that, although it largely concurs with the proposed rule's requirements on business planning, it has several concerns with the proposed rule's requirements.

First, Farmer Mac expressed a concern that the proposed rule requires the Farmer Mac board to adopt a business plan based on a calendar year cycle versus the board's specified planning year, which is currently June 1 through May 31. Although Farmer Mac's fiscal year coincides with the calendar year, Farmer Mac currently operates around the June 1 to May 31 business planning cycle. Because we do not see a need to disrupt Farmer Mac's current planning year cycle, we have modified the final rule to require Farmer Mac's board to adopt an annual business plan based on the plan year, as specified by its board.

Second, Farmer Mac commented on the proposed rule's timeframe for its board's adoption of a business plan no later than 30 days after the beginning of the calendar year, stating it was inconsistent with the board's planning process and meeting schedule. Farmer Mac recommended the rule's language read that its board of directors be required to adopt an annual business plan within 75 days after the beginning of the planning year. Farmer Mac stated that it is the board's established practice to, at its June meeting, review business results for the just-ended plan year (June–May), discuss new or revised objectives and strategies, and preliminarily approve the components of the business plan. Because the board only meets bimonthly, the board again reviews and adopts the plan at its August meeting.

New directors are elected at Farmer Mac's annual meeting in June and begin their service with the Farmer Mac board that same day. Farmer Mac has structured its business plan development and approval process beginning at the June meeting, based on the desire to fully involve new directors in the planning process.

We believe the full involvement of new directors in the planning process is highly beneficial. This process yields the best opportunity for meaningful business planning at Farmer Mac. The final rule requires that the Farmer Mac board annually adopt a business plan no later than 65 days after the beginning of its planning year.

Third, Farmer Mac commented on the proposed rule's requirement for the first year of its business plan to contain a detailed operating budget. Farmer Mac stated in its comment letter that budgets tend to impose rigid requirements for expenses that disregard the high variability of expense relative to income opportunities. In the past, Farmer Mac's board evaluated the merits of budgets versus financial forecasts and concluded that financial forecasts are more appropriate. Farmer Mac's comment letter indicated that financial forecasting allows the board to set targets for income and expenses that are reviewed during the year and adjusted as business and market conditions change. Farmer Mac requested that the final rule reflect the business judgment of its board and require an operating forecast instead of an operating budget in the first year of the plan.

We concur that forecasts of income and expenses for the first year and the ensuing 2 years of the plan, based on clearly defined business assumptions, are appropriate for the board's oversight of Farmer Mac's performance. We are aware that the board reviews Farmer Mac's business performance at least quarterly and expect the board to adjust the business plan as necessary to meet Farmer Mac's business objectives. Accordingly, in the final rule we require forecasted income and expense and balance sheet statements for each year of the plan.

Fourth, Farmer Mac commented that, with respect to business planning, the guidelines of the regulation should allow its board maximum flexibility and discretion in its business planning process and in exercising the business judgment expected of a board of a publicly traded corporation. In the rule, we set forth minimum standards for strategic business planning dictated by good business practices. These minimum standards allow the Farmer Mac board to retain a high degree of flexibility in its business plan; therefore, we are making no changes on this issue in the final rule.

Lastly, Farmer Mac expressed a concern that the requirement that the business plan include detailed 3-year forecasts might expose Farmer Mac to potential securities law liability. The final rule's requirement for a 3-year business plan containing financial forecasts for each year of the plan is a tool for the Farmer Mac board to use in setting direction and overseeing the progress of Farmer Mac. As to exposing Farmer Mac to securities law liability, the business plan is for Farmer Mac's and FCA's internal use and not a public document. Thus, we have made no change to the final rule in response to this comment.

2. Reporting Requirements

The proposed rule requires Farmer Mac to determine its risk-based capital requirements on a pro forma basis at any time that it expects to enter into any new business activity that could have a significant effect on capital. The proposed rule further requires that Farmer Mac report its pro forma determinations to OSMO at least 10-business days prior to implementation of the new business activity. Farmer Mac commented that a pro forma determination of risk-based capital should be made no later than 1 week ''after'' starting a new activity. Farmer Mac stated that we have adequate powers in rulemaking and enforcement to deal with any situation of noncompliance with the capital rule. Farmer Mac further stated that advance notice is similar to a prior approval process that we do not have authority to require.

The rule does not create a prior approval process with respect to future Farmer Mac programs. The rule requires advance notice to us of the effect of new programs on capital to help ensure that any new program does not result in capital insufficiency. It is necessary and prudent to have in place a proactive process to review and evaluate future programs that impact capital prior to implementation. We believe that the use of pro forma determinations is an appropriate tool to evaluate the impact to capital of a pending program prior to its implementation. Further, we question implementation of a program without an internal pro forma analysis of the impact of such a program on the earnings and capital positions of Farmer Mac. We designed the stress test to be an efficient and effective tool for Farmer Mac to make such a pro forma analysis.

We further believe that the reporting of a pro forma analysis to the OSMO

Director at least 10-business days prior to implementation is a reasonable timeframe that provides all parties ample time to discuss possible concerns and make adjustments where necessary and appropriate. A post review is inappropriate and could result in situations where programs might need to be modified after they have been established. Therefore, we continue to require a pro forma determination of the effect on risk-based capital requirements and reporting to the OSMO Director 10 days prior to implementation of a program that could have a significant effect on capital.

B. Examination and Oversight

From a regulatory perspective, the ongoing nature of the risk-based capital stress test facilitates our understanding of how changes in Farmer Mac's business activities will affect its risk profile and resulting capital requirements. The effectiveness of the risk-based capital stress test may be affected by changes in Farmer Mac's operations, underwriting standards or products and services offered.

Therefore, our ongoing monitoring and on-site examination will be integral in assessing Farmer Mac's capital adequacy. Our monitoring and examination program will help ensure that Farmer Mac appropriately implements the risk-based capital stress test. Together, the ongoing monitoring and examination by OSMO will enable us to provide effective regulatory oversight and ensure the adequacy of the regulatory capital standard set by the risk-based capital stress test.

C. Effective Date for Compliance With the Regulation

For the 12-month period beginning on the effective date of this regulation, Farmer Mac must determine a risk-based capital level by implementing the risk-based capital stress test as described in § 650.23 and appendix A of subpart B, and must report the results to us as described in § 650.28. During this 12-month period, Farmer Mac will not be required to maintain capital at the risk-based capital level. Before and after the end of the 12-month period, Farmer Mac must continue to maintain its minimum capital level as prescribed in section 8.33 of the Act. Beginning on the day following the 12-month period, Farmer Mac must comply with all provisions of this subpart.

During the 1-year period following adoption of the final risk-based capital regulation, and on an ongoing basis thereafter, we will examine and verify Farmer Mac's implementation of the risk-based capital stress test. Subsequent to the end of the 12-month period, we will ensure compliance with the regulation, including the specifications identified in appendix A of part 650, subpart B.

D. Audit of the Risk-Based Capital Stress Test

The final rule requires that Farmer Mac have its implementation of the risk-based capital stress test verified and audited once every 3 years by an external independent party. The audit should ensure that the financial data used in the stress test are accurate and that the stress test is implemented in accordance with our regulations.

E. Availability to the Public

As we noted in the beginning of this preamble, section 8.32(d) of the Act requires that the risk-based capital regulations contain specific information on the requirements, definitions, methods and parameters used in implementing the risk-based capital stress test in order to enable others to apply the test in a similar manner. We must also make available to the public any statistical model used to implement the risk-based capital stress test. Appendix A to part 650, subpart B, contains the specific information and instructions needed to run the risk-based capital stress test. An electronic version of the stress test is available to the public on our Web site at *www.fca.gov.*

We note that because of the proprietary nature of specific, transaction-level loan and financial data used in the risk-based capital stress test, it is unlikely that results of the test will be fully reproducible by parties other than Farmer Mac and us. Other parties will, however, be able to approximate the test results on an aggregate basis using publicly available information.

F. Future Risk-Based Capital Requirements

Farm Credit Bank commenters noted that the proposed regulation would not establish capital requirements applicable to any System institution other than Farmer Mac. Nevertheless, they expressed interest in this rulemaking proceeding for several reasons. First, the commenters acknowledged that, ''the development of the proposed stress test model to evaluate mortgage risk is new work in the agricultural mortgage sector.'' The commenters stated that risk-based capital measurement and management will become an increasingly important risk measurement tool for all System institutions. Second, the commenters stated that the final regulations established for Farmer Mac may serve as a precedent for the establishment of revised capital requirements for other System institutions at some point in the future.

At the same time, the commenters noted that we should not be constrained in following these same requirements in evaluating the appropriate capital levels for other System institutions, as the thinking in this area continues to evolve and new approaches may emerge. Finally, the commenters urged us to ensure that the regulatory requirements for all System entities, including Farmer Mac, are fairly and finally determined on a comparable risk basis for the ultimate benefit and protection of America's farmers and ranchers.

