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WHEN: Tuesday, May 22, 2001 at 9:00 a.m.

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

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Presidential Documents

Title 3—

The President

Proclamation 7432 of May 4, 2001

Older Americans Month, 2001

By the President of the United States of America

A Proclamation

In cities, towns, and communities across the United States, older Americans make countless contributions to the life of our Nation. Each year, during the month of May, Americans acknowledge in a special way the contributions of older Americans to our society. This year's theme, ''The Many Faces of Aging,'' calls on us to recognize the richness and the promise of our rapidly increasing older population.

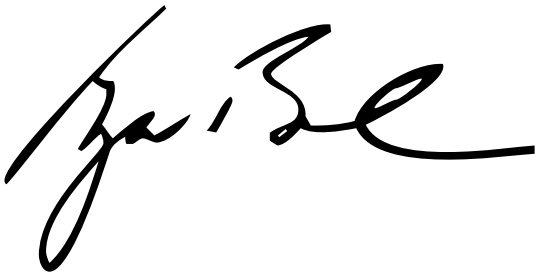
Older adults have much to teach us, from persevering in the face of hardship to sustaining our family structure and caring for those in need. Generations of older Americans have done the hard work of building communities, places of worship, businesses, and schools, laying the foundation for our American way of life. Embodying the steadfast devotion, courage, and sacrifice that our ancestors brought to this country, older Americans continue to energize our national life. Many of these former teachers, leaders of industry, war heroes, and religious figures help new generations learn about our past by taking time out of their lives to share their experiences and to serve as role models. Their values of hard work, determination, compassion, and faith continue to benefit our families and all Americans. As we celebrate Older Americans Month, I encourage Americans to take advantage of the wisdom and experience of our elder citizens.

Working in partnership with States and local organizations, my Administration is proposing that the Federal Government do more to facilitate service opportunities for seniors.

My Administration is committed to improving the quality of life of our Nation's seniors, who are often burdened with concerns about health care. We will strengthen Medicare for the baby boomers and subsequent generations. We will renew the promise made to our seniors and people with disabilities by providing access to affordable prescription drugs and better options to meet their health care needs. By ensuring that our senior citizens live in comfort and security, we honor them and thank them for their service.

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 May 2001, as Older Americans Month. I call upon Federal, State, and local government officials, businesses, communities, faith-based organizations, families, health care professionals, volunteers, and all citizens of the United States to publicly reaffirm our Nation's continuing commitment to honor older Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, 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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Billing code 3195–01–P

Federal Register
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Presidential Documents

Proclamation 7433 of May 4, 2001

Small Business Week, 2001

By the President of the United States of America

A Proclamation

Small business owners who work long hours, juggling family and career responsibilities and serving as community volunteers, are integral to our country's prosperity and to the vibrancy of our communities. These entrepreneurs are fundamental to our economy. Through the opportunities offered by the men and women who own and operate our Nation's 25.5 million small businesses, many of our citizens are able to pursue their dreams of a better life.

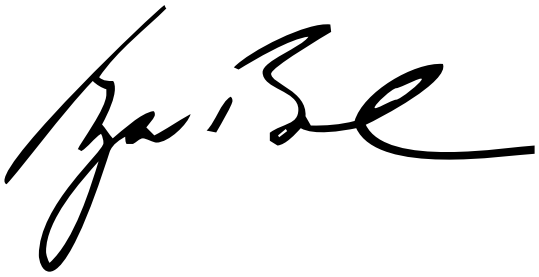
Federal, State, and local governments can help our small business owners by creating an environment in which the American spirit flourishes, an environment that promotes innovation, risk-taking, and equal opportunity. My Administration is working for lower taxes, reasonable regulations, and a reduction of tariffs and other barriers to free trade that will increase the competitive strength of our small business sector. Education reforms also will ensure that our young people are prepared to enter the global marketplace and small businesses will have the needed pool of talent.

Many of America's entrepreneurs risk everything to make their businesses successful. They are leaders of innovation, and their efforts create a wellspring of new technology, new products, and improved business processes. One of my priorities as President is to encourage that entrepreneurial spirit, and to see that it encompasses all Americans. To that end, we have instituted the New Freedom Initiative, which includes a component to help small businesses better serve customers with disabilities and to hire more people with disabilities. Also, my Administration supports the Drug Free Workplace Program, to help small businesses develop employee education programs and company drug policies. These are examples of our commitment to the ideal that the role of our Government is not to create business barriers, but to help our citizens overcome them.

America's small business owners and their employees represent more than half of the private workforce. These entrepreneurs, who create more than 75 percent of the net new jobs nationwide and generate more than 50 percent of the Nation's gross domestic product, and the employees who work in small businesses, deserve our thanks. We salute them by observing Small Business Week.

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 May 6 through 12, 2001, as Small Business Week. I urge all Americans to join in observing this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, 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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Rules and Regulations

Federal Register

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Wednesday, May 9, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG72

List of Approved Spent Fuel Storage Casks: FuelSolutions™ Revision; Confirmation of Effective Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is confirming the effective date of May 14, 2001, for the direct final rule that appeared in the **Federal Register** of February 27, 2001 (66 FR 12435). This direct final rule amended the NRC's regulations by revising the BNFL Fuel Solutions FuelSolutions™ cask system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 1 to the Certificate of Compliance (CoC). Amendment No. 1 will modify the present cask system design to allow the Big Rock Point nuclear facility to store mixed-oxide fuel assemblies, partial fuel assemblies, and damaged fuel assemblies (in a can) under a general license. This document confirms the effective date.

DATES: The effective date of May 14, 2001, is confirmed for this direct final rule.

ADDRESSES: Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. These same documents may also be viewed and downloaded electronically via the rulemaking website (http://ruleforum.llnl.gov). For information about the interactive rulemaking website, contact Ms. Carol Gallagher (301) 415–5905; e-mail *CAG@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Gordon Gundersen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6195 (E-mail: *GEG1@nrc.gov*).

SUPPLEMENTARY INFORMATION: On February 27, 2001 (66 FR 12435), the NRC published in the **Federal Register** a direct final rule amending its regulations in 10 CFR part 72 by revising the BNFL Fuel Solutions FuelSolutions™ cask system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 1 to the Certificate of Compliance (CoC). Amendment No. 1 will modify the present cask system design to allow the Big Rock Point nuclear facility to store mixed-oxide fuel assemblies, partial fuel assemblies, and damaged fuel assemblies (in a can) under a general license. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on the date noted above. The NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 27th day of April, 2001.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 01–11699 Filed 5–8–01; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 109 and 110

[Notice 2001–5]

General Public Political Communications Coordinated With Candidates and Party Committees; Independent Expenditures

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On December 6, 2000, the Commission published the text of revised regulations governing general public political communications coordinated with candidates and party committees, and independent expenditures. 65 FR 76138. The Commission announces that these rules are effective as of May 9, 2001.

EFFECTIVE DATE: May 9, 2001.

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

SUPPLEMENTARY INFORMATION: The Commission is announcing the effective date of revised regulations at 11 CFR Parts 100, 109 and 110, that address expenditures for coordinated communications that include clearly identified candidates, and that are paid for by persons other than candidates, candidates' authorized committees, and party committees. The rules, which largely follow the United States District Court for the District of Columbia's decision in *Federal Election Commission* v. *The Christian Coalition*, 53 F.Supp.2d 45 (D.D.C. 1999), address expenditures for communications made at the request or suggestion of a candidate, authorized committee or party committee; as well as those where any such person has exercised control or decision-making authority over the communication, or has engaged in substantial discussion or negotiation with those involved in creating, producing, distributing or paying for the communication. The rules also revise the defintion of ''independent expenditure'' to conform with this new definition.

Before final promulgation of any rules or regulations to carry out the provisions of Title 2 of the United States Code, the Commission transmits the rules or regulations to the Speaker of the House of Representatives and the President of the Senate for a thirty legislative day review period. 2 U.S.C. 438(d). These rules on coordinated and independent expenditures were transmitted to Congress on January 4, 2001. Thirty legislative days expired in the Senate on March 12, 2001, and the House of Representatives on March 29, 2001.

Announcement of Effective Date: Revised 11 CFR 100.16; 109.1(a), (b)(4), and (d)(1); and 110.14(f)(2) and (f)(3); and new 11 CFR 100.23, as published at 65 FR 76138 (Dec. 6, 2000), are effective as of May 9, 2001.

Dated: May 3, 2001.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 01–11588 Filed 5–8–01; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 27 and 29

[Docket No. FAA–2001–9616; Amdt. Nos. 27–40 and 29–47]

Rotorcraft Airworthiness Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Technical amendment.

SUMMARY: This document contains technical amendments to a final rule that was published in the **Federal Register** on December 20, 1976 (41 FR 55454). That final rule amended the airworthiness standards for normal and transport category rotorcraft under Parts 27 and 29 of title 14, Code of Federal Regulations (CFR). The particular sections being amended relate to limit pilot forces and torques.

EFFECTIVE DATE: May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, telephone (817) 222–5490.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these amendments were originally codified as:

- Civil Air Regulations (CAR) 7.225 and 7.226, recodified as 14 CFR 29.397, effective February 1, 1965, and later amended by Amendment 29–12, effective February 1, 1977; and
- CAR 6.225 and 6.226, recodified as 14 CFR 27.397, effective February 1, 1965, and later amended by Amendment 27–11, effective February 1, 1977, was intended to establish a maximum pilot force for twist controls of 80R inch-pounds.

However, as published, the final regulations contain an error that has long been recognized by the FAA and industry as being misleading and in need of clarification. When these regulations were previously published, we inadvertently omitted the word ''inch'' in the phrase ''Twist controls, 80R inch-pounds''. These technical amendments clarify that the appropriate measurement is to be in ''inch-pounds'' not ''pounds''.

List of Subjects in 14 CFR Parts 27 and 29

Aircraft, Aviation safety, Rotorcraft.

The Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR parts 27 and 29 by making the following technical amendments:

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

1. The authority citation for part 27 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

2. § 27.397(b)(2) is amended by revising ''80R pounds'' to state ''80R inch-pounds''.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

3. The authority citation for part 29 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

4. § 29.397(b)(2) is amended by revising ''80R pounds'' to state ''80R inch-pounds''.

Issued in Washington, DC, on May 3, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

[FR Doc. 01–11717 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–51–AD; Amendment 39–12220; AD 2001–09–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F 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 Boeing Model 767–200, –300, and –300F series airplanes. This action requires inspections for fatigue cracking of the horizontal stabilizer pivot bulkhead, and repetitive inspections or other follow-on actions. This action also provides a permanent repair, which is optional for airplanes with no cracks, and, if accomplished, ends the repetitive inspections. This action is necessary to find and fix fatigue cracking of the horizontal stabilizer pivot bulkhead and adjacent structure, which could result in loss of the horizontal stabilizer. This action is intended to address the identified unsafe condition.

DATES: Effective May 24, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 24, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 9, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–51–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–51–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 this AD 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Craycraft, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2782; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received reports that fatigue cracking of the horizontal stabilizer pivot bulkhead has been found on several Boeing Model 767–200, –300, and –300F series airplanes. The cracks occurred in the forward and aft outer chords and the outer chord splice fitting of the Station 1809.5 bulkhead, just above the horizontal stabilizer fitting. Cracking also occurred in the intercostals that support the Station 1809.5 bulkhead. Analysis indicates that these fatigue cracks occur because the

flight loads on the horizontal stabilizer in the upper corner of the Station 1809.5 bulkhead are higher than expected. Fatigue cracking in this area, if not found and fixed, could result in loss of the horizontal stabilizer.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001, which describes procedures for repetitive inspections for fatigue cracking of the horizontal stabilizer pivot bulkhead, and follow-on actions, if necessary. The inspections include detailed visual, surface high frequency eddy current (HFEC), and low frequency eddy current (LFEC) inspections, as applicable, of the forward and aft outer chord, aft mid chord, and upper and lower intercostals of the Station 1809.5 bulkhead above the horizontal stabilizer fitting. If cracking is found in the forward outer chord, the service bulletin describes procedures for both a permanent repair and a time-limited repair, which allows accomplishment of the permanent repair to be deferred, provided that a one-time detailed visual inspection for cracks of the chord repair straps is done. The permanent repair includes open-hole HFEC inspections for cracking of certain fastener holes of the chord and longeron fitting, detailed visual inspections for cracking of adjacent structure, and installation of new chords, splices, fairings, and brackets. Doing the permanent repair eliminates the need for the repetitive inspections described in the service bulletin. The permanent repair is provided as an optional preventative modification for airplanes on which no cracking is found. Throughout the procedures in the service bulletin, the service bulletin specifies to contact Boeing for repair instructions if cracking is found in areas other than the forward outer chord.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to find and fix fatigue cracking of the horizontal stabilizer pivot bulkhead and adjacent structure, which could result in loss of the horizontal stabilizer. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring installation of the permanent repair described in the service bulletin, which would constitute terminating action for the repetitive inspections required by this AD action. However, the planned compliance time for the installation of the modification is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Differences Between This AD and the Service Bulletin

The compliance time for the initial inspection required by this AD differs from the compliance time for that action in the service bulletin. The service bulletin recommends that the initial inspection be done before the accumulation of 10,000 total flight cycles, or, if the total number of total flight cycles is close to or more than 10,000, at the earlier of 3,000 flight cycles or 18 months after receipt of the service bulletin. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition and the average utilization of the affected fleet. In light of all of these factors, the FAA finds a compliance time of 8,000 total flight cycles, or 90 days after the effective date of this AD, whichever comes later, for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

This AD also differs from the service bulletin with regard to disposition of certain repair conditions of the forward outer chord. While the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD requires repair of those conditions 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 Manager, Seattle ACO, to make such findings.

This AD also differs from the service bulletin in cases where cracking is found in the aft outer chord, aft mid chord, or intercostals. The logic diagram in Figure 1 of the service bulletin specifies to repair cracking in these areas per data from the airplane manufacturer, and repeat the detailed visual inspection at the earlier of 3,000 flight cycles or 18 months and the HFEC/LFEC inspections at the earlier of 6,000 flight cycles or 36 months. For airplanes on which cracking is found in the aft outer chord, aft mid chord, or intercostals, this AD does not require these repetitive inspections at these intervals. The FAA finds that, because the service bulletin does not include instructions for repair of cracking in areas other than the forward outer chord, repairs of the aft outer chord, aft mid chord, or intercostals must be accomplished per a method approved by the FAA, as required by paragraph (c)(1) of this AD. The FAA will approve any repetitive inspection requirements along with the repair method.

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–51–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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–09–13 Boeing: Amendment 39–12220. Docket 2001–NM–51–AD.

Applicability: Model 767–200, –300, and –300F series airplanes; as listed in Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001; 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 (f) 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 find and fix fatigue cracking of the horizontal stabilizer pivot bulkhead and adjacent structure, which could result in loss of the horizontal stabilizer, accomplish the following:

Initial Inspections

(a) Prior to the accumulation of 8,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later, perform detailed visual, surface high frequency eddy current (HFEC), and low frequency eddy current (LFEC) inspections, as applicable, for cracking of the forward and aft outer chord, aft mid chord, and upper and lower intercostals of the Station 1809.5 bulkhead. Do the inspections per Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001.

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.''

Repetitive Inspections

(b) For areas where no cracking is found during the inspection per paragraph (a) of this AD: Repeat the inspections in paragraph (a) thereafter at the intervals specified in paragraphs (b)(1) and (b)(2) of this AD, per Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001, until paragraph (d) of this AD has been done.

(1) Repeat the detailed visual inspection every 3,000 flight cycles or 18 months, whichever comes first.

(2) Repeat the surface HFEC and LFEC inspections every 6,000 flight cycles or 36 months, whichever comes first.

Repair and Follow-On Actions

(c) If any cracking is found during any inspection required by paragraph (a) or (b) of this AD, before further flight, repair per paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) For cracking of the aft outer chord, aft mid chord, or any intercostal: Repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) For cracking of the forward outer chord: Repair per Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001, except as provided by paragraph (e) of this AD. Procedures for repair include open-hole HFEC inspections for cracking of certain fastener holes of the chord and longeron fitting, detailed visual inspections for cracking of adjacent structure, and installation of new chords, splices, fairings, and brackets. If the time-limited repair is done per the service bulletin, do a detailed visual inspection of the repaired area within 1,500 flight cycles or 9 months after installation of the temporary repair, whichever comes first, and do paragraph (c)(2)(i) or (c)(2)(ii) of this AD, per the service bulletin.

(i) If no cracking is found during the inspection of the repaired area: Within 3,000 flight cycles or 18 months after installation of the time-limited repair, whichever comes first, do paragraph (d) of this AD.

(ii) If any cracking is found during the inspection of the repaired area: Before further flight, do paragraph (d) of this AD.

Permanent Repair

(d) Except as provided by paragraph (e) of this AD, installation of the permanent repair of the forward outer chord, including accomplishment of all actions specified in Part 4 of the Accomplishment Instructions of Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001, terminates the repetitive inspections required by this AD.

Note 3: Installation of the permanent repair per Boeing Service Bulletin 767–53–0078, dated October 15, 1998, or Revision 1, dated September 9, 1999, is acceptable for compliance with paragraph (d) of this AD.

Exception to Repair Instructions

(e) For repairs of the forward outer chord: Where the service bulletin specifies to ask Boeing for repair data, repair per a method approved by the Manager, Seattle ACO, 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 Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(f) 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 4: 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

(g) 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.

Incorporation by Reference

(h) Except as provided by paragraphs (c)(1) and (e) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 767–53–0078, Revision 2, dated April 19, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(i) This amendment becomes effective on May 24, 2001.

Issued in Renton, Washington, on April 27, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–11196 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–08–AD; Amendment 39–12224; AD 2001–09–17]

RIN 2120–AA64

Airworthiness Directives; CFM International (CFMI) CFM56–5C Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an emergency airworthiness directive (AD) that was sent previously to all known U.S. owners and operators of CFMI CFM56–5C turbofan engines by individual letters. That action required within 10 days after receipt of that emergency AD, an initial inspection of the fuel manifold for wear or chafing; and an initial inspection of the CJ9L harness for correct installation, for clamp wear and to verify a minimum clearance between the CJ9L harness and the fuel manifold. That action also required repetitive inspections of the fuel manifold, clamps, and the CJ9L harness within every 500 hours time in service until new configuration clamps are installed on the harness. This amendment requires the same inspections, and adds inspection requirements for the manifold, clamps, and the CJ10L harness, and clamps on the other side of the engine. The actions specified in this AD are intended to prevent fuel leakage on the hot section or in the primary fire zone of the engine which may result in an engine fire and subsequent damage to the airplane.

DATES: Effective May 14, 2001. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of May 14, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 9, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–NE–08–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. The service information referenced in this AD may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552–2981, fax (513) 552–2816. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7152; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On April 10, 2001, the Federal Aviation Administration (FAA) issued emergency airworthiness directive (AD) 2001–08–51, applicable to CFMI CFM56–5C turbofan engines, which requires within 10 days after the receipt of that AD, an initial inspection of the fuel manifold for wear or chafing; and an initial inspection of the CJ9L harness for wear and correct installation, for clamp wear and to verify a minimum clearance between the CJ9L harness and the fuel manifold. Repetitive inspections of the fuel manifold, clamps, and CJ9L harness are also required within every 500 hours time-in-service until the new configuration clamps are installed on the harness. That AD was prompted by a report of a significant engine fuel leak under the thrust reverser cowls at the fuel manifold level on a CFMI CFM56–5C turbofan engine that was installed on an Airbus Industrie A340 airplane. The leak was confirmed to be coming from a hole in the fuel manifold pigtail. The hole was a result of interference and chafing between the CJ9L harness high pressure turbine clearance control (HPTCC) sensor lead and fuel manifold. This was the second fuel leak event at this location. Additional engine inspections by the operator who experienced the engine fuel leak discovered two other engines exhibiting interference of the CJ9L harness with fuel manifold and chafing of the fuel manifold. In addition, since the FAA issued the emergency AD, chafing was found on the CJ10L harness, located on the other side of an engine from the CJ9L harness. The investigation has identified three causes for lack of clearance between the HPTCC harnesses and the fuel manifold:

(1) Incorrect routing of the CJ9L and CJ10L harnesses,

(2) Incorrect orientation of the CJ9L and CJ10L harness cushion clamps, and

(3) Wear of the silicone material in the clamp which allows the harnesses to move within the clamp. This clamp material is used on older configuration clamps. The later configuration uses a metallic material.

The actions specified by this AD are intended to prevent fuel leakage on the hot section or in the primary fire zone of the engine, which may result in an engine fire and subsequent damage to the airplane.

Since emergency AD 2001–08–51 was issued, it has been determined that the same unsafe condition exists at the CJ10L HPTCC harness, located on the opposite side of the engine from the CJ9L harness.

Manufacturer's Service Information

The FAA has reviewed and approved CFMI Alert Service Bulletin (ASB) No. CFM56–5C S/B 73–A0106, Revision 1, dated April 19, 2001, that specifies procedures for inspection of the fuel

manifold for wear or chafing, and inspection of the CJ9L harness for wear and correct installation, for clamp wear and to verify a minimum clearance between the CJ9L harness and the fuel manifold.

Differences Between This AD and the Manufacturer's Service Information

CFMI ASB CFM56–5C S/B 73–A0106, Revision 1, dated April 19, 2001, requires only inspections of the CJ9L HPTCC sensor harness. The FAA has determined that the same inspections must be performed on the CJ10L HPTCC sensor harness, located on the opposite side of the engine from the CJ9L harness.

FAA's Determination of an Unsafe Condition and Proposed Actions

Although none of these affected engine models are used on any airplanes that are registered in the United States, the possibility exists that the engine models could be used on airplanes that are registered in the United States in the future. This AD is being issued to prevent fuel leakage on the hot section or in the primary fire zone of the engine, which may result in an engine fire and subsequent damage to the airplane. This AD requires within 10 days after the effective date of this AD, an initial inspection of the fuel manifold for wear or chafing; and an initial inspection of the CJ9L and CJ10L harnesses for wear and correct installation, for clamp wear and to verify a minimum clearance between the harnesses and the fuel manifold. Repetitive inspections of the fuel manifold, clamps, and the CJ9L and CJ10L harnesses will be required within every 500 hours time in service until the new configuration clamps are installed on the harness. The actions must be done in accordance with the service bulletin described previously.

Immediate Adoption of This AD

Since there are currently no domestic operators of this engine model, notice and opportunity for prior public comment are unnecessary. Therefore, a situation exists that allows the immediate adoption of this regulation.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, 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 action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NE–08–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive, Amendment 39–12224, to read as follows:

2001–09–17 CFM International: Amendment 39–12224. Docket 2001–NE–08–AD. Supersedes AD 2001–08–51.

Applicability: This airworthiness directive (AD) is applicable to CFM International (CFMI) CFM56–5C turbofan engines. These engines are installed on, but not limited to, Airbus Industrie A340 airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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

Compliance is required as indicated unless already done.

To prevent fuel leakage on the hot section or in the primary fire zone of the engine, which may result in an engine fire and subsequent damage to the airplane, do the following:

Initial Inspection Requirements

(a) Within 10 days after the effective date of this AD, do the following:

(1) Inspect the fuel manifold on both sides of the engine for serviceability, and disposition in accordance with paragraphs 3.A. through 3.A.(3) of CFMI ASB CFM56–5C S/B 73–A0106, dated April 19, 2001.

(2) Visually inspect harnesses CJ9L and CJ10L for wear. If the wire braid is worn through (pierced), replace the harness within

3,000 hours time-in-service after the first inspection where the wire braid is found to be pierced.

(3) Visually inspect and, if necessary, correct the bracket and clamp locations for the CJ10L harness in accordance with paragraphs 3.C. through 3.C.(5) of the Accomplishment Instructions of CFMI ASB CFM56–5C S/B 73–A0106, dated April 19, 2001.

Repetitive Inspections

(b) Thereafter, repeat the actions required by paragraph (a) of this AD at intervals not to exceed 500 hours time-since-last-inspection.

Terminating Actions

(c) Replacement of existing clamps (red and brown silicon) at details R, and S of CJ9L and detail S, R, and Q of CJ10L with new clamp (metallic) part number 649–412–351–0 and at detail Q of CJ9L with new clamp 649–412–354–0 constitutes terminating action for the repetitive inspection requirements of paragraph (b) of 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, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

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

Special Flight Permits

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

Documents That Have Been Incorporated By Reference

(f) The inspections shall be done in accordance with CFM International Alert Service Bulletin CFM56–5C S/B 73–A0106, Revision 1, dated April 19, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552–2981, fax (513) 552–2816. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in DGAC airworthiness directive N T2001–145 (B) Revision 1.

(g) This amendment becomes effective on May 14, 2001.

Issued in Burlington, Massachusetts, on May 3, 2001.

Francis A. Favara,

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

[FR Doc. 01–11615 Filed 5–4–01; 4:46 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 65, 91, 105, 119

[Docket No. FAA–1999–5483; Amendment No. 65–42, 91–268, 105–12 and 119–4]

RIN 2120–AG52

Parachute Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends regulations that govern parachute operations. Amendments to these regulations reflect changes in the requirements applicable to radio communications, airspace classification, parachute packing, tandem parachute operations, and foreign parachutists. Through this rule, the FAA intends to enhance the safety of parachute operation in the National Airspace System (NAS).

EFFECTIVE DATE: July 9, 2001.

FOR FURTHER INFORMATION CONTACT: Ellen Crum, Airspace and Rules Division, ATA–400, Air Traffic Airspace Management Program, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–8783; or Randy Montgomery, Flight Standards Service Division, AFS–340, General Aviation and Commercial Branch, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3155.

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 final rule. 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 final rule.

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.gov/avr/arm/sbrefa.htm. For more information on SBREFA, e-mail us *9-AWA-SBREFA@faa.gov.*

Background

In 1991, the FAA initiated a review of part 105, which was originally published in 1962 to determine if the regulation continued to reflect current practices and equipment used in the industry. Among other information, the FAA studied reports received from the Aviation Safety Reporting System (ASRS), the National Transportation Safety Board (NTSB), Air Traffic Unsatisfactory Condition Reports (UCR), and recommendations from the Air Traffic Procedures Advisory Committee and the National Air Traffic Controllers Association (NATCA). Upon completion of the review, the FAA determined that the regulation required revision to be consistent with the parachute equipment used today and current industry practices.

An example of changes that have taken place in the parachute industry since the time part 105 was published is the development of dual-harness, dual parachute systems designed to carry more than one person at a time. In 1983 the FAA began receiving petitions for rulemaking and exemption, requesting changes to the rule allowing use of this equipment. During the 1990's, the FAA received petitions for rulemaking to allow foreign parachutists to jump in the United States without an exemption. Additionally, petitioners

requested removal of the requirement for static line assist devices when ram air parachutes were used.

The following is a detailed discussion of these petitions and the FAA's rationale for making the regulatory changes in this final rule.

Petitions for Exemption and Rulemaking

Tandem Parachute Operations

When part 105 was published in 1962, civilian parachute operations were limited to the use of a single-harness, dual-parachute pack. Since then, the parachute industry has developed dual harness systems that support two people under a single parachute. Because part 105 currently allows parachute operations with single-harness parachutes only, the use of parachute equipment capable of supporting two people has only been authorized by exemption. For purposes of the exemptions, the FAA and the parachuting industry have adopted the term ''tandem'' to describe those parachute operations that use a dual-harness, dual-parachute system.

The first exemption authorizing tandem parachute operations in the United States was granted to Strong Enterprises and Relative Workshop by the FAA in 1984. Since then more than 2.5 million experimental tandem parachute jumps have been conducted under exemption authority in the United States and abroad. Under the exemptions, various companies conducting tandem parachute operations were required to furnish the FAA with accident statistics on tandem operations, which provided the FAA with the means to evaluate the safety of tandem equipment compared to the safety of equipment and operations currently permitted under part 105.

In July 1997, the United States Parachute Association (USPA) submitted a petition for rulemaking requesting that the FAA permit tandem parachute operations. While considering the USPA petition, the FAA reviewed accident statistics from 1991 through 1996. Based on the information collected during the review, the FAA has determined that experimental tandem parachute operations conducted under an exemption from part 105 have demonstrated that tandem operations can be conducted safely.

Many of the new regulations applicable to tandem parachute operations are based on terms and conditions previously contained in exemptions. Although an exemption will no longer be required to conduct a tandem parachute operation, the FAA has written the regulations to include terms similar to those previously contained in the exemptions. The FAA believes that the continued use of the practices and procedures proven to be safe under exemption will ensure continued safety in these operations. The specific terms and conditions adopted will be discussed under the comment section.

Static-Line Assist Devices

The USPA submitted a petition in July 1997 requesting that the FAA omit the requirement for using a static-line when using direct-deployed, ram-air parachutes. As a basis for its request, the USPA cited a series of tests it performed to determine if assist devices improved the reliability of the static line direct deployment of a ram-air canopy. The tests showed that an assist device does not improve the deployment reliability when used with a static line. Moreover, there was no evidence of adverse effects when the device is removed. As a result of these tests, the FAA has concluded that safety would not be compromised by removing the static-line assist device requirements for ram-air parachutes.

Equipment and Packing Requirements for Foreign Parachutists

The USPA submitted a third petition for rulemaking in July 1997 requesting that the FAA allow foreign parachutists to make parachute jumps in the United States using their own equipment.

The current regulations require that parachute equipment used in operations conducted within the United States meet the standards set forth under part 105. The practical impact of this requirement is that foreign parachutists could not use their own equipment, usually manufactured in another country, when participating in parachute operations in the United States. The FAA has issued exemptions to organizations sponsoring parachuting events attended by foreign parachutists. This long time practice has demonstrated that operations conducted under these exemptions have been conducted safely. Additionally, the FAA recognizes that foreign manufacturers of parachute equipment often meet U.S. standards.

Notice of Proposed Rulemaking

Based on the review, petitions received, and the collection of data regarding parachute operations, the FAA published a notice of proposed rulemaking (NPRM) (64 FR 18302), on April 13, 1999. The FAA proposed numerous changes, including: (1) Changes in response to the airspace reclassification rule, (2) changes to air traffic control communication requirements, (3) changes to reflect improved parachute design, and (4) changes in industry practices. The notice provided for a 90-day comment period that closed on July 12, 1999.

In response to the NPRM, the FAA received 71 comments. Among the comments received were several comments that are outside the scope of the rule; therefore, those comments will not be addressed in this rulemaking. While the majority of comments submitted to the public docket were from parachutists, comments were also received from drop zone operators; pilots; the Illinois Department of Transportation; the U.S. Department of the Army; the United States Parachute Association (USPA); the U.S. Department of Agriculture, Forest Service; Southwest Airlines Pilots' Association the Aircraft Owners and Pilots Association (AOPA); and the Air Line Pilots Association (ALPA).

The following is a discussion of the substantive comments received in response to the NPRM. Sections that received no comments are not included in this discussion, and are incorporated in the final rule as proposed in the Notice.

Discussion of the Comments

Section 65.111 Certificate Required

Proposal: The FAA proposed to revise paragraph (b) of current § 65.111, Certificate required, which in part, requires that anyone who packs, maintains, or alters a main parachute of a dual parachute pack to have an appropriate current certificate issued under subpart F of part 65. This paragraph also allows non-certificated persons to pack a main parachute of a dual parachute pack that is to be used by that person for intentional jumping.

In the NPRM, the FAA proposed to allow persons to pack a main parachute under the supervision of a certificated parachute rigger or to allow a parachutist in command to pack a main parachute for tandem parachute operations. The FAA also proposed to add the word ''next'' to the provision that a person may pack a main parachute if that person intends to make the ''next'' parachute jump using that parachute.

Comments: One commenter supports the proposed rule language. Several commenters, including Skydive Delmarva, Inc. do not agree with proposed § 65.111. Skydive Delmarva, Inc. suggests adding a new paragraph which would allow persons authorized in writing by a certificated rigger to pack main parachutes without supervision. Further, Skydive Delmarva, Inc.

requests that the FAA authorize organizations, other than the FAA, to issue parachute rigger certificates.

FAA response: Skydive Delmarva Inc.'s comment to allow a non-certificated person to receive permission in writing from a certificated rigger to pack a main parachute was not addressed in the NPRM. As a consequence, the comment goes beyond the scope of this rulemaking. This comment will not, therefore, be addressed in the final rule.

The FAA disagrees, for safety reasons, with Skydive Delmarva's request to allow persons authorized in writing by a certificated rigger to pack main parachutes without supervision. Further, in response to Skydive Delmarva's request to authorize organizations, other than the FAA, to issue parachute rigger certificates, the FAA recognizes and currently allows designated parachute rigger examiners (DPRE's), who are not FAA employees, to issue parachute rigger certificates. Therefore, § 65.111 is adopted in the final rule as proposed.

Section 105.3 Definitions

The FAA proposed to define the terms ''approved parachute,'' ''automatic activation device,'' ''drop zone,'' ''fatal injury,'' ''foreign parachutist,'' ''freefall,'' ''main parachute,'' ''object,'' ''parachute drop,'' ''parachute jump,'' ''parachute operation,'' ''parachutist,'' ''parachutist in command,'' ''passenger parachutist,'' ''pilot chute,'' ''ram-air parachute,'' ''reserve parachute,'' ''serious injury,'' ''single-harness, dual-parachute system,'' ''supervision,'' ''tandem parachute operation,'' and ''tandem parachute system.''

The following is a list of proposed definitions, on which the FAA received comments, and the FAA response to those comments. Definitions that were included in the proposal, but not commented on are included in the final rule as proposed. However, definitions for ''foreign parachutist,'' ''parachute drop,'' ''parachute operation,'' and ''parachutist,'' have been changed for further clarification. The definitions for ''fatal injury'' and ''serious injury'' are deleted from the final rule.

Automatic Activation Device (AAD)

Proposal: The FAA proposed to define an ''automatic activation device'' as a self-contained mechanical device attached to a parachute, other than a static line, which automatically initiates parachute deployment at a preset altitude, time, percentage of terminal velocity, or combination thereof if that parachute has not been manually activated.