We appreciate the commenters' views on future capital requirements. However, we also recognize that the risk-based capital requirements for Farmer Mac are required to be established in response to title VIII of the Act. Title VIII establishes a credit and interest rate risk stress test. The stress test is designed to identify an extreme risk scenario and ensure that sufficient capital is maintained at all times to account for the most stressful risk scenario. In contrast, the structure of the pending Basel Accord revisions is directed toward establishing minimum and/or optimal capital requirements for financial institutions and is not based on one stressful scenario.

Thus, although future development of any System risk-based capital requirements might employ risk-modeling techniques, such modeling would likely be based on a different set of assumptions and statistical methodologies rather than the stress test required in title VIII.

List of Subjects in 12 CFR Part 650

Agriculture, Banks, banking, Conflicts of interest, Rural areas.

For the reasons stated in the preamble, part 650 of chapter VI, title 12 of the Code of Federal Regulations is amended as follows:

PART 650—FEDERAL AGRICULTURAL MORTGAGE CORPORATION

1. The authority citation for part 650 is revised to read as follows:

Authority: Secs. 4.12, 5.9, 5.17, 8.11, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.41 of the Farm Credit Act (12 U.S.C. 2183, 2243, 2252, 2279aa–11, 2279bb, 2279bb–1, 2279bb–2, 2279bb–3, 2279bb–4, 2279bb–5, 2279bb–6, 2279cc); sec. 514 of Pub. L. 102–552, 106 Stat. 4102; sec. 118 of Pub. L. 104–105, 110 Stat. 168.

2. Add subpart B to read as follows:

Subpart B—Risk-Based Capital Requirements

650.20 Definitions.
650.21 General.
650.22 Corporation board guidelines.
650.23 Risk-based capital stress test.
650.24 Risk-based capital level.
650.25 Your responsibility for determining the risk-based capital level.
650.26 When you must determine the risk-based capital level.
650.27 When to report the risk-based capital level.
650.28 How to report your risk-based capital determination.
650.29 Failure to meet capital requirements.
650.30 Effective date for compliance with regulation.
650.31 Audit of the risk-based capital stress test.

Appendix A to Subpart B of Part 650—Risk-Based Capital Stress Test

§ 650.20 Definitions.

For purposes of this subpart, the following definitions will apply:

(a) *Farmer Mac, Corporation, you, and your* means the Federal Agricultural Mortgage Corporation and its affiliates as defined in subpart A of this part.

(b) *Our, us, or we* means the Farm Credit Administration.

(c) *Regulatory capital* means the sum of the following as determined in accordance with generally accepted accounting principles:

(1) The par value of outstanding common stock;

(2) The par value of outstanding preferred stock;

(3) Paid-in capital, which is the amount of owner investment in Farmer Mac in excess of the par value of stock;

(4) Retained earnings; and

(5) Any allowances for losses on loans and guaranteed securities.

(d) *Risk-based capital* means the amount of regulatory capital sufficient for Farmer Mac to maintain positive capital during a 10-year period of stressful conditions as determined by the risk-based capital stress test described in § 650.23.

§ 650.21 General.

You must hold risk-based capital in an amount determined in accordance with this subpart.

§ 650.22 Corporation board guidelines.

(a) Your board of directors is responsible for ensuring that you maintain total capital at a level that is sufficient to ensure continued financial viability and provide for growth. In addition, your capital must be sufficient to meet statutory and regulatory requirements.

(b) No later than 65 days after the beginning of Farmer Mac's planning year, your board of directors must adopt an operational and strategic business plan for at least the next 3 years. The plan must include:

(1) A mission statement;

(2) A review of the internal and external factors that are likely to affect you during the planning period;

(3) Measurable goals and objectives;

(4) Forecasted income, expense, and balance sheet statements for each year of the plan; and,

(5) A capital adequacy plan.

(c) The capital adequacy plan must include capital targets necessary to achieve the minimum, critical and risk-based capital standards specified by the Act and this subpart as well as your capital adequacy goals. The plan must address any projected dividends, equity retirements, or other action that may decrease your capital or its components for which minimum amounts are required by this subpart. You must specify in your plan the circumstances in which stock or equities may be retired. In addition to factors that must be considered in meeting the statutory and regulatory capital standards, your board of directors must also consider at least the following factors in developing the capital adequacy plan:

(1) Capability of management;

(2) Strategies and objectives in your business plan;

(3) Quality of operating policies, procedures, and internal controls;

(4) Quality and quantity of earnings;

(5) Asset quality and the adequacy of the allowance for losses to absorb potential losses in your retained mortgage portfolio, securities guaranteed as to principal and interest, commitments to purchase mortgages or securities, and other program assets or obligations;

(6) Sufficiency of liquidity and the quality of investments; and

(7) Any other risk-oriented activities, such as funding and interest rate risks, contingent and off-balance sheet liabilities, or other conditions warranting additional capital.

§ 650.23 Risk-based capital stress test.

You will perform the risk-based capital stress test as described in summary form in this section and as described in detail in Appendix A to this subpart. The risk-based capital stress test spreadsheet is also available electronically at www.fca.gov. The risk-based capital stress test has five components:

(a) *Data requirements.* You will use the following data to implement the risk-based capital stress test.

(1) You will use Corporation loan-level data to implement the credit risk component of the risk-based capital stress test.

(2) You will use Call Report data as the basis for Corporation data over the 10-year stress period supplemented with your interest rate risk measurements and tax data.

(3) You will use other data, including the 10-year Constant Maturity Treasury (CMT) rate and the applicable Internal Revenue Service corporate income tax schedule, as further described in Appendix A to this subpart.

(b) *Credit risk.* The credit risk part estimates loan losses during a period of sustained economic stress.

(1) For each loan in the Farmer Mac I portfolio, you will determine a default probability by using the logit functions specified in Appendix A to this subpart with each of the following variables:

(i) Borrower's debt-to-asset ratio at loan origination;

(ii) Loan-to-value ratio at origination, which is the loan amount divided by the value of the property;

(iii) Debt-service-coverage ratio at origination, which is the borrower's net income (on- and off-farm) plus depreciation, capital lease payments, and interest, less living expenses and income taxes, divided by the total term debt payments;

(iv) The origination loan balance stated in 1997 dollars based on the consumer price index; and

(v) The worst-case percentage change in farmland values (23.52 percent).

(2) You will then calculate the loss rate by multiplying the default probability for each loan by the estimated loss-severity rate, which is the average loss of the defaulted loans in the data set (20.9 percent).

(3) You will calculate losses by multiplying the loss rate by the origination loan balances stated in 1997 dollars.

(4) You will adjust the losses for loan seasoning, based on the number of years since loan origination, according to the functions in Appendix A to this subpart.

(5) The losses must be applied in the risk-based capital stress test as specified in Appendix A to this subpart.

(c) *Interest rate risk.* (1) During the first year of the stress period, you will adjust interest rates for two scenarios, an increase in rates and a decrease in rates. You must determine your risk-based capital level based on whichever scenario would require more capital.

(2) You will calculate the interest rate stress based on changes to the quarterly average of the 10-year CMT. The starting rate is the 3-month average of the most recent CMT monthly rate series. To calculate the change in the starting rate, determine the average yield of the

preceding 12 monthly 10-year CMT rates. Then increase and decrease the starting rate by:

(i) 50 percent of the 12-month average if the average rate is less than 12 percent; or

(ii) 600 basis points if the 12-month average rate is equal to or higher than 12 percent.

(3) Following the first year of the stress period, interest rates remain at the new level for the remainder of the stress period.

(4) You will apply the interest rate changes scenario as indicated in Appendix A to this subpart.

(5) You may use other interest rate indices in addition to the 10-year CMT subject to our concurrence, but in no event can your risk-based capital level be less than that determined by using only the 10-year CMT.

(d) *Cashflow generator.* (1) You must adjust your financial statements based on the credit risk inputs and interest rate risk inputs described above to generate pro forma financial statements for each year of the 10-year stress test. The cashflow generator produces these financial statements. You may use the cashflow generator spreadsheet that is described in Appendix A to this subpart and available electronically at *www.fca.gov.* You may also use any reliable cashflow program that can develop or produce pro forma financial statements using generally accepted accounting principles and widely recognized financial modeling methods, subject to our concurrence. You may disaggregate financial data to any greater degree than that specified in Appendix A to this subpart, subject to our concurrence.

(2) You must use model assumptions to generate financial statements over the 10-year stress period. The major assumption is that cashflows generated by the risk-based capital stress test are based on a steady state scenario. To implement a steady state scenario, when on- and off-balance sheet assets and liabilities amortize or are paid down, you must replace them with similar assets and liabilities. Replace amortized assets from discontinued loan programs with current loan programs. In general, keep assets with small balances in constant proportions to key program assets.

(3) You must simulate annual pro forma balance sheets and income statements in the risk-based capital stress test using Farmer Mac's starting position, the credit risk and interest rate risk components, resulting cashflow outputs, current operating strategies and policies, and other inputs as shown in Appendix A to this subpart and the electronic spreadsheet available at www.fca.gov.

(e) *Calculation of capital requirement.* The calculations that you must use to solve for the starting regulatory capital amount are shown in appendix A to this subpart and in the electronic spreadsheet available at www.fca.gov.

§ 650.24 Risk-based capital level.

The risk-based capital level is the sum of the following amounts:

(a) *Credit and interest rate risk.* The amount of risk-based capital determined by the risk-based capital test under § 650.23.

(b) *Management and operations risk.* Thirty (30) percent of the amount of risk-based capital determined by the risk-based capital test in § 650.23.

§ 650.25 Your responsibility for determining the risk-based capital level.

(a) You must determine your risk-based capital level using the procedures in this subpart, appendix A to this subpart, and any other supplemental instructions provided by us. You will report your determination to us as prescribed in § 650.28. At any time, however, we may determine your risk-based capital level using the procedures in § 650.23 and appendix A to this subpart, and you must hold risk-based capital in the amount we determine is appropriate.

(b) You must at all times comply with the risk-based capital levels established by the risk-based capital stress test and must be able to determine your risk-based capital level at any time.

(c) If at any time the risk-based capital level you determine is less than the minimum capital requirements set forth in section 8.33 of the Act, you must maintain the statutory minimum capital level.

§ 650.26 When you must determine the risk-based capital level.

(a) You must determine your risk-based capital level at least quarterly, or whenever changing circumstances occur that have a significant effect on capital, such as exposure to a high volume of, or particularly severe, problem loans or a period of rapid growth.

(b) In addition to the requirements of paragraph (a) of this section, we may require you to determine your risk-based capital level at any time.

(c) If you anticipate entering into any new business activity that could have a significant effect on capital, you must determine a pro forma risk-based capital level, which must include the new business activity, and report this pro forma determination to the Director, Office of Secondary Market Oversight, at least 10-business days prior to implementation of the new business program.

§ 650.27 When to report the risk-based capital level.

(a) You must file a risk-based capital report with us each time you determine your risk-based capital level as required by § 650.26.

(b) You must also report to us at once if you identify in the interim between quarterly or more frequent reports to us that you are not in compliance with the risk-based capital level required by § 650.24.

(c) If you make any changes to the data used to calculate your risk-based capital requirement that cause a material adjustment to the risk-based capital level you reported to us, you must file an amended risk-based capital report with us within 5-business days after the date of such changes;

(d) You must submit your quarterly risk-based capital report for the last day of the preceding quarter not later than the last business day of April, July, October, and January of each year.

§ 650.28 How to report your risk-based capital determination.

(a) Your risk-based capital report must contain at least the following information:

(1) All data integral for determining the risk-based capital level, including any business policy decisions or other assumptions made in implementing the risk-based capital test;

(2) Other information necessary to determine compliance with the procedures for determining risk-based capital as specified in Appendix A to this subpart; and,

(3) Any other information we may require in written instructions to you.

(b) You must submit each risk-based capital report in such format or medium, as we require.

§ 650.29 Failure to meet capital requirements.

(a) *Determination and notice.* At any time, we may determine that you are not meeting your risk-based capital level calculated according to § 650.23, your minimum capital requirements specified in section 8.33 of the Act, or your critical capital requirements specified in section 8.34 of the Act. We will notify you in writing of this fact and the date by which you should be in compliance (if applicable).

(b) *Submission of capital restoration plan.* Our determination that you are not meeting your required capital levels may require you to develop and submit to us, within a specified time period, an

acceptable plan to reach the appropriate capital level(s) by the date required.

§ 650.30 Effective date for compliance with regulation.

For the 12-month period beginning on the effective date of this subpart, you must determine a risk-based capital level by implementing the risk-based capital stress test as described in § 650.23 and Appendix A to this subpart, and you must report the results to us as described in § 650.28. During this 12-month period, you will not be required to maintain capital at the risk-based capital level, but you must maintain your minimum capital level as prescribed in section 8.33 of the Act. Beginning on the day following the 12-month period, you must comply with all provisions of this subpart.

§ 650.31 Audit of the risk-based capital stress test.

You must have a qualified, independent external auditor review your implementation of the risk-based capital stress test every 3 years and submit a copy of the auditor's opinion to us.

Appendix A—Subpart B of Part 650—Risk-Based Capital Stress Test

1.0 Introduction.
2.0 Credit Risk.
2.1 Loss-Frequency and Loss-Severity Models.
2.2 Loan-Seasoning Adjustment.
2.3 Example Calculation of Dollar Loss on One Loan.
2.4 Treatment of Long-term Standby Purchase Commitments.
2.5 Calculation of Loss Rates for Use in the Stress Test.
3.0 Interest Rate Risk.
3.1 Process for Calculating the Interest Rate Movement.
4.0 Elements Used in Generating Cashflows.
4.1 Data Inputs.
4.2 Assumptions and Relationships.
4.3 Risk Measures.
4.4 Loan and Cashflow Accounts.
4.5 Income Statements.
4.6 Balance Sheets.
4.7 Capital.
5.0 Capital Calculation.
5.1 Method of Calculation.

1.0 Introduction

a. Appendix A provides details about the risk-based capital stress test (stress test) for Farmer Mac. The stress test calculates the risk-based capital level required by statute under stipulated conditions of credit risk and interest rate risk. The stress test uses loan-level data from Farmer Mac's agricultural mortgage portfolio, as well as quarterly Call Report and related information to generate pro forma financial statements and calculate a risk-based capital requirement. The stress test also uses historic agricultural real estate mortgage performance data, relevant economic variables, and other inputs in its calculations of Farmer Mac's capital needs over a 10-year period.

b. Appendix A establishes the requirements for all components of the stress test. The key components of the stress test are: specifications of credit risk, interest rate risk, the cashflow generator, and the capital calculation. Linkages among the components ensure that the measures of credit and interest rate risk pass into the cashflow generator. The linkages also transfer cashflows through the financial statements to represent values of assets, liabilities, and equity capital. The 10-year projection is designed to reflect a steady state in the scope and composition of Farmer Mac's assets.

2.0 Credit Risk

Loan loss rates are determined by applying loss-frequency and loss-severity equations to Farmer Mac loan-level data. From these equations, you must calculate loan losses under stressful economic conditions assuming Farmer Mac's portfolio remains at a ''steady state.'' Steady state assumes the underlying characteristics and risks of Farmer Mac's portfolio remain constant over the 10 years of the stress test. Loss rates are computed from estimated dollar losses for use in the stress test. The loan volume subject to loss throughout the stress test is then multiplied by the loss rate. Lastly, the stress test allocates losses to each of the 10 years assuming a time pattern for loss occurrence as discussed in section 4.3, ''Risk Measures.''

2.1 Loss-Frequency and Loss-Severity Models

a. Credit risks are modeled in the stress test using historical time series loan-level data to measure the frequency and severity of losses on agricultural mortgage loans. The model relates loss frequency and severity to loan-level characteristics and economic conditions through appropriately specified regression equations to account explicitly for the effects of these characteristics on loan losses. Loan losses for Farmer Mac are estimated from the resulting loss-frequency and loss-severity equations by substituting the respective values of Farmer Mac's loan-level data, and applying stressful economic inputs.

b. The loss-frequency and loss-severity equations were estimated from historical agricultural real estate mortgage loan data from the Farm Credit Bank of Texas (FCBT). Due to Farmer Mac's relatively short history, its own loan-level data are insufficiently developed for use in estimating default frequency and loss-severity equations. In the future, however, expansions in both the scope and historic length of Farmer Mac's lending operations may support the use of its data in estimating the relationships.

c. To estimate the equations, the data used included FCBT loans, which satisfied three of the four underwriting standards Farmer Mac currently uses (estimation data). The four standards specify: (1) The debt-to-assets ratio (D/A) must be less than 0.50, (2) the loan-to-value ratio (LTV) must be less than 0.70, (3) the debt-service-coverage ratio (DSCR) must exceed 1.25, (4) and the current ratio (current assets divided by current liabilities) must exceed 1.0. Furthermore, the D/A and LTV ratios were restricted to be less than or equal to 0.85.

d. Several limitations in the FCBT loan-level data affect construction of the loss-frequency equation. The data contained loans that were originated between 1979 and 1992, but there were virtually no losses during the early years of the sample period. As a result, losses attributable to specific loans are only available from 1986 through 1992. In addition, no prepayment information was available in the data.

e. The FCBT data used for estimation also included as performing loans, those loans that were re-amortized, paid in full, or merged with a new loan. Including these loans may lead to an understatement of loss-frequency probabilities if some of the re-amortized, paid, or merged loans experience default or incur losses. In contrast, when the loans that are re-amortized, paid in full, or merged are excluded from the analysis, the loss-frequency rates are overstated if a higher proportion of loans that are re-amortized, paid in full, or combined (merged) into a new loan are non-default loans compared to live loans.[1]

f. The structure of the historical FCBT data supports estimation of loss frequency based on origination information and economic conditions. Under an origination year approach, each observation is used only once in estimating loan default. The underwriting variables at origination and economic factors occurring over the life of the loan are then used to estimate loan-loss frequency.

g. The final loss-frequency equation is based on origination year data and represents a lifetime loss-frequency model. The final equation for loss frequency is:

$$p = 1/(1+\exp(-(BX))$$

Where:

$$BX = (-12.62738) + 1.91259 \cdot X_1 + (-0.33830) \cdot X_2 / (1 + 0.0413299)^{\text{Periods}} + (-0.19596) \cdot X_3 + 4.55390 \cdot (1 - \exp((-0.00538178) \cdot X_4) + 2.49482 \cdot X_5$$

Where:

- p is the probability that a loan defaults and has positive losses (Pr (Y=1|x));
- X_1 is the LTV ratio at loan origination raised to the power 5.3914596;[2]
- X_2 is the largest annual percentage decline in FCBT farmland values during the life of the loan dampened with a factor of 0.0413299 per year;[3]
- X_3 is the DSCR at loan origination;
- X_4 is 1 minus the exponential of the product of negative 0.00538178 and the

[1] Excluding loans with defaults, 11,527 loans were active and 7,515 loans were paid in full, re-amortized or merged as of 1992. A t-test[2] of the differences in the means for the group of defaulted loans and active loans indicated that active loans had significantly higher D/A and LTV ratios, and lower current ratios than defaulted loans where loss occurred. These results indicate that, on average, active loans have potentially higher risk than loans that were re-amortized, paid in full, or merged.