Comments: Several commenters object to the proposed definition for the AAD. One of these commenters states that the definition should be deleted because AAD's ''are not approved, reviewed, or certificated,'' therefore, they should not be addressed in this rulemaking. Another commenter states that ''AAD'' should be defined as ''a self-contained mechanical or electro-mechanical device,'' because this definition accurately describes the type of equipment currently used in the parachute industry.

FAA response: The FAA disagrees that the definition for AAD should be deleted, but it agrees that the term ''electro-mechanical device'' should be added to the definition.

The FAA concluded that a definition for AAD should be included in this final rule because parachutists frequently use this equipment today. The fact that parachutists voluntarily rely on the AAD for their safety is a testimony to its value. The FAA's required use of an AAD on tandem parachute system reserve parachutes further attests to the added protection afforded by the use of this device.

The FAA agrees with the commenter who recommended that the term ''electro-mechanical device'' should be added to the definition of AAD. Upon receipt of this comment, the FAA reviewed the design and construction of AAD's. Three types of AADs exist; the first type is purely mechanical, or battery activated; the second type is a microprocessor, which has a mini computer; the third type of AAD, which is most frequently used today, combines the battery and computer processor to create an electro-mechanical AAD. Given that this AAD is the most frequently used, adding the phrase ''electro-mechanical'' to the definition provides the most accurate description of AAD's used today. Therefore, the FAA has added this phrase to the definition.

The FAA also amends the proposed definition for the term ''AAD'' in two other respects. First, the definition states that the AAD is attached to the interior of the reserve parachute container, instead of the parachute itself. Second, the definition is corrected to state that the AAD initiates deployment of the reserve parachute, which is a more accurate description of the AAD's operation that what was originally proposed.

Direct Supervision

Proposal: The FAA proposed to define the term ''supervision'' as the act of a certificated rigger personally observing the packing of a parachute by a noncertificated person to the extent necessary to ensure that it is being done properly.

Comments: Several commenters recommend revising the proposed definition of the term ''supervision'' to include that the certificated rigger is readily available in person for consultation. One commenter recommends that the definition be amended to state that a certificated rigger also ''. . . takes responsibility for that packing.''

FAA response: The FAA agrees with the comment that a certificated rigger needs to be available during the packing process. The FAA has adopted a revised definition in the final rule to address this concern by changing ''supervision'' to ''direct supervision.'' Although the term ''direct supervision'' was not used in the NPRM, the FAA believes that adding the word ''direct'' clarifies the FAA's intent that a certificated rigger must be on the premises during the parachute packing process. The certificated rigger's presence ensures that he/she is readily available in person for consultation.

In addition, the FAA agrees with the commenters that direct supervision includes taking responsibility for the packing. Therefore, the phrase ''and takes responsibility for that packing'' has been added to the term ''direct supervision'' in the final rule.

Fatal Injury

Proposal: The FAA proposed to define the term ''fatal injury'' as any parachuting injury that results in death within 30 days from the date of injury.

FAA Response: Many comments were received on this proposed term because it is in conjunction with the proposed addition of § 105.27, Accident reporting requirements. Since the FAA has eliminated proposed § 105.27 in the final rule, this definition has been deleted.

Foreign Parachutist

Proposal: The FAA proposed to define this term as a parachutist who is neither a U.S. citizen nor a resident alien.

FAA Response: While no comments were received on this definition, the FAA has amended the proposed definition to clarify that a foreign parachutist is a parachutist who is neither a U.S. citizen nor a resident alien and is participating in parachute operations within the United States using parachute equipment not manufactured in the United States.

Parachute Drop

Proposal: The FAA proposed to define this term as a parachute operation that involves the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.

FAA Response: While no comments were received on this definition, the FAA amended the proposed definition to clarify that a parachute drop means the descent of an object from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.

Parachute Operation

Proposal: The FAA proposed to define this term as any activity that includes a parachute jump or a parachute drop. This activity involves, but is not limited to the following persons: Parachutist, tandem parachute operation, drop zone owner or operator, certificated parachute rigger, pilot, or appropriate FAA personnel.

FAA Response: While no comments were received on the proposed definition for parachute operation, the FAA determined that it should be further clarified. Therefore, the FAA has amended the proposed definition to define a parachute operation as any activity associated with, or performed in support of a parachute jump or a parachute drop. A parachute operation can involve, but is not limited to, the following persons: Parachutist, a parachutist in command and passenger in tandem parachute operations, jump master, certificated parachute rigger, or pilot.

Parachutist

Proposal: The FAA proposed to define this term as a person who boards an aircraft with the intent to exit the aircraft while in flight using a single-harness, dual parachute system to descend to the surface.

FAA Response: While no comments were received on this definition, the FAA has amended the proposed definition to clarify that a parachutist is a person who intends to exit an aircraft while in flight using a single-harness, dual parachute system to descend to the surface.

Parachutist in Command

Proposal: The FAA proposed to add the term ''parachutist in command'' to address the instructor of a tandem parachute operation, which the FAA defined as the person responsible for the operation and safety of a tandem parachute operation before, during, and after a tandem parachute operation.

Comments: Several commenters state that the term ''parachutist in command'' should be changed to ''tandem instructor,'' which would more accurately reflect that person's function as a teacher, not simply the person in charge of the tandem parachute operation.

The USPA contents that the parachutist in the forward harness is more than a passenger because he or she could sabotage the safety of the operation by failing to follow proper procedures between exit and touch down.

FAA response: The FAA has given the commenters' recommendations serious consideration but cannot agree that ''tandem instructor'' would accurately reflect the role and responsibility that this person holds. Although it is true that the parachutist in command provides instruction, the amount of time spent instructing is greatly outweighed by the responsibilities held by the person in this role. The bulk of the parachutist-in-command's duties are centered on the safety of the tandem parachute operation. Safety, in this case, only begins with the passenger's instruction in proper procedures. In fact, the parachutist-in-command controls the safety of the operation from the moment the pair exit the aircraft to the time that touch down is safety accomplished.

The FAA has also given further consideration to the USPA's concern that the passenger can sabotage the tandem parachute operation. The FAA agrees with the USPA regarding the potential for a passenger to inadvertently act in a manner that would sabotage the safety of the operation, but such an event is highly unlikely. However, if such event occurred, the parachutist-in-command would be required to bring the operation back under control. The FAA believes that the term ''parachutist-in-command'' provides the broadest range of applicability and most accurately describes the responsibilities of the person who occupies the rear harness in a tandem parachute operation. Therefore, the term ''parachutist-in-command'' is adopted in the final rule.

Passenger Parachutist

Proposal: The FAA proposed to add the term ''passenger parachutist'' and define it as a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of exiting the aircraft while in flight using the forward harness of a dual harness tandem parachute system.

Comments: Several commenters suggest changing this term to ''student tandem parachutist.'' One commenter suggests changing the term to ''tandem student.'' Another commenter suggests that the term should be changed because the term ''passenger'' is used when referring to aircraft operations and is not appropriate when referring to tandem parachute operations since the person is a ''student,'' not a ''passenger.''

FAA response: The FAA believes that the term ''passenger parachutist'' best describes the role of the person occupying the forward harness of a tandem parachute system. The term ''passenger parachutist'' is more inclusive than the terms ''student tandem parachutist'' or ''tandem student.'' Therefore, this term broadens the classification of persons participating in tandem parachute operations. In addition, this term clarifies that the parachutist-in-command would be solely responsible for regaining control of the parachute and the safety of the parachute operation, in the event of an emergency. It is highly unlikely that the parachutist in the forward would have the knowledge and experience to handle an emergency situation properly. For these reasons, the term ''passenger parachutist'' is most appropriate to describe the parachutist using the forward harness of a tandem parachute.

Serious Injury

Proposal: The FAA proposed to define the term ''serious injury'' as any injury that requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; results in a fracture of any bone (except simple fractures of fingers, toes, or the nose); causes severe hemorrhages, or nerve, muscle, or tendon damage; or involves any internal organ.

FAA response: Many comments were received in response to this proposed term because of its relation to the proposed addition of § 105.27, Accident reporting requirements. Since the FAA has eliminated proposed § 105.27 in the final rule, this definition has been deleted.

Tandem Parachute Operation

Proposal: The FAA proposed to define the term ''tandem parachute operation'' as a parachute operation in which more than one person simultaneously uses the same tandem parachute system while descending from an aircraft in flight.

Comments: Several commenters suggest that this term be change to ''tandem parachute jump,'' or that

''tandem parachute jump'' be used in addition to ''tandem parachute operation'' to more accurately describe the action taking place, and to be consistent with current terminology.

FAA response: The FAA does not agree with these commenters. The proposed definition is intended to include more than just the actual jump, it also includes all aspects of the jump, from the time the jump aircraft departs until the last parachutist(s) descend to the surface. Therefore, the FAA adopts the definition as proposed.

Section 105. General

Proposal: In the NPRM, the FAA proposed to make the following editorial changes to current § 105.13: (1) Replace the word ''make'' with the phrase ''to conduct,'' (2) replace the term ''parachute jump'' with the term ''parachute operation,'' (3) replace the word ''made'' with the word ''conducted,'' and (4) replace the word ''jump'' with the word ''operation.''

Comments: Several comments were received on this proposal from the USPA, AOPA and others, requesting that the FAA incorporate language into the proposed § 105.5, which would hold the parachutists, not pilots, responsible for creating hazards to air traffic. These comments state that pilots of jump aircraft should be relieved from full responsibility for a parachutist exiting their aircraft. The comments' justification for their position is that parachutes used in these types of operations can be steered, therefore, the parachutist can maneuver out of the designated drop zone, possibly creating a hazard to air traffic.

FAA response: The proposed changes to this section were editorial in nature, not substantive. Comments that concern the responsibility of the pilot-in-command are beyond the scope of this rulemaking and therefore, are not addressed. This section is adopted as proposed.

Subpart B—Operating Rules

Section 105.13 Radio Equipment and Use Requirements

Proposal: Currently, part 105 requires that the pilot of an aircraft used for conducting parachute operations establish radio communications with the nearest FAA air traffic control facility or FAA Flight Service Station at least 5 minutes before the jumping activity is to begin.

The FAA proposed to amend this section to require that the jump aircraft establish radio communications with the air traffic control facility having jurisdiction over the affected airspace. A pilot of a jump aircraft will no longer be required to establish radio communications with Flight Service Stations for the purpose of receiving traffic information.

The FAA also proposed amending this section to require pilots to notify ATC when the last parachutist or object leaves the aircraft. The current rule requires the pilot of the jump aircraft to notify ATC when the last parachutist reaches the ground.

In addition, the notice proposed to amend the lost communication procedures applicable to parachute operations. Currently, if communications systems become inoperative in flight after receipt of a required ATC authorization, the jumping activity from that flight may be continued. The notice proposed that if the required radio communications system is or becomes inoperative during any parachute operation in or into controlled airspace, the parachute operation msut be aborted.

Comments: Several commenters, including USPA, AOPA, and the Southwest Airlines Pilot's Association recommended changes to this section. The USPA suggests adding the phrase, ''airspace of intended exit altitude(s)'' to paragraph (a)(1)(ii). The USPA requests this change because parachute operations can pass through the airspace of several ATC facilities and sectors, depending on the altitude of the aircraft. According to the USPA, the proposal did not clarify which ATC facility would be the appropriate facility to contact. The change requested by the USPA would clarify that the appropriate facility to contact would be the one that has jurisdiction over the airspace and the altitude where the aircraft is located when the parachutist exists the aircraft.

Another commenter believes that the requirement to contact the ATC facility having jurisdiction over the airspace could be interpreted to require the pilot to maintain communications with two or more facilities during the jump operation. The commenter contends that if communications must be maintained with more than one ATC facility, a second radio would be required, imposing a financial burden of at least $1200 to $1500. This commenter believes that the current requirement is sufficient and should not be changed.

The USPA objects to the FAA proposal to require the parachutists on the flight to share responsibility to establish radio communications and to receive information about air traffic activity. The commenter recommends that the pilot in command have sole responsibility for radio communications.

Several commenters object to the proposed removal of the requirement to contact FAA Flight Service Stations (FSS). These commenters are concerned that Notices to Airman (NOTAM) regarding parachute operations, normally submitted to FSS's, will not be received or disseminated. The commenters believe that this creates a safety problem for non-radio equipped aircraft operating in airspace where parachute operations are being conducted.

Several commenters object to the proposal that requires that parachute operations must be aborted if radio communications equipment becomes inoperative. Currently, parachute operations may continue if the radio failure occurs after receipt of the ATC authorization. The USPA contends that the parachute operation should continue after receipt of an ATC authorization, regardless of the operational status of the radio communications system. According to the USPA, safety would not be compromised because the ATC has identified the aircraft on radio and has been advised of the jump operation.

FAA response: The FAA agrees with some of the comments received in response to the proposed changes.

The FAA agrees with the USPA's comment to include the phrase ''airspace of the first intended exit altitude'' in § 105.13(a)(1)(ii). Since parachute operations can require the use of more than one altitude, the FAA agrees with USPA's comment. The FAA believes that further clarification is necessary by adding that radio communications should be established over the affected airspace of ''the first'' intended exit altitude. Therefore, this clarifying language has been added to the phrase proposed by the USPA and is incorporated in the final rule. The adoption of this phrase clarifies which ATC facility to contact when parachute operations are being conducted.

The FAA also agrees that the rule as proposed could be interpreted to mean that the aircraft must have more than one radio to meet the communications requirement. The FAA's intent was not to require the pilot to contact more than one ATC facility, nor is it the intent of the FAA to increase the pilot's workload during a jump activity. It is common practice for ATC facilities to coordinate information regarding parachute jump operations. Pilots, therefore, typically are not required to contact more than one facility. By inserting the phrase, ''airspace of first intended exit altitude,'' in the rule language, the FAA believes that this confusion will be eliminated.

The FAA concurs with the USPA that the pilot in command should be solely responsible for establishing and maintaining radio communications and information about air traffic activity. The proposal was intended to ensure that known air traffic information is communicated to both the pilot and the parachutist. However, the configuration of most aircraft avionics, make it impractical for both pilot and parachutist to share the responsibility for establishing radio communications. Traffic information can be relayed within the aircraft from the pilot to the parachutists. Therefore, the FAA has deleted the requirement, that the parachutists also be responsible for establishing radio communications, from the final rule.

The FAA believes that commenters concerned about the FAA's failure to disseminate NOTAMs on parachute operations misunderstand the communications requirements. The current rule requires that pilots conducting parachute operations contact FSS's to receive information about know air traffic in the vicinity. This is solely a communication requirement; it does not address filing or disseminating NOTAM's. In addition, § 91.103 requires all pilots to become familiar with all available information concerning the flight that includes NOTAM's. Since pilots who operate non-radio equipped aircraft are required to check NOTAM's prior to a flight, this change will not impact safety. This rule does not change the current industry practice that pilots contact FSS's to file NOTAM information.

The FAA does not agree with the USPA recommendation to retain the current rule language that permits jump activities to continue if the aircraft loss its radio communications capability. The purpose of this proposal is to increase the safety of all aircraft in the vicinity of the parachute operation by ensuring that two-way radio communications have been established and maintained between the jump aircraft and the ATC facility that has jurisdction over the airspace. If, prior to receipt of an ATC authorization or during the parachute operation, the radio communications system becomes inoperative, traffic information or the status of the parachute operation cannot be exchanged, therefore, the parachute operation must be aborted. The proposed language is adopted in the final rule.

Section 105.15 Information Required and Notice of Cancellation or Postponement of a Parachute Operation

Proposal: The current rule lists information that must be submitted to the FAA when an individual or an organization requests an authorization for a parachute jump. This information includes the radio frequencies, if any, available in the aircraft. The FAA proposed that when required to submit information regarding parachute operations, the radio frequencies appropriate to the facilities used during the parachute operation would be specified, rather than the radio frequencies avialable in the aircraft.

Comments: Several commenters, including USPA recommend that the requirement to submit the radio frequencies appropriate to the ATC facility be replaced with the name of the ATC facility that has jurisdiction over the airspace where the jump will take place. The USPA contends that the pilot or fjum proponent may not know the radio frequencies that are used by ATC for the jump operation until coordination is completed with the proper ATC facility.

One commenter disagrees with the proposed requirement that a request for authorization should include the registration number for the jump aircraft. The commenter adds that this requirement is acceptable when filing a NOTAM. However, when a request is submitted to conduct a demonstration several days in advance of the jump operation, the person(s) participating in the demonstration may not know which aircraft is going to be used.

FAA response: The FAA agrees with the USPA's recommendation that the proponent of the parachute operation must submit the name of the ATC facility that has jurisdicaiton over the airspace where the jump will take place. In many cases, the pilot or jump proponent does not know which ATC radio frequencies are designated for the sector where the parachute operation will take place. By incorporating this change into the final rule, the pilot will know which ATC facility is the appropriate one to contact, and that facility may issue the appropriate frequency to the pilot.

In addition, the FAA understands that there may be some circumstances where the registration number of the jump aircraft is not known until the day of the hump. If this is the case, multiple registration numbers may be submitted along with an explanation to the ATC facility. Knowing the registration number of the aircraft identifies to the controllers the aircraft that will be involved in the jump operation. Having the aircraft identification number makes the intentions of the pilot contained in the authorization available to the controller, and therefore, reduces radio frequency congestion. The rule language remains as proposed.