[2] Loss probability is likely to be more sensitive to changes in LTV at higher values of LTV. The power function provides a continuous relationship between LTV and defaults.

[3] The dampening function reflects the declining effect that the maximum land value decline has on the probability of default when it occurs later in a loan's life.

original loan balance in 1997 dollars expressed in thousands; and

- X_5 is the D/A ratio at loan origination.

h. The estimated logit coefficients and p-values are: [4]

	Coefficients	p-value
Intercept	−12.62738	<0.0001
X_1: LTV variable	1.91259	0.0001
X_2: Max land value decline variable	0.33830	<0.0001
X_3: DSCR	−0.19596	0.0002
X_4: Loan size variable	4.55390	<0.0001
X_5: D/A ratio	2.49482	<0.0000

i. The low p-values on each coefficient indicate a highly significant relationship between the probability ratio of loan-loss frequency and the respective independent variables. Other goodness-of-fit indicators are:

Hosmer and Lemeshow goodness-of-fit p-value.	0.1718
Max-rescaled R^2	0.2015
Concordant	85.2%
Disconcordant	12.0%
Tied	2.8%

j. These variables have logical relationships to the incidence of loan default and loss, as evidenced by the findings of numerous credit-scoring studies in agricultural finance.[5] Each of the variable coefficients has directional relationships that appropriately capture credit risk from underwriting variables and, therefore, the incidence of loan-loss frequency. The frequency of loan loss was found to differ significantly across all of the loan characteristics and lending conditions. Farmland values represent an appropriate variable for capturing the effects of exogenous economic factors. It is commonly accepted that farmland values at any point in time reflect the discounted present value of expected returns to the land.[6] Thus, changes in land values, as expressed in the loss-frequency equation, represent the combined effects of the level and growth rates of farm income, interest rates, and inflationary expectations—each of which is accounted for in the discounted, present value process.

k. When applying the equation to Farmer Mac's portfolio, you must get the input values for X_1, X_3, X_4, and X_5 for each loan in Farmer Mac's portfolio on the date at which the stress test is conducted. For the variable X_2, the stressful input value from the benchmark loss experience is −23.52 percent. You must apply this input to all Farmer Mac loans subject to loss to calculate loss frequency under stressful economic conditions.[7] The maximum land value decline from the benchmark loss experience is the simple average of annual land value changes for Iowa, Illinois, and Minnesota for the years 1984 and 1985.[8]

l. Forecasting with data outside the range of the estimation data requires special treatment for implementation. While the estimation data embody Farmer Mac values for various loan characteristics, the maximum farmland price decline experienced in Texas was −16.69 percent, a value below the benchmark experience of −23.52 percent. To control for this effect, you must apply a procedure that restricts the slope of all the independent variables to that observed at the maximum land value decline observed in the estimation data. Essentially, you must approximate the slope of the loss-frequency equation at the point −16.69 percent in order to adjust the probability of loan default and loss occurrence for data beyond the range in the estimating data. The adjustment procedure is shown in step 4 of section 2.3 entitled, ''Example Calculation of Dollar Loss on One Loan.''

m. Loss severity was not found to vary systematically and was considered constant across the tested loan characteristics and lending conditions. Thus, the simple weighted average by loss volume of 20.9 percent is used in the stress test.[9] You must multiply loss severity with the probability estimate computed from the loss-frequency equation to determine the loss rate for a loan.

n. Using original loan balance results in estimated probabilities of loss frequency over the entire life of a loan. To account for loan seasoning, you must reduce the loan-loss exposure by the cumulative probability of loss already experienced by each loan as discussed in section 2.2 entitled, ''Loan-Seasoning Adjustment.'' This subtraction is based on loan age and reduces the loss estimated by the loss-frequency and loss-severity equations. The result is an age-adjusted lifetime dollar loss that can be used in subsequent calculations of loss rates as discussed in section 2.5, ''Calculation of Loss Rates for Use in the Stress Test.''

2.2 Loan-Seasoning Adjustment

a. You must use the seasoning distribution to adjust each Farmer Mac loan for the cumulative loss exposure already experienced based on age. The effect of seasoning on the probability of loss is represented as a beta distribution. The distribution is based on the estimation data used to determine the loss-frequency equation. Using the estimation data, the cumulative total loss fractions are used to calculate the cumulative proportion of losses at each point in time. The two parameters of the beta distribution are then solved using a least squares error distance function, implemented with Microsoft Excel's solver utility. The spreadsheet for calculating the beta distribution is available on our Web site, *www.fca.gov,* or upon request.

b. The Excel solver utility uses a least squares framework rather than a direct maximum likelihood (product of probabilities) estimator. As a result, the Excel solver utility produces beta distribution parameters that are immaterially different from those estimated directly using a maximum likelihood estimator. The estimation of the beta distribution parameters is based on an average life of 14 years for agricultural mortgages. If the average life of agricultural mortgages in Farmer Mac's portfolio over time differs significantly from 14 years, we may re-estimate the beta distribution parameters.

c. The estimated seasoning beta distribution parameters for a 14-year average loan life that must be used are p = 4.288 and

[4] The nonlinear parameters for the variable transformations were simultaneously estimated using SAS version 8e NLIN procedure. The NLIN procedure produces estimates of the parameters of a nonlinear transformation for LTV, dampening factor, and loan-size variables. To implement the NLIN procedure, the loss-frequency equation and its variables are declared and initial parameter values supplied. The NLIN procedure is an iterative process that uses the initial parameter values as the starting values for the first iteration and continues to iterate until acceptable parameters are solved. The initial values for the power function and dampening function are based on the proposed rule. The procedure for the initial values for the size variable parameter is provided in an Excel spreadsheet posted at *www.fca.gov.*

The Gauss-Newton method is the selected iterative solving process. As described in the preamble, the loss-frequency function for the nonlinear model is the negative of the log-likelihood function, thus producing maximum likelihood estimates. In order to obtain statistical properties for the loss-frequency equation and verify the logistic coefficients, the estimates for the nonlinear transformations are applied to the FCBT data and the loss-frequency model is re-estimated using the SAS Logistic procedure. The SAS procedures, output reports and Excel spreadsheet used to estimate the parameters of the loss-frequency equation are located on the Web site *www.fca.gov.*

[5] Splett, N.S., P. J. Barry, B. Dixon, and P. Ellinger. ''A Joint Experience and Statistical Approach to Credit Scoring,'' *Agricultural Finance Review,* 54(1994):39–54.

[6] Barry, P. J., P. N. Ellinger, J. A. Hopkin, and C. B. Baker. *Financial Management in Agriculture,* 5th ed., Interstate Publishers, 1995.

[7] On- and off-balance sheet Farmer Mac I agricultural mortgage program assets booked after the 1996 Act amendments are subject to the loss calculation.

[8] While the worst-case losses, based on origination year, occurred during 1983 and 1984, this benchmark was determined using annual land value changes that occurred 2 years later.

[9] We calculated the weighted-average loss severity from the estimation data.

q = 5.3185.[10] How the loan-seasoning distribution is used is shown in Step 7 of section 2.3, ''Example Calculation of Dollar Loss on One Loan.''