The FAA has also added clarifying language to paragraph (a)(8), requiring persons requesting an authorization to conduct a parachute operation to provide the name of that air traffic control facility having jurisdiction of the airspace at the ''first intended'' exist altitude to be used in that parachute operation. The FAA believes this clarifying language is necessary to ensure that radio communication are established between the pilot of the hump aircraft and the appropriate air traffic control facility. Therefore, this phrase has been added to § 105.15(a)(8) in the final rule.

Section 105.19 Parachute Operations Between Sunset and Sunrise

Proposal: Proposed § 105.19 would have added a requirement for parachutist(s) and objects descending from an aircraft to display a light which is visible for 3 statute miles in all directions.

Comments: Several commenters, including the USPA and the Southwest Airlines Pilot's Association, object to the requirement to display a light that is visible ''in all directions.'' The commenters believe it would require that a parachutist or an object be equipped with more than one light.

FAA response: The FAA has revisited this proposal and agrees with the commenters. Therefore, the FAA is rescinding the proposal and has deleted the phrase ''in all directions'' in the final rule. The common practice of mounting a light on the parachutist's helmet should make him or her visible to aircraft operating on the same horizontal plane. A helmet-mounted light may not be visible to aircraft flying at higher or lower altitudes than the parachutist, but the parachutist should not present a hazard to those aircraft. In addition, the requirement to have a light that is visible ''in all directions'' would require that a parachutist be equipped with two lights which would exceed the requirements for aircraft lights in part 91. Therefore, the phrase ''in all directions'' is not included in the final rule.

Section 105.21 Parachute Operations Over or Into a Congested Area or an Open Air Assembly of Persons

Proposal: In the NPRM, the FAA proposed to remove the 4-day requirement to apply for a certificate of

authorization to make a parachute jump over or into congested areas or open air assemblies since that amount of time for processing certificates of authorization is no longer necessary.

Comments: Several commenters, including USPA, oppose deleting the 4-day reporting requirement, because in the commenters' opinion, it may take the FAA longer than 4 days to process a certificate of authorization. All of the commenters request that the regulation be amended to require processing of applications for certificates of authorization within 5 business days after submission, instead of leaving the processing time unspecified.

FAA response: The FAA does not agree with the commenters that removing the 4-day reporting requirement will increase the time it takes the FAA to process a certificate of authorization. The FAA and the parachute industry may use current technology (i.e., computers and fax capability) which makes it possible to process certificates of authorization in less than 4 days. Currently, the FAA uses this technology to issue certificates of authorization for other aviation events (i.e., air shows). Therefore, the FAA has determined that removing the 4-day reporting requirement will not cause additional processing delays and will actually expedite the process. The requirement is adopted in the final rule, as proposed.

Section 105.23 Parachute Operations Over or Onto Airports

Proposal: Currently, unless prior approval has been given by aircraft management, part 105 prohibits parachute operations over or onto any airport that does not have a functioning control tower operated by the United States. In the NPRM, the FAA proposed amending the regulation to require pilots of aircraft conducting parachute operations to contact the air traffic control tower having jurisdiction over the area where parachute operations are taking place, regardless of who is responsible for tower operations.

Comments: The commenters did not offer specific comments on the proposed change to this section. However, many commenters disagree with the current rule language which grants airport managers the authority to approve parachute operations over or onto the airports.

FAA response: The FAA did not propose an amendment to change the longstanding policy authorizing airport managers to grant approval for parachute operations over or onto their airport. The comments are therefore, outside the scope of the NPRM, and have not been considered.

Section 105.25 Parachute Operations in Designated Airspace

Proposal: The FAA proposed to prohibit parachute operations in restricted or prohibited areas unless authorized by the controlling agency of the area concerned. The FAA also proposed to prohibit parachute operations in Class A, B, C, or D airspace without an air traffic control authorization. Further, the FAA proposed to prohibit parachute operations within Class E or G airspace unless the air traffic control facility having jurisdiction over the affected airspace is notified of the parachute operation no earlier than 24 hours before or not later than 1 hour before the parachute operation begins.

Comments: There were no substantive comments received on this section.

FAA response: Although there were no comments received on this section, the FAA determined that in paragraph (c) of this section, ''air traffic control'' should be replaced with ''the FAA'' to indicate that other FAA organizations, besides air traffic, may revoke the acceptance of the notification for any failure of the organization conducting the parachute operations to comply with FAA requirements. With the exception of this change, this section remains as proposed.

Section 105.27 Accident Reporting Requirements

Proposal: Currently, there are no FAA requirements to report accidents involving parachutist. In the NPRM the FAA proposed a new section which would require the parachutist(s), the pilot of the aircraft, or the drop zone owner or operator to notify the FAA within 48 hours of any parachute operation resulting in a serious or fatal injury to the parachutist.

Comments: Numerous commenters, including USPA, AOPA, and Southwest Airlines Pilot's Association strongly oppose this proposed requirement, while one commenter supports it. Most of the commenter state that the pilot should not be responsible for reporting an accident because it would be very difficult for the pilot to know if a parachutist who jumped from his or her aircraft was injured from the fall. Several commenters state that only ''serious'' injuries, requiring a physician's attention, should be reported. In addition, several commenters also dispute the number of estimated parachute jumping accidents per year that was used as a basis for cost analysis and determining paperwork burden, versus the number of accidents that actually occur.

FAA response: Based on the comments received, the FAA has revisited its original proposal to determine whether or not current FAA policy, as well as industry practices, provide adequate information pertaining to parachute operation incidents.

The FAA believed that collection and review of information pertaining to parachute operation accidents could be used to assess the safety of parachute operations and assist in preventing future parachute accidents.

However, to be effective, this data collection requires a system, or infrastructure, to collect, store and evaluate the information, which the FAA does not have the resources to support at this time. In addition, this requirement imposes a significant paperwork burden on individuals conducting or participating in parachute operations. After considering the lack of available FAA resources and the paperwork burden that would be necessary to meet this requirement, the FAA has concluded that the infrastructure for this type of data collection is currently unavailable, and that the paperwork burden would be excessive.

Additionally, the FAA and the USPA have a close working relationship with regard to the safe conduct of parachute operations within the National Airspace System. When safety issues surface within either organization, an exchange of information is commonplace. We expect this relationship to continue, and believe that cooperation between the two organizations will provide the same, if not a better alternative than regulations at this time.

Therefore, § 105.27 and the definitions in § 105.3 associated with this section (*i.e.,* ''fatal injury'' and ''serious injury'') are not included in the final rule. Although this section is not adopted in the final rule, the FAA will continue to monitor the safety of parachute operations and the possible need for accident reporting requirements for possible consideration in a future rulemaking action.

Subpart C—Parachute Equipment and Packing

Section 105.43 Use of Single-Harness, Dual-Parachute Systems

Proposal: Currently, the rule provides that only a certificated parachute rigger, or the person making the parachute jump with that parachute, may pack a main parachute. The FAA proposed that a non-certificated person also may pack a main parachute under the direct

supervision of a certificated parachute rigger. The FAA also proposed that if installed, the automatic activation device (AAD) must be maintained in accordance with manufacturer instructions for that AAD.

Comments: Several commenters, including USPA, believe that the responsibility for the safety of parachute equipment should rest with the certificated rigger and the parachute jumper, not the pilot of the aircraft used for the jump, as current stated in § 105.43(a).

In addition, the USPA states that the certificated rigger should be on the premises during parachute packing, and thus available for personal consultation.

Several commenters support the current 120-day repack cycle requirement, which was also included in the proposal. Numerous commenters oppose the current 120-day repack cycle, and favor either a 180-day or a 6-month repack cycle.

Several commenters, including USPA, request the deletion of § 105.43(b)(3), which requires that if AAD's are installed, they must be maintained in accordance with the manufacturer's instructions. The USPA states that if this paragraph is retained in the final rule, there is no method of documentation available for a pilot to verify that the AAD is in compliance with the manufacturer's guidelines/instructions, and thus, in compliance with the rule. In addition, other commenters note that this piece of equipment is supplemental and does not require FAA certification, therefore, it should not be included in the regulation.

FAA response: The FAA agrees with the commenters who request that the certificated rigger should be held responsible for packing the parachute properly. However, this requirement is not new to the regulations. Certificated riggers have always been responsible for the proper rigging of a parachute, which is evident from the fact that the rigger is required to obtain a certificate. Section 65.129 of the regulations further requires that the certificated rigger ensure that parachutes are packed in accordance with the Administrator's and manufacturer's requirements. The FAA has adopted the revision of ''supervision'' to ''direct supervision,'' and has included the phrase ''takes responsibility for that packing'' in definition.

The FAA cannot agree entirely with those commenters who believe that the pilot should not be held responsible for the safety of the parachute equipment. The FAA wants to retain this longstanding requirement in the final rule for more than one reason. First and foremost, the pilot is the final checkpoint for equipment that a parachutist encounters before jumping from the aircraft. The pilot merely verifies that the jumper's equipment is properly inspected, which is not a burdensome task. The FAA believes that the pilot should bear this burden because the pilot has responsibility for the safety of the parachutist(s) while they are aboard the aircraft and the FAA believes that this responsibility should include ensuring that the parachutist(s) are using proper equipment.

The FAA agrees with the USPA's recommendation that a certificated rigger should be on the premises during parachute packing and available for personal consultation. The FAA also believes a certificated rigger should directly supervise the packing of the parachute. It is not sufficient, from a safety standpoint, to have a non-certificated person pack a parachute without a certificated rigger directly supervising the packing, and ensuring that it is done properly. Accordingly, § 105.43(a) is adopted as proposed.

With regard to the repack cycle, the 180-day and 6 month repack cycles were not part of the original proposal; therefore, they are outside the scope of this rulemaking. The requirement for a 120-day repack cycle is retained in the final rule.

The FAA disagrees with the commenters' request to delete § 105.43(b)(3), which requires that if AAD's are installed, they must be maintained in accordance with the manufacturer's instructions. Although AAD's are not subject to approval under a TSO or airworthiness certification, the FAA believes this requirement is necessary for safety considerations, even though AAD's are an optional piece of equipment, except in tandem operations. Therefore, this requirement is retained in the final rule.

The FAA also made a correction to the paragraph designation of this section. In the proposal, paragraph (b)(3) was incorrectly labeled; it has been correctly designated as paragraph (c) in the final rule.

Section 105.45 Use of Tandem Parachute Systems

Proposal: This proposed section provided for tandem parachute operations, and incorporated the conditions and limitations, with some modification, set forth in the grants of exemption issued to experimental tandem parachute operators. These conditions and limitations include instructor experience requirements, briefings for passenger parachutists, equipment inspections, and packing requirements.

In addition, the FAA proposed that a certificated parachute rigger supervise persons packing parachutes who are not certificated by the FAA, unless the person packing the parachute is a parachutist in command.

Comments: Several commenters, including USPA, recommend that manufacturer's directives for tandem parachute systems be made mandatory. The commenters also request that the number of freefall jumps to qualify as a tandem jump instructor be changed from 300 of 500 freefall jumps with a ram air parachute to 500 freefall jumps, because currently, only ram air parachutes are used. According to the commenters, this change would reflect the recommendation by USPA and the manufacturers for tandem jump instructor qualifications.

FAA response: The USPA's recommendation that the manufacturer's directives for tandem parachute systems should be mandatory is outside the scope of this rulemaking, and therefore, cannot be addressed at this time.

The FAA has decided to eliminate the requirement that 300 of the 500 freefall jumps must be made using a ram air parachute. The commenters correctly point out that round have long become obsolete. Today, almost all jumps are made with ram air parachutes. The FAA has changed this requirement to 500 jumps using a ram-air parachute in the final rule.

Section 105.47 Use of Static Lines

Proposal: The current rule requires that no person may make a parachute jump using a static line unless an assist device is used to aid the pilot chute in performing its function, or if no pilot chute is used, to aid in the direct deployment of the main parachute canopy. The Notice proposed to remove the requirement that assist devices must be used with ram-air parachutes.

Comments: Several commenters, including USPA, submitted comments on this proposed section. The commenters ask that the term ''direct-deployed'' be changed to ''direct-bag deployed'' and that the term ''ram-air parachutes'' be replaced with the term ''ram-air canopies,'' because according to the commenters, these terms are used currently in the parachute industry.

FAA response: The FAA does not agree with these commenters. The use of the terms ''ram-air canopies'' and ''ram-air parachutes'' are nearly synonymous in the parachute industry, as are the terms ''direct-bag deployed'' and ''direct

deployed.'' Therefore, these terms are adopted as proposed.

Section 105.49 Foreign Parachutists and Equipment

Proposal: This new section will be added to address equipment and packing requirements for foreign parachutists. Only single-harness, dual-parachute systems which contain a non-technical standard order (TSO) reserve parachute or non-TSO'd harness and container would be allowed to be used in the United States by the owner or agent of that equipment. The parachute system used by the foreign parachutist must also meet the civil aviation authority requirements of the foreign parachutist's country, and must be packed by the foreign parachutist making the next parachute jump with that parachute, or a U.S. certificate parachute rigger.

Comments: Several commenters, including the USPA, believe that this section needs clarification. For example, the commenters suggest that the FAA should clarify that when a foreign jumper brings a parachute system into the United States, the foreign parachute system should be subject to the U.S. repack cycle (120 days).

FAA response: The FAA does not agree with the commenter's recommendations that the foreign parachute system should be subject to the U.S. repack cycle (120 days). The FAA has already determined that foreign parachute systems must meet the requirements of their country or its civil aviation authority. This section is incorporated into the final rule as proposed, with one exception. In the proposal, the two subparagraphs in paragraph (a)(4) were incorrectly labeled (a) and (b); they have been correctly designated as (i) and (ii), respectively, in the final rule.

Section 119.1 Applicability

Proposal: Currently, § 119.1(e)(6) provides an exception for nonstop flights conducted within a 25 statute mile radius of the airport of takeoff carrying persons for the purpose of intentional parachute jumps. The FAA proposed to amend this section to add the word ''objects'' in addition to ''persons'' when a flight is conducted for intentional parachute operations.

Comments: Several commenters, including USPA, submitted comments on this proposed section. Some commenters ask for the elimination of this section, as they claim it is unnecessary, given the nature of parachute operations today. Several other commenters, including USPA, suggest that the 25-statue mile limit be increased to a 100-statute mile limit of the departure airport.

FAA response: The FAA does not agree with the commenters' requested changes. Since the request to increase the statute mile limit from 25 to 100 statute miles from the airport of departure, is outside the scope of the Notice, it will not be considered in this action. Therefore, the language originally proposed in the Notice is retained in the final rule.

Paperwork Reduction Act

At the NPRM stage of this final rule, the FAA proposed a requirement for accident reporting. Because this requirement involved the voluntary submission of information from the public on accidents involving parachute operations, the FAA prepared an estimate of the paperwork burden that would be required of the public and submitted it to OMB for approval. However, after reviewing the comments received from the public on the accident reporting proposal in the NPRM, the FAA has decided not to include this requirement in the final rule. Therefore, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the agency has determined that there are no longer information requirements associated with this final rule.

International Compatibility

The FAA has reviewed corresponding International Civil Aviation Organization international standards and recommended practices and Joint Aviation Authorities requirements and has identified no differences in these proposed amendments and the foreign regulations.

Economic Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal Agency to propose or adopt a regulation only if the agency makes 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. 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. Where appropriate, agencies are directed to use those international standards as the basis of U.S. standards. And 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. This requirement applies only to rules that include a Federal mandate on State, local, or tribal governments, or the private sector, likely to result in a total expenditure of $100 million or more in any one year (adjusted for inflation).

In conducting these analyses, the FAA has determined this rule: (1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant impact on a substantial number of small entities; (3) will not impose restraints on international trade; and (4) does not impose an unfunded mandate on State, local, or tribal governments, or on the private sector. The FAA has placed these analyses in the docket and summarized them below.

This final rule will amend the regulations that govern parachute operations. Amendments to the regulations reflect changes in the requirements applicable to radio communications, parachute packing, tandem parachute operations, and foreign parachutists. Through this rule, the FAA intends to enhance the safety of parachute operations in the National Airspace System (NAS).

The benefits of the final rule are: (1) It should reduce the risk of a midair collision between aircraft and persons engaged in parachute operations, and reduce the risk of aircraft coming in close proximity to the parachutists in the vicinity of an airport or within controlled airspace; (2) it will revise some sections of the rule for better understanding; and (3) it will permit certain operations that currently are only allowed through exemptions granted by the FAA.

The amendments to part 105 will impose negligible additional cost, if any, on parachutists, pilots of aircraft used in parachute operations, certificated parachute riggers, and drop zone operators. Major aspects of this rule such as the requirements for tandem parachute operations and for parachute jumps by foreign parachutists already are being met under exemptions granted by the FAA. Therefore, this rulemaking action will not impose additional business expenses on drop zone operators, parachute clubs, or foreign parachutists. Costs imposed on the FAA

are negligible, since the agency will not be required to provide additional oversight of parachute operations under the revision of parts 65, 91, 105, and 119.

In view of the negligible additional cost of compliance to the final rule, compared with the improvements in operating procedures that enhance the safety of parachute operations, the FAA has determined that the final rule is cost-justified.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to the regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 Act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA conducted the required review of this final rule and determined that it will not have a significant economic impact on a substantial number of small entities. The small entities affected by this final rule consist of parachutists, pilots of aircraft used in parachute operations, certificated riggers, and drop zone operators. The final rule will impose negligible additional cost, if any, on the entities. Major aspects of this rulemaking such as permitting tandem parachute operations will not impose additional business expenses for compliance on drop zone operators or parachute clubs because these entities currently adhere to the requirements of the rule through grants of exemptions issued by the FAA under part 105. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FAA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activity 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 Administrator'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.

The FAA has determined that the rule will promote parachuting by foreign parachutists in the United States. The final rule will permit foreign parachutists to jump in the United States using parachutes that are packed in their country of origin and thereby encourage foreign countries to grant permission for U.S. skydivers to jump in those countries using parachutes packed in the United States.

Unfunded Mandates Reform Act

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 State, 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. It has determined that this action will not have a substantial direct effect on the States, or the relationship betwen the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has detemined 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 final rule 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.

Distribution and Derivation Tables

The following distribution table is provided to illustrates how the current regulation would relate to the revised part 105, and the derivation table identifies how the revised part 105 would relate to the current rule.

DISTRIBUTION TABLE

Old section	New section(s)
105.1	105.1
105.11	105.1
105.13	105.5
105.14	105.13
105.15	105.21
105.17	105.23
105.19	105.25
105.23	105.25
105.25	105.15
105.33	105.19
105.35	105.7
105.37	105.9
105.41	105.41
105.43	105.43 and 105.47

DERIVATION TABLE

New section	Old section(s)
105.1	105.1 and 105.11

DERIVATION TABLE—Continued

New section	Old section(s)
105.3	New
105.5	105.13
105.7	105.35
105.9	105.37
105.13	105.14
105.15	105.25
105.17	105.29
105.19	105.33
105.21	105.15
105.23	105.17
105.25	105.19 and 105.23
105.41	105.41
105.43	105.43
105.45	New
105.47	105.43

List of Subjects

14 CFR Part 65

Air traffic controllers, Aircraft, Airmen, Airports, Alcohol abuse, Drug abuse, Reporting and recordkeeping requirements.

14 CFR Part 91

Afghanistan, Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Canada, Cuba, Freight, Mexico, Noise control, Political candidates, Reporting and recordkeeping requirements, Yugoslavia.

14 CFR Part 105

Aircraft, Aviation safety, Recreation and recreation areas, Reporting and recordkeeping requirements.

14 CFR Part 119

Administrative practice and procedure, Air carriers, Aircraft, Aviation safety, Charter flights, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 65, 91, 105, and 119 of Title 14 Code of Federal Regulations as follows:

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

1. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

2. Section 65.111 is amended by revising paragraphs (a) and (b) to read as follows:

§ 65.111 Certificate required.

(a) No person may pack, maintain, or alter any personnel-carrying parachute intended for emergency use in connection with civil aircraft of the United States (including the reserve parachute of a dual parachute system to be used for intentional parachute jumping) unless that person holds an appropriate current certificate and type rating issued under this subpart and complies with §§ 65.127 through 65.133.

(b) No person may pack, maintain, or alter any main parachute of a dual-parachute system to be used for intentional parachute jumping in connection with civil aircraft of the United States unless that person—

(1) Has an appropriate current certificate issued under this subpart;

(2) Is under the supervision of a current certificated parachute rigger;

(3) Is the person making the next parachute jump with that parachute in accordance with § 105.43(a) of this chapter; or

(4) Is the parachutist in command making the next parachute jump with that parachute in a tandem parachute operation conducted under § 105.45(b)(1) of this chapter.

* * * * *

3. Section 65.125 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

§ 65.125 Certificates: Privileges.

(a) * * *

(2) Supervise other persons in packing any type of parachute for which that person is rated in accordance with § 105.43(a) or § 105.45(b)(1) of this chapter.

(b) * * *

(2) Supervise other persons in packing, maintaining, or altering any type of parachute for which the certificated parachute rigger is rated in accordance with § 105.43(a) or § 105.45(b)(1) of this chapter.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

4. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

5. Section 91.307 is amended by revising paragraph (b) to read as follows:

§ 91.307 Parachutes and parachuting.

* * * * *

(b) Except in an emergency, no pilot in command may allow, and no person may conduct, a parachute operation from an aircraft within the United States except in accordance with part 105 of this chapter.

* * * * *

6. Part 105 is revised to read as follows:

PART 105—PARACHUTE OPERATIONS

Subpart A—General

105.1 Applicability.
105.3 Definitions.
105.5 General.
105.7 use of alcohol and drugs.
105.9 Inspections.

Subpart B—Operating Rules

105.13 **Federal Register**Radio equipment and use requirements.
105.15 Information required and notice of cancellation or postponement of a parachute operation.
105.17 Flight visibility and clearance from cloud requirements.
105.19 Parachute operations between sunset and sunrise.
105.21 Parachute operations over or into a congested area or an open-air assembly of persons.
105.23 Parachute operations over or onto airports.
105.25 Parachute operations in designated airspace.

Subpart C—Parachute Equipment and Packing

105.41 Applicability.
105.43 Use of single-harness, dual-parachute systems.
105.45 Use of tandem parachute systems.
105.47 Use of static lines.
105.49 Foreign parachutists and equipment.

Authority: 49 U.S.C. 106(g), 40113–40114, 44701–44702, 44721.

§ 105.1 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, this part prescribes rules governing parachute operations conducted in the United States.

(b) This part does not apply to a parachute operation conducted—

(1) In response to an in-flight emergency, or

(2) To meet an emergency on the surface when it is conducted at the direction or with the approval of an agency of the United States, or of a State, Puerto Rico, the District of Columbia, or a possession of the United States, or an agency or political subdivision thereof.

(c) Sections 105.5, 105.9, 105.13, 105.15, 105.17, 105.19 through 105.23, 105.25(a)(1) and 105.27 of this part do not apply to a parachute operation

conducted by a member of an Armed Force—

(1) Over or within a restricted area when that area is under the control of an Armed Force.

(2) During military operations in uncontrolled airspace.

§ 105.3 Definitions.

For the purposes of this part—

Approved parachute means a parachute manufactured under a type certificate or a Technical Standard Order (C–23 series), or a personnel-carrying U.S. military parachute (other than a high altitude, high speed, or ejection type) identified by a Navy Air Facility, an Army Air Field, and Air Force-Navy drawing number, an Army Air Field order number, or any other military designation or specification number.

Automatic Activation Device means a self-contained mechanical or electro-mechanical device that is attached to the interior of the reserve parachute container, which automatically initiates parachute deployment of the reserve parachute at a pre-set altitude, time, percentage of terminal velocity, or combination thereof.

Direct Supervision means that a certificated rigger personally observes a non-certificated person packing a main parachute to the extent necessary to ensure that it is being done properly, and takes responsibility for that packing.

Drop Zone means any pre-determined area upon which parachutists or objects land after making an intentional parachute jump or drop. The center-point target of a drop zone is expressed in nautical miles from the nearest VOR facility when 30 nautical miles or less; or from the nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical Chart or Sectional Aeronautical Chart, when the nearest VOR facility is more than 30 nautical miles from the drop zone.

Foreign parachutist means a parachutist who is neither a U.S. citizen or a resident alien and is participating in parachute operations within the United States using parachute equipment not manufctured in the United States.

Freefall means the portion of a parachute jump or drop between aircraft exit and parachute deployment in which the parachute is activated manually by the parachutist at the parachutist's discretion or automatically, or, in the case of an object, is activated automatically.

Main parachute means a parachute worn as the primary parachute used or intended to be used in conjunction with a reserve parachute.

Object means any item other than a person that descends to the surface from an aircraft in flight when a parachute is used or is intended to be used during all or part of the descent.

Parachute drop means the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.

Parachute jump means a parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when a aircraft is used or intended to be used during all or part of that descent.

Parachute operation means the performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop. This parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot.

Parachutist means a person who intends to exit an aircraft while in flight using a single-harness, dual parachute system to descend to the surface.

Parachutist in command means the person responsible fro the operation and safety of a tandem parachute operation.

Passenger parachutist means a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of existing the aircraft while in-flight using the forward harness of a dual harness tandem parachute system to descend to the surface.

Pilot chute means a small parachute used to initiate and/or accelerate deployment of a main or reserve parachute.

Ram-air parachute means a parachute with a canopy consisting of an upper and lower surface that is inflated by ram air entering through specially designed openings in the front of the canopy to form a gliding airfoil.

Reserve parachute means an approved parachute worn for emergency use to be activated only upon failure of the main parachute or in any other emergency where use of the main parachute is impractical or use of the main parachute would increase risk.

Single-harness, dual parachute system: means the combination of a main parachute, approved reserve parachute, and approved single person harness and dual-parachute container. This parachute system may have an operational automatic activation device installed.

Tandem parachute operation: means a parachute operation in which more than one person simultaneously uses the same tandem parachute system while descending to the surface from an aircraft in flight.

Tandem parachute system: means the combination of a main parachute, approved reserve parachute, and approved harness and dual parachute container, and a separate approved forward harness for a passenger parachutist. This parachute system must have an operational automatic activation device installed.

§ 105.5 General.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from an aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface.

§ 105.7 Use of alcohol and drugs.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a person to conduct a parachute operation from that aircraft, if that person is or appears to be under the influence of—

(a) Alcohol, or

(b) Any drug that affects that person's faculties in any way contrary to safety.

§ 105.9 Inspections.

The Administrator may inspect any parachute operation to which this part applies (including inspections at the site where the parachute operation is being conducted) to determine compliance with the regulations of this part.

Subpart B—Operating Rules

§ 105.13 Radio equipment and use requirements.

(a) Except when otherwise authorized by air traffic control—

(1) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, in or into controlled airspace unless, during that flight—

(i) The aircraft is equipped with a functioning two-way radio communication system appropriate to the air traffic control facilities being used; and

(ii) Radio communications have been established between the aircraft and the air traffic control facility having jurisdiction over the affected airspace of the first intended exit altitude at least 5 minutes before the parachute operation begins. The pilot in command must establish radio communications to receive information regarding air traffic

activity in the vicinity of the parachute operation.

(2) The pilot in command of an aircraft used for any parachute operation in or into controlled airspace must, during each flight—

(i) Continuously monitor the appropriate frequency of the aircraft's radio communications system from the time radio communications are first established between the aircraft and air traffic control, until the pilot advises air traffic control that the parachute operation has ended for that flight.

(ii) Advise air traffic control when the last parachutist or object leaves the aircraft.

(b) Parachute operations must be aborted if, prior to receipt of a required air traffic control authorization, or during any parachute operation in or into controlled airspace, the required radio communications system is or becomes inoperative.

§ 105.15 Information required and notice of cancellation or postponement of a parachute operation.

(a) Each person requesting an authorization under §§ 105.21(b) and 105.25(a)(2) of this part and each person submitting a notification under § 105.25(a)(3) of this part must provide the following information (on an individual or group basis):

(1) The date and time the parachute operation will begin.

(2) The radius of the drop zone around the target expressed in nautical miles.

(3) The location of the center of the drop zone in relation to—

(i) The nearest VOR facility in terms of the VOR radial on which it is located and its distance in nautical miles from the VOR facility when that facility is 30 nautical miles or less from the drop zone target; or

(ii) the nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical Chart or Sectional Aeronautical Chart, when the nearest VOR facility is more than 30 nautical miles from the drop zone target.

(4) Each altitude above mean sea level at which the aircraft will be operated when parachutists or objects exist the aircraft.

(5) The duration of the intended parachute operation.

(6) The name, address, and telephone number of the person who requests the authorization or gives notice of the parachute operation.

(7) The registration number of the aircraft to be used.

(8) The name of the air traffic control facility with jurisdiction of the airspace at the first intended exit altitude to be used for the parachute operation.

(b) Each holder of a certificate of authorization issued under §§ 105.21(b) and 105.25(b) of this part must present that certificate for inspection upon the request of the Administrator or any Federal, State, or local official.

(c) Each person requesting an authorization under §§ 105.21(b) and 105.25(a)(2) of this part and each person submitting a notice under § 105.25(a)(3) of this part must promptly notify the air traffic control facility having jurisdiction over the affected airspace if the proposed or scheduled parachute operation is canceled or postponed.

§ 105.17 Flight visibility and clearance from cloud requirements.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft—

(a) Into or through a cloud, or

(b) When the flight visibility or the distance from any cloud is less than that prescribed in the following table:

Altitude	Flight visibility (statute miles)	Distance from clouds
1,200 feet or less above the surface regardless of the MSL altitude ..	3	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface but less than 10,000 feet MSL.	3	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5	1,000 feet below, 1,000 feet above, 1 mile horizontal.

§ 105.19 Parachute operations between sunset and sunrise.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a person to conduct a parachute operation from an aircraft between sunset and sunrise, unless the person or object descending from the aircraft displays a light that is visible for at least 3 statute miles.

(b) The light required by paragraph (a) of this section must be displayed from the time that the person or object is under a properly functioning open parachute until that person or object reaches the surface.

§ 105.21 Parachute operations over or into a congested area or an open-air assembly of persons.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or into a congested area of a city, town, or settlement, or an open-air assembly of persons unless a certificate of authorization for that parachute operation has been issued under this section. However, a parachutist may drift over a congested area or an open-air assembly of persons with a fully deployed and properly functioning parachute if that parachutist is at a sufficient altitude to avoid creating a hazard to persons or property on the surface.

(b) An application for a certificate of authorization issued under this section must—

(1) Be made in the form and manner prescribed by the Administrator, and

(2) Contain the information required in § 105.15(a) of this part.

(c) Each holder of, and each person named as a participant in a certificate of authorization issued under this section must comply with all requirements contained in the certificate of authorization.

(d) Each holder of a certificate of authorization issued under this section must present that certificate for inspection upon the request of the Administrator, or any Federal, State, or local official.

§ 105.23 Parachute operations over or onto airports.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or onto any airport unless—

(a) For airports with an operating control tower:

(1) Prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(2) Approval has been obtained from the control tower to conduct parachute operations over or onto that airport.

(3) Two-way radio communications are maintained between the pilot of the aircraft involved in the parachute operation and the control tower of the airport over or onto which the parachute operation is being conducted.

(b) For airports without an operating control tower, prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(c) A parachutist may drift over that airport with a fully deployed and properly functioning parachute if the parachutist is at least 2,000 feet above that airport's traffic pattern, and avoids creating a hazard to air traffic or to persons and property on the ground.

§ 105.25 Parachute operations in designated airspace.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft—

(1) Over or within a restricted area or prohibited area unless the controlling agency of the area concerned has authorized that parachute operation;

(2) Within or into a Class A, B, C, D airspace area without, or in violation of the requirements of, an air traffic control authorization issued under this section;

(3) Except as provided in paragraph (c) and (d) of this section, within or into Class E or G airspace area unless the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude is notified of the parachute operation no earlier than 24 hours before or no later than 1 hour before the parachute operation begins.

(b) Each request for a parachute operation authorization or notification required under this section must be submitted to the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude and must include the information prescribed by § 105.15(a) of this part.

(c) For the purposes of paragraph (a)(3) of this section, air traffic control facilities may accept a written notification from an organization that conducts parachute operations and lists the scheduled series of parachute operations to be conducted over a stated period of time not longer than 12 calendar months. The notification must contain the information prescribed by § 105.15(a) of this part, identify the responsible persons associated with that parachute operation, and be submitted at least 15 days, but not more than 30 days, before the parachute operation begins. The FAA may revoke the acceptance of the notification for any failure of the organization conducting the parachute operations to comply with its requirements.

(d) Paragraph (a)(3) of this section does not apply to a parachute operation conducted by a member of an Armed Force within a restricted area that extends upward from the surface when that area is under the control of an Armed Force.

Subpart C—Parachute Equipment and Packing

§ 105.41 Applicability.

This subpart prescribed rules governing parachute equipment used in civil parachute operations.

§ 105.43 Use of single-harness, dual-parachute systems.

No person may conduct a parachute operation using a single-harness, dual-parachute system, and no pilot in command of an aircraft may allow any person to conduct a parachute operation from that aircraft using a single-harness, dual-parachute system, unless that system has at least one main parachute, one approved reserve parachute, and one approved single person harness and container that are packed as follows:

(a) The main parachute must have been packed within 120 days before the date of its use of a certificated parachute rigger, the person making the next jump with that parachute, or a non-certificated person under the direct supervision of a certification parachute rigger.

(b) The reserve parachute must have been packed by a certificated parachute rigger—

(1) Within 120 days before the date of its use, if its canopy, shroud, and harness are composed exclusively of nylon, rayon, or similar synthetic fiber or material that is substantially resistant to damage from mold, mildew, and other fungi, and other rotting agents propagated in a moist environment; or

(2) Within 60 days before the date of its use, if it is composed of any amount of silk, pongee, or other natural fiber, or material not specified in paragraph (b)(1) of this section.

(c) If installed, the automatic activation device must be maintained in accordance with manufacturer instructions for that automatic activation device.

§ 105.45 Use of tandem parachute systems.