2.3 Example Calculation of Dollar Loss on One Loan

Here is an example of the calculation of the dollar losses for an individual loan with the following characteristics and input values: [11]

Loan Origination Year	1996
Loan Origination Balance	$1,250,000
LTV at Origination	0.5
D/A at Origination	0.5
DSCR at Origination	1.3984
Maximum Percentage Land Price Decline (MAX)	−23.52

Step 1: Convert 1996 Origination Value to 1997 dollar value (LOAN) based on the consumer price index and transform as follows:

$1,278,500 = $1,250,000 · 1.0228

0.998972 = 1 − exp((−.00538178) · $1,278,500 / 1000)

Step 2: Calculate the default probabilities using −16.64 percent and −16.74 percent land value declines as follows: [12]

Where,

Z_1 = (−12.62738) + 1.91259 · $LTV^{5.3914596}$ − 0.33830 · (−16.6439443) − 0.19596 · DSCR + 4.55390 · 0.998972 + 2.49482 · DA = (−1.428509)

Default Loss Frequency @ (−16.64%) = 1 / 1 + $\exp^{-(-1.428509)}$ = 0.19333111

And

Z_1 = (−12.62738) + 1.91259 · $LTV^{5.3914596}$ − 0.33830 · (−16.7439443) − 0.19596 · DSCR + 4.55390 · 0.998972 + 2.49482 · DA = (−1.394679)

Loss Frequency Probability @ (−16.74%) = 1 / 1 + $\exp^{-(-1.394679)}$ = 0.19866189

Step 3: Calculate the slope adjustment. You must calculate slope by subtracting the difference between ''Loss-Frequency Probability @ −16.64 percent'' and ''Loss-Frequency Probability @ −16.74 percent'' and dividing by −0.1 (the difference between −16.64 percent and −16.74 percent) as follows:

0.05330776 = (0.19333111 − 0.19866189) / −0.1

Step 4: Make the linear adjustment. You make the adjustment by increasing the loss-frequency probability where the dampened stressed farmland value input is less than −16.69 percent to reflect the stressed farmland value input, appropriately discounted. As discussed previously, the stressed land value input is discounted to reflect the declining effect that the maximum land value decline has on the probability of default when it occurs later in a loan's life.[13] The linear adjustment is the difference between −16.69 percent land value decline and the adjusted stressed maximum land value decline input of −23.52 multiplied by the slope estimated in Step 3 as follows:

Loss Frequency −16.69 percent =

Z_1 = (−12.62738) + (1.91259)($LTV^{5.3914596}$) − (0.33830) (−16.6939443) − (0.19596) (DSCR) + (4.55390)(0.998972) + (2.49482) (DA) = −1.411594

And

1 / 1 + $\exp^{-(-1.411594)}$ = 0.19598279

Dampened Maximum Land Price Decline = (−20.00248544) = (−23.52)$(1.0413299)^{-4}$

Slope Adjustment = 0.17637092 = 0.053312247 · (−16.6939443 − (−20.00248544))

Loan Default Probability = 0.37235371 = 0.19598279 + 0.17637092

Step 5: Multiply loan default probability times the average severity of 0.209 as follows:

0.077821926 = 0.37235371 · 0.209

Step 6: Multiply the loss rate times the origination loan balance as follows:

$97,277 = $1,250,000 · 0.077821926

Step 7: Adjust the origination based dollar losses for 4 years of loan seasoning as follows:

$81,987 = $97,277 − $97,277 · (0.157178762) [14]

2.4 Treatment of Long-Term Standby Purchase Commitments

The loss-frequency equation cannot be directly used to compute the loss exposure on loans covered by a long-term standby purchase commitment (standbys) because complete underwriting standards for these loans are unavailable. Instead, the initial loss rate applied to each standby loan is the respective state-level average loss rate unadjusted for loan seasoning. You must calculate the state-level loss rates from non-standby loans as total dollar loan losses before the loan-seasoning adjustment divided by total origination loan balances. Then, you must multiply the origination loan balance of each standby loan by the appropriate loss rate to calculate estimated dollar losses. You must then adjust the resulting standby loan-level dollar losses adjusted for loan seasoning as was done for non-standby loans. For example, consider a $1,000,000 standby loan originated in Idaho in 1990. And, suppose the unadjusted loss rate for Idaho is 3 percent. The loss for this loan is:

($1,000,000 · 0.03) = $30,000.

The loan is 7 years old, thus the seasoning adjustment is 0.635989125. The estimated age-adjusted losses for the standby loan are:

$10,920 = ($30,000)(1 − 0.635989125)

2.5 Calculation of Loss Rates for Use in the Stress Test

a. You must compute the loss rates by state (based on Farmer Mac's loan portfolio distribution) after you calculate dollar loan losses for each loan subject to loss in Farmer Mac's portfolio. The estimated lifetime losses adjusted for loan seasoning for non-standby loans are computed as total dollar loan losses adjusted for loan seasoning divided by total scheduled current loan balances for each state. Similarly, you must calculate the estimated lifetime losses and adjust for loan seasoning for standby loans. This calculation is the total dollar loan losses adjusted for loan seasoning divided by total scheduled current loan balances for each state. You must then blend the resulting state-level loss rates for non-standby and standby loans by blending the average loss rate for each state weighted by volume. The state loss rates estimated for Farmer Mac's loan portfolio are calculated in the spreadsheet, ''Credit Loss Module.XLS.'' This spreadsheet is available for download on our Web site, *www.fca.gov,* or will be provided upon request. The blended loss rates for each state are copied from the ''Credit Loss Module'' to the stress test spreadsheet for determining Farmer Mac's regulatory capital requirement.

b. The stress test use of the blended loss rates is further discussed in section 4.3, ''Risk Measures.''

3.0 Interest Rate Risk

The stress test explicitly accounts for Farmer Mac's vulnerability to interest rate risk from the movement in interest rates specified in the statute. The stress test considers Farmer Mac's interest rate risk position through the current structure of its balance sheet, reported interest rate risk shock-test results,[15] and other financial activities. The stress test calculates the effect of interest rate risk exposure through market value changes of interest-bearing assets, liabilities, and off-balance sheet transactions, and thereby the effects to equity capital. The stress test also captures this exposure through the cashflows on rate-sensitive assets and liabilities. We discuss how to calculate the dollar impact of interest rate risk in section 4.6, ''Balance Sheets.''

3.1 Process for Calculating the Interest Rate Movement

a. The stress test uses the 10-year Constant Maturity Treasury (10-year CMT) released by the Federal Reserve in HR. 15, ''Selected Interest Rates.'' The stress test uses the 10-year CMT to generate earnings yields on assets, expense rates on liabilities, and changes in the market value of assets and liabilities. For stress test purposes, the starting rate for the 10-year CMT is the 3-month average of the most recent monthly rate series published by the Federal Reserve. The 3-month average is calculated by summing the latest monthly series of the 10-year CMT and dividing by three. For

[10] We estimated the loan-seasoning distribution from portfolio aggregate charge-off rates from the estimation data. To do so, we arrayed all defaulting loans where loss occurred according to the time from origination to default. Then, a beta distribution, β(p, q), was fit to the estimation data scaled to the maximum time a loan survived (14 years).

[11] In the examples presented we rounded the numbers, but the example calculation are based on a larger number of significant digits. The stress test uses additional digits carried at the default precision of the software.

[12] This process facilitates the approximation of slope needed to adjust the loss probabilities for land value declines greater than observed in the estimation data.

[13] The dampened period is the number of years from the beginning of the origination year to the current year (i.e., January 1, 1996, to January 1, 2000, is 4 years).

[14] The age adjustment of 0.157178762 is determined from the beta distribution for a 4-year old loan.

[15] See paragraph c of section 4.1 entitled, ''Data Inputs'' for a description of the interest rate risk shock-reporting requirement.

instance, you would calculate the initial rate on June 30, 1999, as:

Month end	10-year CMT monthly series
04/1999	5.18
05/1999	5.54
06/1999	5.90
Average	5.54

b. The amount by which the stress test shocks the initial rate up and down is determined by calculating the 12-month average of the 10-year CMT monthly series. If the resulting average is less than 12 percent, the stress test shocks the initial rate by an amount determined by multiplying the 12-month average rate by 50 percent. However, if the average is greater than or equal to 12 percent, the stress test shocks the initial rate by 600 basis points. For example, determine the amount by which to increase and decrease the initial rate for June 30, 1999, as follows:

Month end	10-year CMT monthly series
07/1998	5.46
08/1998	5.34
09/1998	4.81
10/1998	4.53
11/1998	4.83
12/1998	4.65
01/1999	4.72
02/1999	5.00
03/1999	5.23
04/1999	5.18
05/1999	5.54
06/1999	5.90
12-Month Average	5.10

Calculation of Shock Amount:

12-Month Average Less than 12%	Yes
12-Month Average	5.10
Multiply the 12-Month Average by	50%
Shock in basis points equals	255

c. You must run the stress test for two separate changes in interest rates: (i) An immediate increase in the initial rate by the shock amount; and (ii) immediate decrease in the initial rate by the shock amount. The stress test then holds the changed interest rate constant for the remainder of the 10-year stress period. For example, at June 30, 1999, the stress test would be run for an immediate and sustained (for 10 years) upward movement in interest rates to 8.09 percent (5.54 percent plus 255 basis points) and also for an immediate and sustained (for 10 years) downward movement in interest rates to 2.99 percent (5.54 percent minus 255 basis points). The movement in interest rates that results in the greatest need for capital is then used to determine Farmer Mac's risk-based capital requirement.