(a) No person may conduct a parachute operation using a tandem parachute system, and no pilot in command of an aircraft may allow any person to conduct a parachute operation from that aircraft using a tandem parachute system, unless—

(1) One of the parachutists using the tandem parachute system is the parachutist in command, and meets the following requirements:

(i) Has a minimum of 3 years of experience in parachuting, and must provide documentation that the parachutist—

(ii) Has completed a minimum of 500 freefall parachute jumps using a ram-air parachute, and

(iii) Holds a master parachute license issued by an organization recognized by the FAA, and

(iv) Has successfully completed a tandem instructor course given by the manufacturer of the tandem parachute system used in the parachute operation or a course acceptable to the Administrator.

(v) Has been certified by the appropriate parachute manufacturer or tandem course provider as being properly trained on the use of the specific tandem parachute system to be used.

(2) The person acting as parachutist in command:

(i) Has briefed the passenger parachutist before boarding the aircraft. The briefing must include the procedures to be used in case of an emergency with the aircraft or after exiting the aircraft, while preparing to exit and exiting the aircraft, freefall, operating the parachute after freefall, landing approach, and landing.

(ii) Uses the harness position prescribed by the manufacturer of the tandem parachute equipment.

(b) No person may make a parachute jump with a tandem parachute system unless—

(1) The main parachute has been packed by a certificated parachute rigger, the parachutist in command making the next jump with that parachute, or a person under the direct supervision of a certificated parachute rigger.

(2) The reserve parachute has been packed by a certificated parachute rigger in accordance with § 105.43(b) of this part.

(3) The tandem parachute system contains an operational automatic activation device for the reserve parachute, approved by the manufacturer of that tandem parachute system. The device must—

(i) Have been maintained in accordance with manufacturer instructions, and

(ii) Be armed during each tandem parachute operation.

(4) The passenger parachutist is provided with a manual main parachute activation device and instructed on the use of that device, if required by the owner/operator.

(5) The main parachute is equipped with a single-point release system.

(6) The reserve parachute meets Technical Standard Order C23 specifications.

§ 105.47 Use of static lines.

(a) Except as provided in paragraph (c) of this section, no person may conduct a parachute operation using a static line attached to the aircraft and the main parachute unless an assist device, described and attached as follows, is used to aid the pilot chute in performing its function, or, if no pilot chute is used, to aid in the direct deployment of the main parachute canopy. The assist device must—

(1) Be long enough to allow the main parachute container to open before a load is placed on the device.

(2) Have a static load strength of—

(i) At least 28 pounds but not more than 160 pounds if it is used to aid the pilot chute in performing its function; or

(ii) At least 56 pounds but not more than 320 pounds if it is used to aid in the direct deployment of the main parachute canopy; and

(3) Be attached as follows:

(i) At one end, to the static line above the static-line pins or, if static-line pins are not used, above the static-line ties to the parachute cone.

(ii) At the other end, to the pilot chute apex, bridle cord, or bridle loop, or, if no pilot chute is used, to the main parachute canopy.

(b) No person may attach an assist device required by paragraph (a) of this section to any main parachute unless that person is a certificated parachute rigger or that person makes the next parachute jump with that parachute.

(c) An assist device is not required for parachute operations using direct-deployed, ram-air parachutes.

§ 105.49 Foreign parachutists and equipment.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft with an unapproved foreign parachute system unless—

(1) The parachute system is worn by a foreign parachutist who is the owner of that system.

(2) The parachute system is of a single-harness dual parachute type.

(3) The parachute system meets the civil aviation authority requirements of the foreign parachutist's country.

(4) All foreign non-approved parachutes deployed by a foreign parachutist during a parachute operation conducted under this section shall be packed as follows—

(i) The main parachute must be packed by the foreign parachutist making the next parachute jump with that parachute, a certificated parachute rigger, or any other person acceptable to the Administrator.

(ii) The reserve parachute must be packed in accordance with the foreign parachutist's civil aviation authority requirements, by a certificated parachute rigger, or any other person acceptable to the Administrator.

PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

7. The authority citation for part 119 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

8. Section 119.1 is amended by revising paragraph (e)(6) to read as follows:

§ 119.1 Applicability.

* * * * *

(e) * * *

(6) Nonstop flights conducted within a 25-statute-mile radius of the airport of takeoff carrying persons or objects for the purpose of conducting intentional parachute operations.

Issued in Washington, DC on May 4, 2001.

Jane F. Garvey,

Administrator.

[FR Doc. 01–11726 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ACE–4]

Amendment to Class E Airspace; Chillicothe, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Chillicothe, MO. The FAA has developed an Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 32 ORIGINAL Standard Instrument Approach Procedure (SIAP) to serve Chillicothe Municipal Airport, Chillicothe, MO. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for other Instrument Flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAP and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, September 6, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 13, 2001.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01–ACE–4, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations & Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA has developed RNAV (GPS) RWY 32 ORIGINAL SIAP to serve Chillicothe Municipal Airport, Chillicothe, MO. The amendment to Class E airspace at Chillicothe, MO, will provide additional controlled airspace at and above 700 feet AGL, in order to contain the new SIAP within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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 No. 01–ACE–4.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Chillicothe, MO

Chillicothe Municipal Airport, MO
(Lat. 39°46′56″ N., long. 93°29′44″ W.)
Chillicothe NDB
(Lat. 39°46′32″ N., long. 93°29′40″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Chillicothe Municipal Airport and within 2.6 miles each side of the 337° bearing from the Chillicothe NDB extending from the 6.4-mile radius to 7.9 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on April 20, 2001.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 01–11723 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ACE–3]

Amendment to Class E Airspace; Cabool, MO.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Cabool, MO. The FAA has developed an Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 21 ORIGINAL Standard Instrument Approach Procedure (SIAP) to serve Cabool Memorial Airport, Cabool, MO. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for other Instrument flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAP and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, September 6, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 13, 2001.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01–ACE–3, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations & Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA has developed RNAV (GPS) RWY 21 ORIGINAL SIAP to serve Cabool Memorial Airport, Cabool, MO. The amendment to Class E airspace at Cabool, MO, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAP within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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 No. 01–ACE–3.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 a federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Cabool, MO [Revised]

Cabool Memorial Airport, MO
(Lat. 37°07′57″ N., long. 92°05′03″ W.)
Maples VORTAC
(Lat. 37°35′27″ N., long. 91°47′19″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Cabool Memorial Airport and within 2.6 miles each side of the 207° radial of the Maples VORTAC extending from the

6.3-mile radius to 7.4 miles northeast of the airport.

Issued in Kansas City, MO, on April 20, 2001.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 01–11722 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ACE–1]

Amendment to Class E Airspace; Monroe City, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Monroe City, MO.

EFFECTIVE DATE: 0901 UTC, May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 28, 2001 (66 FR 12731). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 17, 2001. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on April 20, 2001.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 01–11721 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 01–ACE–5]

Amendment to Class E Airspace; Olathe, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment modifies the Class E airspace area at Olathe, KS to accommodate a planned change to the VHF Omni-directional Range (VOR) Runway (RWY) 36 Standard Instrument Approach Procedure (SIAP) serving Johnson County Executive Airport, Olathe, KS. Additional controlled airspace extending upward from the surface and upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for other Instrument Flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAP and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, September 6, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 13, 2001.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01–ACE–5, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations & Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA has modified the VOR RWY 36 SIAP serving Johnson County Executive Airport, Olathe, KS. The amendment to Class E airspace at Olathe, KS, will provide additional controlled airspace upward from the surface and at and above 700 feet AGL in order to contain the modified SIAP within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from the surface of the earth are published in paragraph 6004 of FAA Order 7400.9H dated September 1, 2000. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule.

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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 No. 01–ACT–5.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6004 Class E Airspace Areas Extending Upward From the Surface of the Earth.

* * * * *

ACE KS E4 Olathe, Johnson County Executive Airport, KS

Olathe, Johnson County Executive Airport, KS
(Lat. 38°50′51″ N., long. 94°44′15″ W.)
Johnson County VOR/DME
(Lat. 38°50′26″ N., long. 94°44′12″ W.)

That airspace extending upward from the surface within 1.2 miles each side of the Johnson County VOR/DME 180° radial, extending from the 3.9-mile radius, to 7 miles south of the Johnson County VOR/DME. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ACE KS E5 Olathe, Johnson County Executive Airport, KS

Olathe, Johnson County Executive Airport, KS
(Lat. 38°50′51″ N., long. 94°44′15″ W.)
Johnson County VOR/DME
(Lat. 38°50′26″ N., long. 94°44′12″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Johnson County Executive Airport, and within 1.2 miles each side of the Johnson County VOR/DME 180° radial, extending from the 6.4-mile radius, to 7 miles south of the Johnson County VOR/DME.

* * * * *

Issued in Kansas City, MO, on April 20, 2001.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 01–11724 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Parts 801, 802 and 803

Premerger Notification; Antitrust Improvements Act Notification and Report Form

AGENCY: Federal Trade Commission.

ACTION: Interim rule with request for comment.

SUMMARY: The Federal Trade Commission (''Commission'') is amending the Antitrust Improvements Act Notification and Report Form (''the Form'') and the accompanying Instructions for Certain Mergers and Acquisitions (''the Instructions'') which must be completed and submitted by persons required to report mergers or acquisitions pursuant to section 7A of the Clayton Act, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (''HSR Act''). The amended Form and Instructions will require filing persons to: report revenue data using the North American Industry Classification System (''NAICS'') rather than the Standard Industrial Classification (''SIC''); use 1997 rather than 1992 as the base year for reporting revenue data; and report insurance activities in the body of the Form rather than in an Insurance Appendix. In addition, the references to the SIC will be replaced with references to the NAICS. Finally, the Commission will make minor revisions to the Instructions to provide further assistance to persons required to file under the HSR Act.

DATES: This interim rule is effective July 1, 2001. The Commission, however, is soliciting comments regarding the July 1, 2001 effective date of these amendments, which the Commission will change if appropriate. Comments must be received on or before June 8, 2001. In addition, it is important to note that filing persons must continue to use the SIC codes through June 30, 2001, and that all parties to a transaction must use the same classification system. However, for transactions identified as Section 801.30 transactions, where the acquiring person files before July 1, 2001 with the expectation that the acquired person will file on or after July

1, 2001, the Premerger Notification Office recommends that the acquiring person use the NAICS industry and product codes to ensure the efficient handling of the filing.

ADDRESSES: Address all comments to: Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or by e-mail to *hsr-rules@ftc.gov*, and the Director of Operations and Merger Enforcement, Antitrust Division, Department of Justice, Room 10103, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: William L. Lanning, Acting Deputy Assistant Director, or Alice M. Villavicencio, Compliance Specialist, of the Premerger Notification Office, Bureau of Competition at (202) 326–3361 or (202) 326–3155, respectively.

SUPPLEMENTARY INFORMATION:

Background

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94–435, 90 Stat. 1390, and amended by Pub. L. 106–553, 114 Stat. 2762 (''HSR Act''), requires all persons contemplating certain mergers or acquisitions to file notification with the Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice (''Assistant Attorney General''). The HSR Act further provides that such persons wait a designated period of time before consummating such transactions.

Congress empowered the Commission, with the concurrence of the Assistant Attorney General, to require ''that the notification * * * be in such form and contain such documentary material and information * * * as is necessary and appropriate'' to enable the agencies ''to determine whether such acquisitions may, if consummated, violate the antitrust laws.'' Congress similarly granted rulemaking authority to, inter alia, ''prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section.'' 15 U.S.C.18a(d). Pursuant to this section, the Commission, with the concurrence of the Assistant Attorney General, promulgated the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions on July 31, 1978, with an effective date of September 5, 1978, 43 FR 33450 (July 31, 1978), and has since amended or revised the rules and Form on fifteen occasions. The Commission, with the concurrence of the Assistant Attorney General, is promulgating these amendments to the Form and the Instructions relating to Items 3, 5, 6, 7, and 8 as well as to Sections 801.1(j), 802.2(g), and 803.2 of the Rules as indicated herein.

Completion of the Form provides the Commission and the Assistant Attorney General with information and documentary material necessary to conduct an initial review of mergers, acquisitions, and other similar transactions ''to determine whether such acquisitions may, if consummated, violate the antitrust laws.'' 15 U.S.C. 18a(d). The Form is not designed to elicit all potentially relevant information relating to a transaction. Instead, the information requested enables the Commission and the Assistant Attorney General to determine whether the waiting period for a proposed acquisition should be allowed to expire; whether a request by one or both of the filing persons for early termination of the waiting period should be granted; or whether the Commission or the Assistant Attorney General should issue a request for additional information and documentary materials pursuant to section 7A(e) of the HSR Act and 16 CFR 803.20.

The Form and the Instructions currently require that filing persons report revenue data contained in the 1992 Economic Census and the ''1992 Numerical List of Manufactured and Mineral Products.'' The Bureau of the Census has recently published its 1997 versions of the Economic Census and the ''Numerical List of Manufactured and Mineral Products.'' In these reports, the data is compiled using the NAICS which has replaced the SIC as the industrial classification for the United States. As a result, the Form, the Instructions, and several rules will be amended to replace references to the SIC codes with references to the NAICS codes, and references to a 1992 base year to a 1997 base year.

Statement of Basis and Purpose for the Commission's Revision of the Form and the Instructions

In 1992, OMB established the Economic Classification Policy Committee (ECPC).[1] Among other things, OMB asked the ECPC to evaluate the SIC to determine whether it should be revised or it should be replaced with a new industry classification system for the United States. The ECPC concluded that the SIC should be replaced because it did not adequately describe the economy of the United States. Specifically, the ECPC noted that the SIC had failed to address two significant economic trends which had transformed the economy over the last 20 years: the emergence of service-producing industries and the rapid development of technology-based industries.

After conducting an extensive examination of the economy, the ECPC determined that a new industrial classification system would best describe the economy if it were based on a production-oriented, or supply-based, conceptual framework that grouped together businesses using identical or similar production processes. The ECPC also noted that a single conceptual framework would add internal consistency to the new classification system and would ensure that the system could adapt to future economic trends.

Acting in concert with similar committees in Mexico and Canada, the ECPC developed the NAICS to replace the SIC.[2] The NAICS divides the economy into 20 sectors[3] and identifies nine new service industries sectors and 358 new national industries. The NAICS employs a 6-digit coding system in which the first two digits designate the sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit represents the NAICS industry, and the sixth digit designates individual national industries (either Canadian, Mexican, or United States). A 6-digit NAICS industry code is comparable to a 4-digit SIC industry code. A 7-digit NAICS product class code and a 10-digit NAICS product code are comparable to a 5-digit SIC product class code and a 7-digit SIC product code, respectively.[4] A review of NAICS industry codes is slated for every five years and is expected to keep the NAICS current as economic sectors evolve.

In April, 1997, OMB issued its decision to require all Federal statistical agencies that collect or publish data by industry to adopt the NAICS as the industrial classification system for the

[1] The ECPC was chaired by the Bureau of Economic Analysis, U.S. Department of Commerce, with representatives from the Bureau of the Census, U.S. Department of Commerce, and the Bureau of Labor Statistics, U.S. Department of Labor.

[2] The North American Free Trade Agreement provided an impetus to create a new industry classification system as well, since the United States, Mexico, and Canada favored the development of a uniform industrial classification system for North America. Mexico and Canada have also adopted NAICS, with variations.

[3] A NAICS ''sector'' is comparable to the term ''division'' used in the SIC.

[4] Information regarding the NAICS can be found in the ''North American Industry Classification—United States, 1997'' (1997 NAICS Manual) published by the Executive Office of the President, Office of Management and Budget should be used to locate NAICS industry codes. Information is also is available at *www.census.gov*, or by dialing 1–888–75NAICS.

United States, 62 FR 17287–17337 (April 9, 1997). However, OMB specifically noted that it was not requiring any non-statistical agencies, such as the Commission, to use the NAICS because the non-statistical agencies played no role in the development of the NAICS. Instead, OMB noted that non-statistical agencies should utilize the NAICS only after the ''head of the agency administering that program has . . . determined that the use of such industry definitions is appropriate to the implementation of the program's objectives.'' *Id.*

The Commission has determined that requiring filing persons to report revenue data using the NAICS will further the policy objectives of the HSR notification program because the NAICS has several characteristics that will contribute to a more meaningful antitrust analysis. First, the NAICS was designed to describe the United States economy more accurately than the SIC. With its nine new service industry sectors and 358 new industries, the NAICS should provide more precise comparisons for product markets. The review of the NAICS every five years should also provide more accurate comparisons in a dynamic economy.

Second, the Commission has traditionally relied upon the most current economic data to analyze the potential anticompetitive effects of proposed transactions.[5] The ''1997 Economic Census'' and the ''1997 Numerical List of Manufactured and Mineral Products'' published by Bureau of the Census contain such data and use the NAICS.

Third, the NAICS is erected on a production-oriented, or supply-based, conceptual framework to ensure the internal consistency of its industry classifications. Businesses that use identical or similar production processes are grouped together. This organizational concept will be useful to the Commission and the Assistant Attorney General when they evaluate entry and industry overlap issues as part of their antitrust analysis of proposed transactions.

Incorporating the NAICS into the Form and the Instructions will ensure that filing persons provide revenues in a format that can be compared to the most recent and complete economic data published by the Bureau of the Census. The amended Form and Instructions will require the 6-digit NAICS industry code where the Form and Instructions currently require the 4-digit SIC industry code. Filing persons should be aware, however, that certain NAICS industry codes only contain 5-digits. In those instances, the filing person should add a zero (0) to the end of the five-digit code when completing the Form. Seven-digit NAICS product class codes and the 10-digit NAICS product codes should be used where the Form and Instructions currently require the 5-digit SIC class codes and the 7-digit SIC product codes.[6]

We reiterate that filing persons must continue to use the SIC codes through June 30, 2001, and that all parties to a transaction must use the same classification system. For transactions identified as Section 801.30 transactions, where the acquiring person files before July 1, 2001 with the expectation that the acquired person will file on or after July 1, 2001, the Premerger Notification Office recommends that the acquiring person use the NAICS industry and product codes to ensure the efficient handling of the filing.

Amendments to the Form and Instructions

Items 5, 7, and 8 of the Form and Instructions will require that revenue data be provided using the NAICS. References to the SIC codes in Section 801.1(j) and Section 802.2(g) will be replaced with NAICS references. References to the ''1992 base year'' will replaced with ''1997 base year'' throughout the Form and Instructions. Filing persons should refer to the ''1997 Numerical List of Manufactured and Mineral Products'' (EC97M31R-NL) published by the Bureau of the Census to locate product class codes and product codes.

As noted above, several other minor changes to the Form and the Instructions will be made. Most of these changes either clarify the requirements of the Form and Instructions or correct technical errors in earlier versions. In addition, the Insurance Appendix will be deleted and filing persons should report revenues from all insurance activities in Item 5 of the Form. Finally, Section 803.2 will be amended to reflect the deletion of the Insurance Appendix.

Section 801.1(j) Engaged in Manufacturing

In Section 801.1(j), the definition of ''Engaged in manufacturing,'' will be amended by replacing ''products within industries 2000–3999 as coded in the Standard Industrial Classification Manual (1972 Edition)'' with ''products within industries in Sectors 31–33 as coded by the North American Industrial Classification System (1997 Edition).'' This amendment is needed to update the definition to refer to the applicable NAICS sector rather than the SIC industry code.

Section 802.2(g) Certain Acquisitions of Real Property Assets

In Section 802.2(g), the reference to the SIC in the parenthetical will be amended by replacing ''(activities within SIC Major Groups 01 and 02)'' with ''(activities within NAICS sector 11).'' This amendment is necessary to update the definition to refer to the applicable NAICS sector rather than the SIC industry codes. Section 802.2(g) is also the subject of a substantive proposed rule change set forth at 66 FR 8723–8729 (February 1, 2001), but that change will not affect the parenthetical referenced here. The parenthetical reference to ''(activities within SIC Major Groups 01 and 02)'' will be amended as of July 1, 2001, along with the other NAICS changes.

Item 3 of the Instructions

The last sentence of the Instruction to Item 3(a) will be corrected by inserting the word ''involved'' between the words ''persons'' and ''in.'' In the Instruction to Item 3(c), the reference to ''items 3(c)(i)–3(c)(viii)'' will be corrected to read ''items 3(c)(i)–3(c)(vi).''

Item 5 of the Form and Instructions

The last paragraph of the general instruction to Items 5(a) through 5(c) will be revised to clarify that persons filing notification should report revenues derived by all entities included within the person at the time the Notification and Report Form is prepared for each applicable subpart of Item 5. Filing persons have always been required to provide this information for all entities they controlled at the time of filing. The specific reference to the base year in the instruction was added because the Commission wanted to make clear that information for the base year should be included for those entities that were acquired after the base year. Since the instruction has been the subject of questions on several

[5] Periodically, the Commission has adjusted the base year when the Bureau of the Census published a new ''Economic Census.'' *See* 45 FR 14205 (March 5, 1980); 51 FR 10368 (March 26, 1986); 55 FR 31371 (August 2, 1990); and 60 FR 40704 (August 9, 1995).

[6] Cross-reference tables comparing the 1997 NAICS product classes and product codes to the 1992 SIC product classes and vice versa, are found in Appendices E and F, respectively, in the ''1997 Numerical List of Manufactured and Mineral Products.'' For an electronic version of the ''Numerical List,'' visit the Bureau of Census web site. Click on ''Publications'' and search the ''Numerical List.'' Where a product code is not listed in the specific subsector table refer to the ''Current Industrial Reports'' by clicking on the letter ''C'' located on the left grid of the web site.

occasions, the revised language should eliminate any confusion about this requirement.

Item 5(a) will require that the filing person provide 1997 base year revenue data for each 6-digit NAICS industry code(s) in which it derived revenues. Item 5(b)(i) will require that a filing person engaged in manufacturing provide 1997 base year revenue data for each 10-digit NAICS product code(s) in which it derived any revenues. Item 5(c) will require that a filing person engaged in non-manufacturing activities provide 6-digit NAICS industry revenue data for the most recent year.

Item 5(b)(ii) will require that the filing person identify each manufactured product it has added or deleted since 1997 by 10-digit NAICS-based product code(s). The filing person must also give the year in which the product was added or deleted, and must provide the total dollar revenue attributable to each product added for the most recent year by 10-digit NAICS-based product code.

The second paragraph of the Instruction to Item 5(b)(ii) will be revised to clarify that while products added by reason of acquisition of an entity are not included in this item, products added by reason of an acquisition of assets constituting less than an entity should be reported. The paragraph will also be revised to clarify that the same is true of products deleted by disposition of assets. The reference to dispositions of voting securities will be removed in order to correct a technical error in the original instructions. (If a product has been deleted by a disposition of voting securities, then that issuer is no longer within the person filing notification, and no Item 5 information is required for that issuer.)

Item 5(b)(iii) will require that the filing person engaged in manufacturing provide revenue data for the most recent year for each 7-digit NAICS-based class code(s) in which it derived revenues.

The paragraph following the note to Item 5(c) in the Instructions references the Insurance Appendix, which was designed to elicit information relating to insurance activities, broken down by type of insurance. Over time, the Commission has determined that requiring a separate listing for insurance overlaps has not been particularly useful. Consequently, all insurance revenues, including those revenues previously classified under 2-digit SIC major group 63, will now be required to be reported in Item 5. The Insurance Appendix will be deleted and this reference in the Instructions will no longer be needed.

Item 5(d)(iv) of the Form and the Instructions will require that the filing person identify the source of dollar revenues by 6-digit NAICS industry code(s) for a joint venture or other corporation. If the joint venture or other corporation is engaged in manufacturing, the filing person will be required to specify each 7-digit NAICS-based product class code in which it will derive revenues.

In Item 5(d) of the Form, the number ''(1)'' will be changed to ''(i)'' to correct a typographical error.

Item 6 of the Form

In the heading of Item 6(b) on the Form, the word ''or'' will be corrected to ''of,'' so that it reads, ''Shareholders of Person Filing Notification.''

Item 7 of the Form and Instructions

Item 7, which currently requires geographic market information for any 4-digit SIC code in which more than one party to the transaction derives revenues, will require this geographic market information by 6-digit NAICS industry code(s).

Items 7(c)(i–vi) of the Instructions, which require the submission of geographic market information by state and, in some instances, by county, city or town, will be amended by adding the references to the NAICS sectors and subsectors rather than the SIC major groups. The reference to the NAICS sectors and subsectors were carefully compared with the SIC to ensure that the assignment of NAICS codes to subdivisions (i–vi) of Item 7(c) will correspond to the SIC codes currently required. For example, the Instructions to Items 7(c)(v) and 7(c)(vi) will be revised to accommodate a change in classification under the NAICS of insurance agencies/brokerages and insurance carriers. Insurance agencies and brokerages have always been required to list the states in which their establishments are located, while insurance carriers are required to list the states in which they are licensed to write insurance. Under the SIC, agencies and brokerages were reported under Major Group 64, while insurance carriers were reported under Major Group 63. Both types of activities are classified under Sector 52 in the NAICS, but insurance carriers and insurance agencies/brokerages are classified under NAICS Industry Group 5241 and 5242, respectively. Thus, the Instruction to Item 7(c)(v) will apply to insurance agencies/brokers (NAICS Industry Group 5242) and the Instruction to Item 7(c)(vi) will apply to insurance carriers (NAICS Industry Group 5241).

Item 8 of the Form and Instructions

Item 8 requires that the acquiring person report certain recent acquisitions of assets and voting securities, where the assets or voting securities that were previously acquired derived revenues in the same 4-digit SIC code as reported in Item 7 in the instant acquisition. This item will ask for this information by 6-digit NAICS industry code(s).

The instruction to Item 8 will be revised to clarify that information should be provided as to any previous acquisitions where such acquisitions were of a controlling interest in an issuer with sales or assets satisfying the threshold in the instruction. The previous language, requiring the listing of acquisitions of ''more than 50 percent'' of the voting securities of an entity, did not technically encompass an acquisition of exactly 50 percent, which also would constitute a controlling interest. The instruction for asset acquisitions will also be revised to require the listing of any previous acquisition of assets valued at or above the statutory size-of-transaction test at the time of their acquisition, rather than any acquisition of more than 50 percent of the assets of an entity. Requiring the listing of asset acquisitions of a potentially reportable size at the time of their acquisition, and therefore deemed by Congress to warrant antitrust scrutiny, should yield more meaningful information than the listing of acquisitions of over 50 percent of the assets of an entity with assets of $10 million or more, which could be extremely small and of little antitrust significance. In addition, the requirement to provide annual net sales and total assets of the acquired entity in the year prior to the acquisition has been eliminated. Numerous informal comments have been received over the years indicating that this information is often difficult to obtain, particularly for prior acquisitions of assets. The agencies have determined that the burden placed on persons filing notification outweighs the usefulness of the information in analyzing the antitrust implications of the transaction. Accordingly, Items 8(e) and 8(f) will be deleted and Item 8(g) will be redesignated as Item 8(e).

Insurance Appendix and Section 803.2

As noted in Item 5, this appendix will be deleted in its entirety. Section 803.2 has been amended to reflect the deletion.

Administrative Procedure Act

The requirement to publish a notice of proposed rulemaking and afford an

opportunity for public comment under the Administrative Procedure Act does not apply when an agency for good cause finds that such procedure would be ''impracticable, unnecessary, or contrary to the public interest.'' *See* 5 U.S.C. 553(b)(A).

The Commission believes that a notice of proposed rulemaking with public comment is unnecessary here. The NAICS has already become the U.S. standard as an industrial classification system for statistical agencies, replacing the SIC. The NAICS is used by all federal statistical agencies, and has already been widely adopted by state agencies, trade associations, private businesses, and other organizations. Moreover, as noted earlier, the use of the NAICS will improve both the accuracy and consistency of data submitted by filing parties and the evaluation of entry and industry overlap issues as part of the Commission's premerger antitrust analysis. In addition, these revisions will not alter or otherwise affect the substantive rights of the filing parties or the standards by which the Commission is required to conduct such premerger review. Finally, the publication of this interim rule is being made to provide the public with ample opportunity to implement the change to the NAICS from the SIC.

Nonetheless, the Commission is soliciting comment regarding the July 1, 2001 effective date of these amendments to ascertain whether it provides sufficient time for filing persons to comply.

After the comment period, the Commission will publish a notice and final rule in the **Federal Register**. The notice will discuss comments received and will indicate the action taken by the Commission in light of such comments.

Regulatory Flexibility Act

The information required by the amended Form is substantially the same as the information elicited on the current Form. The only difference is that filing persons will be required to report revenue data using the NAICS instead of the SIC in Items 5, 7, and 8. The change in base year simply requires that filing persons use data from the ''1997 Economic Census'' rather than data from the ''1992 Economic Census.'' The ministerial changes clarify or simplify existing practices.

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that the agency conduct an initial and final regulatory analysis of the anticipated economic impact of the proposed amendments on small businesses, except where the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605. Because of the size of the transactions necessary to invoke a Hart-Scott-Rodino filing,[7] the premerger notification rules rarely, if ever, affect small businesses. The recent amendments to section 7A of the Clayton Act and the Commission's implementing rule amendments were intended to reduce the burden of the premerger notification program by exempting all transactions valued at $50 million or less.

Furthermore, most federal statistical agencies have adopted the NAICS since 1997. Accordingly, many companies that currently file HSR notifications have submitted economic information to the Bureau of the Census using the NAICS codes since 1997. For these filing persons, reporting base year revenue data classified under the NAICS should present little difficulty. For persons that do not have base year revenue data coded under the NAICS, the delayed effective date of the amendments to the Form should provide sufficient time to convert their SIC data to the NAICS format with minimal burden. Finally, potential filers have always been required to provide base year data from the most recent Economic Census since the inception of the Form in 1978.

In light of the foregoing, the Commission certifies that the amendments to the Form will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. Thus, neither an initial nor a final regulatory flexibility analysis of this revision is required. 5 U.S.C. 605. This document serves as the required notice of this certification to the Small Business Administration.

Paperwork Reduction Act

The Commission's revisions to the Form do not ''substantive[ly] or material[ly] modify'' the existing terms of the currently approved collection of information (OMB Control Number 3084–0005) to necessitate OMB's further review and approval. *See* 44 U.S.C. 3507(h)(3); 5 CFR 1320.5(g).

[7] As noted in the Commission's recent publication of interim rules amending the premerger notification rules, the increase in reporting threshold from $15 million to $50 million has significantly reduced the number of entities affected by the premerger notification program. *See* 66 FR 8680, 8687 (February 2, 2001).

List of Subjects in 16 CFR Parts 801, 802, and 803

Antitrust, Business and industry, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission amends 16 CFR part 801, 802, and 803 as follows:

PART 801—COVERAGE RULES

1. The authority citation for part 801 continues to read as follows:

Authority: 15 U.S.C. 18a(d).

2. Amend § 801.1 by revising paragraph (j) to read as follows:

§ 801.1 Definitions

* * * * *

(j) *Engaged in manufacturing.* A person is engaged in manufacturing if it produces and derives annual sales or revenues in excess of $1 million from products within industries in Sectors 31–33 as coded by the North American Industrial Classification System (1997 Edition) published by the Executive Office of the President, Office of Management and Budget.

* * * * *

PART 802—EXEMPTION RULES

3. The authority citation for part 802 continues to read as follows:

Authority: 15 U.S.C. 18a(d).

4. Amend § 802.2 by revising paragraph (g) to read as follows:

§ 802.2 Certain acquisitions of real property assets.

* * * * *

(g) *Agricultural property.* An acquisition of agricultural property, assets incidental to the ownership of such property and associated agricultural assets shall be exempt from the requirements of the act. Agricultural property is real property and assets that primarily generate revenues from the production of crops, fruits, vegetables, livestock, poultry, milk and eggs (activities within NAICS sector 11).

* * * * *

PART 803—TRANSMITTAL RULES

5. The authority citation for part 803 continues to read as follows:

Authority: 15 U.S.C. 18a(d).

6. Amend § 803.2 by revising paragraphs (b) introductory text, (b)(1) introductory text, and (c) introductory text as set forth below.

§ 803.2 Instructions applicable to Notification and Report Form.

* * * * *

(b) Except as provided in paragraph (b)(2) of this section and paragraph (c) of this section:

(1) items 5–8 of the Notification and Report Form must be completed—

* * * * *

(c) In response to items 5, 7, and 8 of the Notification and Report Form—

* * * * *

7. The Appendix to Part 803 is amended by revising pages I, II, III, IV, V, VI of the instructions to the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions, and pages 1 through 15 of the Notification and Report Form for Certain Mergers and Acquisitions to read as follows:

Appendix to Part 803

ANTITRUST IMPROVEMENTS ACT NOTIFICATION AND REPORT FORM for Certain Mergers and Acquisitions

INSTRUCTIONS

GENERAL

The Answer Sheets (pp. 1-15) constitute the Notification and Report Form ("the Form") required to be submitted pursuant to § 803.1(a) of the premerger notification rules ("the rules"). Filing persons need not, however, record their responses on the Form.

These instructions specify the information which must be provided in response to the Items on the Answer Sheets. Only the completed Answer Sheets, together with all documentary attachments, are to be filed with the Federal Trade Commission and the Department of Justice.

Persons providing responses on attachment pages rather than on answer sheets must submit a complete set of attachment pages with each copy of the Form.

The term "documentary attachments" refers to materials supplied in responses to Item 3(d), Item 4 and to submissions pursuant to §§ 803.1(b) and 803.11 of the rules.

Information-The central office for information and assistance concerning the rules, 16 CFR Parts 801-803, and the Form is Room 303, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, phone (202) 326-3100.

Definitions-The definitions and other provisions governing this Form are set forth in the rules, 16 CFR Parts 801-803. The governing statute, the rules, and the Statement of Basis and Purpose for the rules are set forth at 43 FR 33450 (July 31, 1978), 44 FR 66781 (November 22, 1979) 48 FR 34427 (July 29, 1983) and Pub. L. No. 106-533, 114 Stat. 2762.

Affidavit-Attach the affidavit required by § 803.5 to page 1 of the Form. Affidavits are not required if the person filing notification is an acquired person in a transaction covered by § 801.30. (See § 803.5(a)).