4.0 Elements Used in Generating Cashflows

a. This section describes the elements that are required for implementation of the stress test and assessment of Farmer Mac capital performance through time. An Excel spreadsheet named FAMC RBCST, available at www.fca.gov, contains the stress test, including the cashflow generator. The spreadsheet contains the following seven worksheets:

(1) Data Input;
(2) Assumptions and Relationships;
(3) Risk Measures (credit risk and interest rate risk);
(4) Loan and Cashflow Accounts;
(5) Income Statements;
(6) Balance Sheets; and
(7) Capital.

b. Each of the components is described in further detail in sections 4.1 through 4.7 of this appendix with references where appropriate to the specific worksheets within the Excel spreadsheet. The stress test may be generally described as a set of linked financial statements that evolve over a period of 10 years using generally accepted accounting conventions and specified sets of stressed inputs. The stress test uses the initial financial condition of Farmer Mac, including earnings and funding relationships, and the credit and interest rate stressed inputs to calculate Farmer Mac's capital performance through time. The stress test then subjects the initial financial conditions to the first period set of credit and interest rate risk stresses, generates cashflows by asset and liability category, performs necessary accounting postings into relevant accounts, and generates an income statement associated with the first interval of time. The stress test then uses the income statement to update the balance sheet for the end of period 1 (beginning of period 2). All necessary capital calculations for that point in time are then performed.

c. The beginning of the period 2 balance sheet then serves as the departure point for the second income cycle. The second period's cashflows and resulting income statement are generated in similar fashion as the first period's except all inputs (i.e., the periodic loan losses, portfolio balance by category, and liability balances) are updated appropriately to reflect conditions at that point in time. The process evolves forward for a period of 10 years with each pair of balance sheets linked by an intervening set of cashflow and income statements. In this and the following sections, additional details are provided about the specification of the income-generating model to be used by Farmer Mac in calculating the risk-based capital requirement.

4.1 Data Inputs

The stress test requires the initial financial statement conditions and income generating relationships for Farmer Mac. The worksheet named ''Data Inputs'' contains the complete data inputs and the data form used in the stress test. The stress test uses these data and various assumptions to calculate pro forma financial statements. For stress test purposes, Farmer Mac is required to supply:

a. *Call Report Schedules RC: Balance Sheet and RI: Income Statement.* These schedules form the starting financial position for the stress test. In addition, the stress test calculates basic financial relationships and assumptions used in generating pro forma annual financial statements over the 10-year stress period. Financial relationships and assumptions are in section 4.2, ''Assumptions and Relationships.''

b. *Cashflow Data for Asset and Liability Account Categories.* The necessary cashflow data for the spreadsheet-based stress test are book value, weighted average yield, weighted average maturity, conditional prepayment rate, weighted average amortization, and weighted average guarantee fees. The spreadsheet uses this cashflow information to generate starting and ending account balances, interest earnings, guarantee fees, and interest expense. Each asset and liability account category identified in this data requirement is discussed in section 4.2, ''Assumptions and Relationships.''

c. *Interest Rate Risk Measurement Results.* The stress test uses the results from Farmer Mac's interest rate risk model to represent changes in the market value of assets, liabilities, and off-balance sheet positions during upward and downward instantaneous shocks in interest rates of 300, 250, 200, 150, and 100 basis points. The stress test uses these data to calculate a schedule of estimated effective durations representing the market value effects from a change in interest rates. The stress test uses a linear interpolation of the duration schedule to relate a change in interest rates to a change in the market value of equity. This calculation is described in paragraph 4.4 entitled, ''Loan and Cashflow Accounts,'' and is illustrated in the referenced worksheet of the stress test.

d. *Loan-Level Data for all Farmer Mac I Program Assets.*

(1) The stress test requires loan-level data for all Farmer Mac I program assets to determine lifetime age-adjusted loss rates. The specific loan data fields required for running the credit risk component are:

All other Farmer Mac I program loans	Long-term standby commitments
Loan Number	Loan Number.
Ending Scheduled Balance	Current Month Actual Balance.
Group	Group.
Pre/Post Act	Pre/Post Act.
Property State	Property State.
Product Type	Product Type.
Origination Date	Note Date.
Origination Loan Balance	Origination Loan Balance.

All other Farmer Mac I program loans	Long-term standby commitments
Origination Scheduled P&I	Cutoff Scheduled P&I.
Origination Appraised Value	Most Recent Appraised Value.
Loan-to-Value Ratio	Loan-To-Value Ratio.
Current Assets	Current Assets.
Current Liabilities	Current Liabilities.
Total Assets	Total Assets.
Total Liabilities	Total Liabilities.
Gross Farm Revenue	Gross Farm Revenue.
Net Farm Income	Net Farm Income.
Depreciation	Depreciation.
Interest on Capital Debt	Interest On Capital Debt.
Capital Lease Payments	Capital Lease Payments.
Living Expenses	Living Expenses.
Income & FICA Taxes	Income & FICA Taxes.
Net Off-Farm Income	Net Off-Farm Income.
Total Debt Service	Total Debt Service.
Guarantee Fee	Commitment Fee Rate.
Seasoned Loan	Seasoned Loan.

(2) From the loan-level data, you must identify the geographic distribution by state of Farmer Mac's loan portfolio and enter the current loan balance for each state in the ''Data Inputs'' worksheet. The lifetime age-adjustment of origination year loss rates was discussed in section 2.0, ''Credit Risk.'' The lifetime age-adjusted loss rates, blended across standby and non-standby program assets are entered in the ''Risk Measures'' worksheet of the stress test. The stress test application of the loss rates is discussed in section 4.3, ''Risk Measures.''

e. *Other Data Requirements.* Other data elements are taxes paid over the previous 2 years, the corporate tax schedule, selected line items from Schedule RS–C of the Call Report, and 10-year CMT information as discussed in section 3.1 entitled, ''Process for Calculating the Interest Rate Movement.'' The stress test uses the corporate tax schedule and previous taxes paid to determine the appropriate amount of taxes, including available loss carry-backs and loss carry-forwards. Three line items found in sections Part II 2.a. and 2.b. of Call Report Schedule RS–C Capital Calculation must also be entered in the ''Data Inputs'' sheet. The two line items found in Part II 2.a. contain the dollar volume off-balance sheet assets relating to the Farmer Mac I and II programs. The off-balance sheet program asset dollar volumes are used to calculate the operating expense regression on a quarterly basis. The single-line item found in Part II 2.b. provides the amount of other off-balance sheet obligations and is presented in the balance sheet section of the stress test for purposes of completeness. The 10-year CMT quarterly average of the monthly series and the 12-month average of the monthly series must be entered in the ''Data Inputs'' sheet. These two data elements are used to determine the starting interest rate and the level of the interest rate shock applied in the stress test.

4.2 Assumptions and Relationships

a. The stress test assumptions are summarized on the worksheet called ''Assumptions and Relationships.'' Some of the entries on this page are direct user entries. Other entries are relationships generated from data supplied by Farmer Mac or other sources as discussed in section 4.1, ''Data Inputs.'' After current financial data are entered, the user selects the date for running the stress test. This action causes the stress test to identify and select the appropriate data from the ''Data Inputs'' worksheet. The next section highlights the degree of disaggregation needed to maintain reasonably representative financial characterizations of Farmer Mac in the stress test. Several specific assumptions are established about the future relationships of account balances and how they evolve.

b. From the data and assumptions, the stress test computes pro forma financial statements for 10 years. The stress test must be run as a ''steady state'' with regard to program balances, and where possible, will use information gleaned from recent financial statements and other data supplied by Farmer Mac to establish earnings and cost relationships on major program assets that are applied forward in time. As documented in the stress test, entries of ''1'' imply no growth and/or no change in account balances or proportions relative to initial conditions. The interest rate risk and credit loss components are applied to the stress test through time. The individual sections of that worksheet are:

(1) *Elements related to cashflows, earnings rates, and disposition of discontinued program assets.*

(A) The stress test accounts for earnings rates by asset class and cost rates on funding. The stress test aggregates investments into the categories of: Cash and money market securities; commercial paper; certificates of deposit; agency mortgage-backed securities and collateralized mortgage obligations; and other investments. With FCA's concurrence, Farmer Mac is permitted to further disaggregate these categories. Similarly, we may require new categories for future activities to be added to the stress test. Loan items requiring separate accounts include the following:

(i) Farmer Mac I program assets post-1996 Act;

(ii) Farmer Mac I program assets post-1996 Act Swap balances;

(iii) Farmer Mac I program assets pre-1996 Act;

(iv) Farmer Mac I AgVantage securities;

(v) Loans held for securitization; and

(vi) Farmer Mac II program assets.

(B) The stress test also uses data elements related to amortization and prepayment experience to calculate and process the implied rates at which asset and liability balances terminate or ''roll off'' through time. Further, for each category, the stress test has the capacity to track account balances that are expected to change through time for each of the categories in paragraph b. (1)(A) of this section. For purposes of the stress test, all assets are assumed to maintain a ''steady state'' with the implication that any principal balances retired or prepaid are replaced with new balances. The exceptions are that expiring pre-1996 Act program assets are replaced with post-1996 Act program assets.

(2) *Elements related to other balance sheet assumptions through time.* As well as interest earning assets, the other categories of the balance sheet that are modeled through time include interest receivable, guarantee fees receivable, prepaid expenses, accrued interest payable, accounts payable, accrued expenses, reserves for losses (loans held and guaranteed securities), and other off-balance sheet obligations. The stress test is consistent with Farmer Mac's existing reporting categories and practices. If reporting practices change substantially, the list in this section will be adjusted accordingly. The stress test has the capacity to have the balances in each of these accounts determined based upon existing relationships to other earning accounts, to keep their balances either in constant proportions of loan or security accounts, or to evolve according to a user-selected rule. For purposes of the stress test, these accounts are to remain constant relative to the proportions of their associated balance sheet accounts that generated the accrued balances.

(3) *Elements related to income and expense assumptions.* Several other parameters that are required to generate pro forma financial statements may not be easily captured from historic data or may have characteristics that suggest that they be individually supplied. These parameters are the gain on agricultural mortgage-backed securities (AMBS) sales, miscellaneous income, operating expenses, reserve

requirement, and guarantee fees. The stress test assumes a 75 basis points gain rate on sales of AMBS securities, recognizing that this parameter, while reasonably related to recent performance, may change with changes in market conditions. Miscellaneous income as a percentage of total assets contributes 2 basis points to income.

(A) Fixed costs and variable costs are determined from historical financial data by running a regression (ordinary least squares) of operating expenses, excluding provision expense and taxes, to on-and off-balance sheet assets, including investments and Farmer Mac program assets. The regression equation can be expressed as:

$$Y = \alpha + \beta_1 \ln(X) + \beta_2 D$$

(B) Where Y is operating expenses excluding provision for loans and tax expenses; ln(X) is the natural log of investments and Farmer Mac program assets held on-and off-balance sheet, and D is a dummy variable (1 represents pre-1996 and 0 represents post-1996). The regression is estimated using ordinary least squares, where (α) is the intercept, (β_1) is the coefficient on the logarithm of on-balance sheet program assets and investments, and off-balance sheet program assets, and (β_2) is the coefficient on the dummy variable.

(C) To run the stress test, the operating expense regression equation must be re-estimated using data from Farmer Mac's inception to the most recent quarterly financial information and the resulting coefficient entered into the ''Assumptions and Relationships'' worksheet. As additional data accumulate, the specification will be re-examined and modified if we deem changing the specification results in a more appropriate representation of operating expenses.

(D) The reserve requirement as a fraction of loan assets can also be specified. However, the stress test is run with the reserve requirement set to zero. Setting the parameter to zero causes the stress test to calculate a risk-based capital level that is comparable to regulatory capital, which includes reserves. Thus, the risk-based capital requirement contains the regulatory capital required, including reserves. The amount of total capital that is allocated to the reserve account is determined by GAAP. The guarantee rates applied in the stress test are: post-1996 Farmer Mac I assets (50 basis points, current weighted average of 42 basis points); pre-1996 Farmer Mac I assets (25 basis points); and Farmer Mac II assets (25 basis points).

(4) *Elements related to earnings rates and funding costs.*

(A) The stress test can accommodate numerous specifications of earnings and funding costs. In general, both relationships are tied to the 10-year CMT interest rate. Specifically, each investment account, each loan item, and each liability account can be specified as fixed rate, or fixed spread to the 10-year CMT with initial rates determined by actual data. The stress test calculates specific spreads (weighted average yield less initial 10-year CMT) by category from the weighted average yield data supplied by Farmer Mac as described earlier. For example, the fixed spread for Farmer Mac I program post-1996 Act mortgages is calculated as follows:

Fixed Spread = Weighted Average Yield less 10-year CMT

$0.014 = 0.0694 - 0.0554$

(B) The resulting fixed spread of 1.40 percent is then added to the 10-year CMT when it is shocked to determine the new yield. For instance, if the 10-year CMT is shocked upward by 300 basis points, the yield on Farmer Mac I program post-1996 Act loans would change as follows:

Yield = Fixed Spread + 10-year CMT

$.0994 = .014 + .0854$

(C) The adjusted yield is then used for income calculations when generating pro forma financial statements. All fixed-spread asset and liability classes are computed in an identical manner using starting yields provided as data inputs from Farmer Mac. The fixed-yield option holds the starting yield data constant for the entire 10-year stress test period. You must run the stress test using the fixed-spread option for all accounts except for discontinued program activities, such as Farmer Mac I program loans made before the 1996 Act. For discontinued loans, the fixed-rate specification must be used if the loans are primarily fixed-rate mortgages.

(5) *Elements related to interest rate shock test.* As described earlier, the interest rate shock test is implemented as a single set of forward interest rates. The stress test applies the up-rate scenario and down-rate scenario separately. The stress test also uses the results of Farmer Mac's shock test, as described in paragraph c. of section 4.1, ''Data Inputs,'' to calculate the impact on equity from a stressful change in interest rates as discussed in section 3.0 titled, ''Interest Rate Risk.'' The stress test uses a schedule relating a change in interest rates to a change in the market value of equity. For instance, if interest rates are shocked upward so that the percentage change is 262 basis points, the linearly interpolated effective estimated duration of equity is -6.7405 years given Farmer Mac's interest rate measurement results at 250 and 300 basis points of -6.7316 and -6.7688 years, respectively found on the effective duration schedule. The stress test uses the linearly interpolated estimated effective duration for equity to calculate the market value change by multiplying duration by the base value of equity before any rate change from Farmer Mac's interest rate risk measurement results with the percentage change in interest rates.

4.3 Risk Measures

a. This section describes the elements of the stress test in the worksheet named ''Risk Measures'' that reflect the interest rate shock and credit loss requirements of the stress test.

b. As described in section 3.1, the stress test applies the statutory interest rate shock to the initial 10-year CMT rate. It then generates a series of fixed annual interest rates for the 10-year stress period that serve as indices for earnings yields and cost of funds rates used in the stress test. (See the ''Risk Measures'' worksheet for the resulting interest rate series used in the stress test.)

c. The blended loss rates by state, as described in section 2.5 entitled, ''Calculation of Loss Rates for Use in the Stress Test,'' are entered into the ''Risk Measures'' worksheet and applied to the loan balances that exist in each state as reported in the initial loan portfolio of Farmer Mac. The initial distribution of loan balances by state is used to allocate new loans that replace loan products that roll off the balance sheet through time. The loss rates are applied both to the initial volume and to new loan volume that replaces expiring loans. The total life of loan losses that are expected at origination are then allocated through time based on a set of user entries describing the time-path of losses.

d. The loss rates estimated in the credit risk component of the stress test are based on an origination year concept, adjusted for loan seasoning. All losses arising from loans originated in a particular year are expressed as lifetime age-adjusted losses irrespective of when the losses actually occur. The fraction of the origination year loss rates that must be used to allocate losses through time are 43 percent to year 1, 17 percent to year 2, 11.66 percent to year 3, and 4.03 percent for the remaining years. The total allocated losses in any year are expressed as a percent of loan volume in that year to reflect the conversion to exposure year.

4.4 Loan and Cashflow Accounts

The worksheet labeled ''Loan and Cashflow Data'' contains the categorized loan data and cashflow accounting relationships that are used in the stress test to generate projections of Farmer Mac's performance and condition. As can be seen in the worksheet, the steady-state formulation results in account balances that remain constant except for the effects of discontinued programs. For assets with maturities under 1 year, the results are reported for convenience as though they matured only one time per year with the additional convention that the earnings/cost rates are annualized. For the pre-1996 Act assets, maturing balances are added back to post-1996 Act account balances. The liability accounts are used to satisfy the accounting identity, which requires assets to equal liabilities plus owner equity. In addition to the replacement of maturities under a steady state, liabilities are increased to reflect net losses or decreased to reflect resulting net gains. Adjustments must be made to the long- and short-term debt accounts to maintain the same relative proportions as existed at the beginning period from which the stress test is run. The primary receivable and payable accounts are also maintained on this worksheet, as is a summary balance of the volume of loans subject to credit losses.

4.5 Income Statements

a. Information related to income performance through time is contained on the worksheet named ''Income Statements.'' Information from the first period balance sheet is used in conjunction with the earnings and cost-spread relationships from Farmer Mac supplied data to generate the first period's income statement. The same set of accounts is maintained in this worksheet as ''Loan and Cashflow Accounts'' for consistency in reporting each annual period of the 10-year stress period of the test. The income from each interest-bearing account is

calculated, as are costs of interest-bearing liabilities. In each case, these entries are the associated interest rate for that period multiplied by the account balances.

b. The credit losses described in section 2.0, ''Credit Risk,'' are transmitted through the provision account as is any change needed to re-establish the target reserve balance. For determining risk-based capital, the reserve target is set to zero as previously indicated in section 4.2. Under the income tax section, it must first be determined whether it is appropriate to carry forward tax losses or recapture tax credits. The tax section then establishes the appropriate income tax liability that permits the calculation of final net income (loss), which is credited (debited) to the retained earnings account.

4.6 Balance Sheets

a. The worksheet named ''Balance Sheets'' is used to construct pro forma balance sheets from which the capital calculations can be performed. As can be seen in the Excel spreadsheet, the worksheet is organized to correspond to Farmer Mac's normal reporting practices. Asset accounts are built from the initial financial statement conditions, and loan and cashflow accounts. Liability accounts including the reserve account are likewise built from the previous period's results to balance the asset and equity positions. The equity section uses initial conditions and standard accounts to monitor equity through time. The equity section maintains separate categories for increments to paid-in-capital and retained earnings and for mark-to-market effects of changes in account values. The process described in the ''Capital'' worksheet uses the initial retained earnings and paid-in-capital account to test for the change in initial capital that permits conformance to the statutory requirements. Therefore, these accounts must be maintained separately for test solution purposes.

b. The market valuation changes due to interest rate movements must be computed utilizing the linearly interpolated schedule of estimated equity effects due to changes in interest rates, contained in the ''Assumptions & Relationships'' worksheet. The stress test calculates the dollar change in the market value of equity by multiplying the base value of equity before any rate change from Farmer Mac's interest rate risk measurement results, the linearly interpolated estimated effective duration of equity, and the percentage change in interest rates. In addition, the earnings effect of the measured dollar change in the market value of equity is estimated by multiplying the dollar change by the blended cost of funds rate found on the ''Assumptions & Relationships'' worksheet. Next, divide by 2 the computed earnings effect to approximate the impact as a theoretical shock in the interest rates that occurs at the mid-point of the income cycle from period t_0 to period t_1. The measured dollar change in the market value of equity and related earnings effect are then adjusted to reflect any tax related benefits. Tax adjustments are determined by including the measured dollar change in the market value of equity and the earnings effect in the tax calculations found in the ''Income Statements'' worksheet. This approach ensures that the value of equity reflects the economic loss or gain in value of Farmer Mac's capital position from a change in interest rates and reflects any immediate tax benefits that Farmer Mac could realize. Any tax benefits in the module are posted through the income statement by adjusting the net taxes due before calculating final net income. Final net income is posted to accumulated unretained earnings in the shareholders' equity portion of the balance sheet. The tax section is also described in section 4.5 entitled, ''Income Statements.''

c. After one cycle of income has been calculated, the balance sheet as of the end of the income period is then generated. The ''Balance Sheet'' worksheet shows the periodic pro forma balance sheets in a format convenient to track capital shifts through time.

d. The stress test considers Farmer Mac's balance sheet as subject to interest rate risk and, therefore, the capital position reflects mark-to-market changes in the value of equity. This approach ensures that the stress test captures interest rate risk in a meaningful way by addressing explicitly the loss or gain in value resulting from the change in interest rates required by the statute.

4.7 Capital

The ''Capital'' worksheet contains the results of the required capital calculations as described in section 5.0, and provides a method to calculate the level of initial capital that would permit Farmer Mac to maintain positive capital throughout the 10-year stress test period.

5.0 Capital Calculation

a. The stress test computes regulatory capital as the sum of the following:

(1) The par value of outstanding common stock;

(2) The par value of outstanding preferred stock;

(3) Paid-in capital;

(4) Retained earnings; and

(5) Reserve for loan and guarantee losses.

b. Inclusion of the reserve account in regulatory capital is an important difference compared to minimum capital as defined by the statute. Therefore, the calculation of reserves in the stress test is also important because reserves are reduced by loan and guarantee losses. The reserve account is linked to the income statement through the provision for loan-loss expense (provision). Provision expense reflects the amount of current income necessary to rebuild the reserve account to acceptable levels after loan losses reduce the account or as a result of increases in the level of risky mortgage positions, both on-and off-balance sheet. Provision reversals represent reductions in the reserve levels due to reduced risk of loan losses or loan volume of risky mortgage positions. When calculating the stress test, the reserve is maintained at zero to result in a risk-based capital requirement that includes reserves, thereby making the requirement comparable to the statutory definition of regulatory capital. By setting the reserve requirement to zero, the capital position includes all financial resources Farmer Mac has at its disposal to withstand risk.

5.1 Method of Calculation

a. Risk-based capital is calculated in the stress test as the minimum initial capital that would permit Farmer Mac to remain solvent for the ensuing 10 years. To this amount, an additional 30 percent is added to account for managerial and operational risks not reflected in the specific components of the stress test.

b. The relationship between the solvency constraint (i.e., future capital position not less than zero) and the risk-based capital requirement reflects the appropriate earnings and funding cost rates that may vary through time based on initial conditions. Therefore, the minimum capital at a future point in time cannot be directly used to determine the risk-based capital requirement. To calculate the risk-based capital requirement, the stress test includes a section to solve for the minimum initial capital value that results in a minimum capital level over the 10 years of zero at the point in time that it would actually occur. In solving for initial capital, it is assumed that reductions or additions to the initial capital accounts are made in the retained earnings accounts, and balanced in the debt accounts at terms proportionate to initial balances (same relative proportion of long- and short-term debt at existing initial rates). Because the initial capital position affects the earnings, and hence capital positions and appropriate discount rates through time, the initial and future capital are simultaneously determined and must be solved iteratively. The resulting minimum initial capital from the stress test is then reported on the ''Capital'' worksheet of the stress test. The ''Capital'' worksheet includes an element that uses Excel's ''solver'' or ''goal seek'' capability to calculate the minimum initial capital that, when added (subtracted) from initial capital and replaced with debt, results in a minimum capital balance over the following 10 years of zero.

Dated: April 5, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–8923 Filed 4–11–01; 8:45 am]

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Federal Register

Thursday,
April 12, 2001

Part V

The President

Proclamation 7424—National Crime Victims' Rights Week, 2001

Proclamation 7425—National D.A.R.E. Day, 2001

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 7424 of April 9, 2001

National Crime Victims' Rights Week, 2001

By the President of the United States of America

A Proclamation

Every day, Americans are making progress both in the fight against crime and in the effort to ensure fair and compassionate treatment of victims and their families. Dedicated volunteers, health care professionals, counselors, and law enforcement personnel in communities large and small are raising the public's awareness that victims have important rights.

Decreasing crime rates are encouraging, but we are far from winning the war against crime. According to the most recent National Crime Victimization Survey, nearly 29 million people were victimized by crime in 1999, including more than 7 million victims of violent crime. Americans cannot afford to be complacent. All of us must continue efforts to stop crime and to improve services for those harmed by crime.

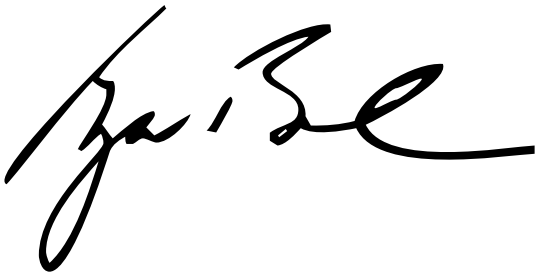
The voices of our Nation's victims continue to have a powerful effect in changing laws, policies, and attitudes to promote victims' rights and services. They encourage every person in America to take a stand and to lend their support. My Administration is committed to improving public safety and to providing justice for all who have been victimized. We will fight for public policies that prevent crimes. We will steadfastly support those responsible for enforcing the laws and protecting the innocent. And we will attempt to see that offenders, not victims, pay the high cost of crime.

Our Nation's commitment to crime victim assistance grows stronger every year, with thousands of programs in place to provide help and hope. My Administration is committed to expanding opportunities for faith-based and charitable organizations dedicated to serving persons in need. Crime victims often turn to faith-based organizations for assistance and support during times of crisis, and religious leaders and communities are vital links in our national network of victim services.

This year marks the 20th anniversary of National Crime Victims' Rights Week. The campaign to win rights for victims parallels other grassroots movements in our Nation's history. These crusades most frequently began as small local movements led by groups of passionate individuals who spoke out in protest when they saw inequities. During this week, let us join in the effort to establish fair legal rights and services for crime victims.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 22 through 28, 2001, as National Crime Victims' Rights Week. I urge all Americans to share the burden of reducing crime in their communities and to follow the example of those who have helped establish rights and improve services for victims.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–9343
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Presidential Documents

Proclamation 7425 of April 10, 2001

National D.A.R.E. Day, 2001

By the President of the United States of America

A Proclamation

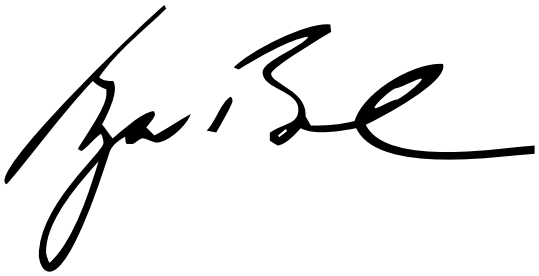
Today, we recognize Drug Abuse Resistance Education (D.A.R.E.), the largest and most widely known substance abuse prevention and anti-violence curriculum in America. For over 18 years, D.A.R.E. has brought specially trained community police officers into America's classrooms to teach children how to resist destructive peer pressure and to live productive drug- and violence-free lives. Every day, millions of children across the United States participate in the instruction given in the D.A.R.E. drug prevention curriculum.

Parents, teachers, community leaders, law enforcement officials, and fellow students have an important role to play in keeping our children away from illegal drugs. Research has shown that ongoing reinforcement of drug prevention skills at home and at school play a critical role in decreasing the likelihood of drug use by our youth. This year, D.A.R.E. has pledged to reach out to thousands of parents with a new parent-specific curriculum to help them talk with their kids about drugs.

Today, we recognize D.A.R.E. as a useful partnership between the research community, educators, law enforcement, parents, and students, and we commend D.A.R.E. officers for their dedicated efforts to help educate the children of America about the importance of remaining drug- and violence-free.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 12, 2001, as National D.A.R.E. Day. I call upon our youth, parents, educators, and all people of the United States to observe this day with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

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Providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics. (Mar. 20, 2001; 115 Stat. 7)

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