Responses-*Each answer* should identify the Item to which it is addressed. Use the reverse side of the corresponding answer sheet or attach separate additional sheets as necessary in answering each Item. Each additional sheet should identify at the top of the page the Item to which it is addressed. Voluntary submissions pursuant to § 803.1(b) should also be identified.

Enter the name of the person filing notification appearing in Item 1(a) on page 1 of the Form and the date on which the Form is completed at the top of each page of the Form, at the top of any sheets attached to complete the response to any Item, and at the top of the first or cover page of each documentary attachment.

If unable to answer any Item fully, give such information as is available and provide a statement of reasons for non-compliance as required by § 803.3. If exact answers to any Item cannot be given, enter best estimates and indicate the sources or bases of such estimates. Estimated data should be followed by the notation, "est." All information should be rounded to the nearest thousand dollars.

Year-All references to "year" refer to calendar year. If the data are not available on a calendar year basis, supply the requested data for the fiscal year reporting period which most nearly corresponds to the calendar year specified. References to "most recent year" mean the most recent calendar or fiscal year for which the requested information is available.

North American Industry Classification System (NAICS) Data-This Notification and Report Form requests information regarding dollar revenues and lines of commerce at three levels with respect to operations conducted within the United States. (See § 803.2(c)(1).) All persons must submit certain data at the 6-digit NAICS national industry code level. To the extent that dollar revenues are derived from *manufacturing operations* (NAICS Sectors 31-33), data must also be submitted at the *7-digit NAICS product class and 10-digit NAICS product code levels.* The term "dollar revenues" is defined in § 803.2(d).

References-In reporting information by 6-digit NAICS industry code refer to the *North American Industry Classification System - United States, 1997* (*1997 NAICS Manual*) published by the Executive Office of the President, Office of Management and Budget. In reporting information by 7-digit NAICS product class and 10-digit NAICS product code refer to the *1997 Numerical List of Manufactured and Mineral Products* (EC97M31R-NL) published by the Bureau of the Census. Information regarding NAICS also is available at www.census.gov, or by dialing 1-888-75NAICS.

Privacy Act Statement-Section 18a(a) of Title 15 of the U.S. Code authorizes the collection of this information. The primary use of this information is to determine whether the merger or acquisition reported in the Notification and Report Form may violate the antitrust laws.

Furnishing the information on the Form is voluntary. Consummation of an acquisition required to be reported by the statute cited above without having provided this information may, however, render a person liable to civil penalties up to $11,000 per day.

Items 5, 7, 8-Supply information only with respect to operations conducted within the United States, including its commonwealths, territories, possessions and the District of Columbia. (See §§ 801.1(k); 803.2(c)(1).)

Information need not be supplied regarding assets or voting securities currently being acquired, when the acquisition is exempt under the statute or rules. (See § 803.2(c)(2).)

The acquired person should limit its response in the case of an acquisition of assets, to the assets being sold, and in the case of an acquisition of voting securities, to the issuer(s) whose voting securities are being acquired and all entities controlled by such issuer. Separate responses may be required where a person is both acquiring and acquired. (See § 803.2(b) and (c).)

Filing-Complete and return two copies (with one notarized original affidavit and certification and one set of documentary attachments) of this Notification and Report Form to the Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Three copies (with one set of documentary attachments) should be sent to: Director of Operations, Antitrust Division, Department of Justice, Patrick Henry Bldg., 601 D Street, N.W., Room #10013, Washington, D.C. 20530. (For FEDEX airbills to the Department of Justice, do not use the 20530 zip code; use zip code 20004.)

ITEM BY ITEM

Affidavit-Attach the affidavit required by § 803.5 to page 1 of the Answer Sheets. Acquiring persons in transactions covered by § 801.30 are required to also submit a copy of the notice served on the acquired person pursuant to § 803.5(a)(1). (See § 803.5(a)(3).)

Fee Information-The fee for filing the Notification and Report Form is based on the aggregate total amount of assets and voting securities to be held as a result of the acquisition:

Value of assets or voting securities to be held	Fee Amount
greater than $50 million but less than $100 million	$45,000
$100 million or greater but less than $500 million	$125,000
$500 million or greater	$280,000

Amount Paid-Indicate the amount of the filing fee paid. This amount should be net of any banking or financial institution charges. Where an explanatory attachment is required, include in your explanation any adjustments to the acquisition price that serve to lower the fee from that which would otherwise be due. If there is no acquisition price or if the acquisition price may fall within a range that straddles two filing fee thresholds, state the transaction value on which the fee is based and explain the valuation method used. Include in your explanation a description of any exempt assets, the value assigned to each, and the valuation method used.

A Valuation Worksheet available from the Premerger Notification Office will be helpful in determining the value of a transaction for filing and fee purposes. This Worksheet need not be submitted with the Notification and Report Form, but it or something similar should be utilized and retained by the acquiring person in the event Commission staff has questions about the valuation of the transaction.

Payer Identification- Provide the 9-digit Taxpayer Identification Number (TIN) of the acquiring person and, if different from the filing person, the TIN of the payer(s) of the filing fee. A payer or filing person who is a natural person having no TIN must provide the name and social security number (SSN) of the payer. If the payer or filing person is a foreign person, only the name of the payer and the name of the filing person need be supplied if different.

Method of Payment-Check the box indicating the method of fee payment. If paying by electronic wire transfer (EWT), provide the name of the financial institution from which the EWT is being sent and the confirmation number.

To insure filing fees paid by EWT are attributed to the appropriate payer filing notification, the payer must provide the following information to the financial institution initiating the EWT:

The Department of Treasury's ABA Number: 021030004; and
The Federal Trade Commission's ALC Number: 29000001.

If the name used to transmit the EWT differs from the filer's name, provide the alternative name. If the confirmation number is unavailable at the time notification is filed, provide this information by letter within one business day of filing.

Corrective Filing-Put an X in the appropriate box to indicate whether the notification is a corrective filing being made for an acquisition that has already taken place in violation of the statute. Attach a detailed, written explanation signed by a company official explaining (1) how the violation occurred, (2) when and how the violation was discovered and (3) what steps will be taken to ensure compliance in the future.

Transactions Subject to Foreign Antitrust Notification-If to the knowledge or belief of the filing person at the time of filing this notification, a foreign antitrust or competition authority has been or will be notified of the proposed transaction, list the name of each such authority and the date or anticipated date of each such notification. Response to this item is voluntary.

Cash Tender Offer-Put an X in the appropriate box to indicate whether the acquisition is a cash tender offer.

Bankruptcy-Put an X in the appropriate box to indicate whether the acquired person's filing is being made by a trustee in bankruptcy or a debtor-in-possession for a transaction that is subject to section 363(b) of the Bankruptcy Code (11USC § 363).

Early Termination-Put an X in the yes box to request early termination of the waiting period. Notification of each grant of early termination will be published in the Federal Register as required by § 7A(b)(2) of the Clayton Act and on the FTC web site www.ftc.gov.

ITEM 1

Item 1(a)-Give the name and headquarters address of the person filing notification. The name of the person is the name of the ultimate parent entity included within that person.

Item 1(b)-Indicate whether the person filing notification is an acquiring person, an acquired person, or both an acquiring and acquired person. (See § 801.2.)

Item 1(c)-Put an X in the appropriate box to indicate whether the person in Item 1(a) is a corporation, partnership or other (specify).

Item 1(d)-Put an X in the appropriate box to indicate whether data furnished is by calendar year or fiscal year. If fiscal year, specify period.

Item 1(e)-Put an X in the appropriate box to indicate if this Form is being filed on behalf of the ultimate parent entity by another entity within the same person authorized by it to file notification on its behalf pursuant to § 803.2(a), or if this Form is being filed pursuant to § 803.4 on behalf of a foreign person. Then provide the name and mailing address of the entity filing notification on behalf of the reporting person named in Item 1(a) of the Form.

Item 1(f)-If an entity within the person filing notification other than the ultimate parent entity listed in Item 1(a) is the entity which is making the acquisition, or if the assets or voting securities of an entity other than the ultimate parent entity listed in Item 1(a) are being acquired, provide the name and mailing address of that entity and the percentage of its voting securities held by the person named in Item 1(a) above. (If control is effected by means other than the direct holding of the entity's voting securities, describe the intermediaries or the contract through which control is effected (see § 801.1(b)).

Item 1(g)-Print or type the name and title, firm name, address, telephone number, fax number and e-mail address of the individual to contact regarding this Notification and Report Form. (See § 803.20(b)(2)(ii).)

Item 1(h)-Foreign filing persons print or type the name and title, firm name, address, telephone number, fax number and e-mail address of an individual located in the United States designated for the limited purpose of receiving notice of the issuance of a request for additional information or documentary material. (See § 803.20(b)(2)(iii).)

ITEM 2

Item 2(a)-Give the names of all ultimate parent entities of acquiring and acquired person which are parties to the acquisition whether or not they are required to file notification.

Item 2(b)-Put an X in all the boxes that apply to this acquisition.

Item 2(c)-*Acquiring persons* put an X in the box to indicate the highest threshold for which notification is being filed (see § 801.1(h)): $50 million, $100 million, $500 million, 25% (if value of voting securities to be held is greater than $1 billion), or 50%.

Item 2(d)-*Assets and voting securities held as a result of the acquisition* (to be completed by both acquiring and acquired persons). State:

Item 2(d)(i)-the value of voting securities;

Item 2(d)(ii)-the percentage of voting securities;

Item 2(d)(iii)-the value of assets:

Item 2(d)(iv)-the aggregate total amount of voting securities and assets of the acquired person to be held by each acquiring person, as a result of the acquisition (see §§ 801.12, 801.13, and 801.14).

Item 2(e)-Acquiring persons must provide the name(s) of the person(s) who performed any fair market valuation used to determine the aggregate total value of the transaction reported in Item 2(d)(iv).

ITEM 3

Item 3(a)-*Description of acquisition.* Briefly describe the transaction. Include a list of the name and mailing address of each acquiring and acquired person, whether or not required to file notification. Indicate for each party whether assets or voting securities (or both) are to be acquired. Also indicate what consideration will be received by each party. In describing the acquisition, include the expected dates of any major events required to consummate the transaction (e.g., stockholders' meetings, filing of requests for approval, other public filings, terminations of tender offers) and the scheduled consummation date of the transaction.

If the voting securities are to be acquired from a holder other than the issuer (or an entity within the same person as the issuer) separately identify (if known) such holder and the issuer of the voting securities. Acquiring persons involved in tender offers should describe the terms of the offer.

Item 3(b)(i)-*Assets to be acquired.* This Item is to be completed only to the extent that the transaction is an acquisition of assets. Describe all general classes of assets (other than cash and securities) to be acquired by each party to the transaction, giving dollar values thereof.

Give the total value of the assets to be acquired in this transaction.

Examples of general classes of assets other than cash and securities are land, merchandising inventory, manufacturing plants (specify location and products produced), and retail stores. For each general class of assets, indicate the page or paragraph number of the contract or other document submitted with this Form in which the assets are more particularly described.

Item 3(b)(ii)-*Assets held by acquiring person.* (To be completed by acquiring persons). If assets of the acquired person (see § 801.13) are presently held by the person filing notification, furnish a description of each general class of such assets in the manner required by Item 3(b)(i), and the dollar value or estimated dollar value at the time they were acquired.

Item 3(c)-*Voting securities to be acquired.* Furnish the following information separately for each issuer whose voting securities will be acquired in the acquisition: (If, as a result of the acquisition, the acquiring person will hold 100 percent of the voting securities of the acquired issuer or if the acquisition is a merger or consolidation (see § 801.2(d)), the parties may so state and provide the total dollar value of the transaction instead of responding to Items 3(c)(i)-3(c)(vi).

Item 3(c)(i)-List each class of voting securities (including convertible voting securities) which will be outstanding after the acquisition has been completed. If there is more than one class of voting securities, include a description of the voting rights of each class. Also list each class of non-voting securities which will be acquired in the acquisition;

Item 3(c)(ii)-Total number of shares of each class of securities listed which will be outstanding after the acquisition has been completed;

Item 3(c)(iii)-Total number of shares of each class of securities listed which will be acquired in this acquisition. If there is more than one acquiring person for any class of securities, show data separately for each acquiring person;

Item 3(c)(iv)-Identity of each person acquiring any securities of any class listed. If there is more than one acquiring person for any class of securities, show data separately for each acquiring person;

Item 3(c)(v)-Dollar value of securities of each class listed to be acquired in this transaction (see § 801.10). If there is more than one acquiring person of any class of securities, show data separately for each acquiring person (If the exact dollar value cannot be determined at the time of filing, provide an estimated value and indicate the basis on which the estimate was made);

Item 3(c)(vi)-Total number of each class of securities listed which will be held by acquiring person(s) after the acquisition has been accomplished. If there is more than one acquiring person for any class of securities, show data separately for each acquiring person;

Item 3(d)-Furnish copies of final or most recent versions of all documents which constitute the agreement among the acquiring person(s) and the person(s) whose voting securities or assets are to be acquired. (Do not attach these documents to the Answer Sheets.)

ITEM 4

Furnish one copy of each of the following documents. For each entity included within the person filing notification which has prepared its own such documents different from those prepared by the person filing notification, furnish, in addition, one copy of each document from each such other entity. Furnish copies of:

Item 4(a)-all of the following documents which have been filed with the United States Securities and Exchange Commission (or are to be filed contemporaneously in connection with this acquisition); the most recent proxy statement and Form 10-K, each dated not more than three years prior to the date of this Notification and Report Form; all Forms 10-Q and 8-K filed since the end of the period reflected by the Form 10-K being supplied; any registration statement filed in connection with the transaction for which notification is being filed; if the acquisition is a tender offer, Schedule TO. Alternatively, if the person filing notification does not have copies of responsive documents readily available, identification of such documents and citation to date and place of filing will constitute compliance;

NOTE: In response to Item 4(a), the person filing notification may incorporate by reference documents submitted with an earlier filing as explained in the staff formal interpretations dated April 10, 1979, and April 7, 1981, and in § 803.2(e).

Item 4(b)-the most recent annual reports and most recent annual audit reports (of person filing notification and of each unconsolidated United States issuer included within such person) and, if different, the most recently prepared balance sheet of the person filing notification and of each unconsolidated United States issuer included within such person;

Item 4(c)-all studies, surveys, analyses and reports which were prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) for the purpose of evaluating or analyzing the acquisition with respect to market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets, and indicate (if not contained in the document itself) the date of preparation, and the name and title of each individual who prepared each such document.

Persons filing notification may provide an optional index of documents called for by Item 4 of the Answer Sheets.

NOTE: If the person filing notification withholds any documents called for by Item 4(c) based on a claim of privilege, the person must provide a statement of reasons for such noncompliance as specified in the staff formal interpretation dated September 13, 1979, and § 803.3(d).

ITEMS 5 through 8

NOTE: For Items 5 through 8, the acquired person should limit its response in the case of an acquisition of assets, to the assets to be sold, and in the case of an acquisition of voting securities, to the issuer(s) whose voting securities are being acquired and all entities controlled by such issuer. A person filing as both acquiring and acquired may be required to provide a separate response to these items in each capacity so that it can properly limit its response as an acquired person. (See § 803.2(b) and (c).)

Items 5(a)-5(c): These items request information regarding dollar revenues and lines of commerce at three NAICS levels with respect to operations conducted within the United States. (See § 803.2(c)(1).) All persons must submit certain data at the 6-digit NAICS industry code level. To the extent that dollar revenues are derived from manufacturing operations (NAICS Sectors 31-33), data must also be submitted at the 7-digit product class level and 10-digit product code level (NAICS-based codes). Where certain published NAICS industry codes contain only 5 digits, the filing person should add a zero (0) after the fifth (5th) digit.

NOTE: See "References" listed in the General Instructions to the Form. Refer to the *1997 NAICS Manual* for the 6-digit industry codes and the *1997 Numerical List of Manufactured and Mineral Products (1997 Numerical List)* for the 7-digit product classes and 10-digit product codes. Report revenues for the 7-digit NAICS product classes and 10-digit NAICS product codes using the codes in the columns labeled "Product code" in the *1997 Numerical List.*

Nondepository credit intermediation (NAICS Industry Group Code 5222); securities, commodity contracts, and other financial investments (NAICS Subsector 523); funds, trusts, and other financial vehicles (NAICS Subsector 525); real estate (NAICS Subsector 531); lessors of nonfinancial intangible assets, except copyright works (NAICS Subsector 533); and management of companies and enterprises (NAICS Subsector 551) should identify or explain the revenues reported (e.g. dollar sales receipts).

Persons filing notification should include the total dollar revenues for all entities included within the person filing notification at the time this Notification and Report Form is prepared (even if such entities have become included within the person since 1997). For example, if the person filing notification acquired an entity in 1998, it must include that entity's 1997 revenues in items 5(a) and 5(b)(i). It must also include that entity's most recent year's revenues in Item 5(b)(iii) and/or Item 5(c).

Item 5(a)-*Dollar revenues by industry.* Provide aggregate 6-digit NAICS industry data for 1997.

Item 5(b)(i)-*Dollar revenues by manufactured product.* Provide the following information on the aggregate operations for the person filing notification for 1997 for each 10-digit NAICS product of the person in NAICS Sectors 31-33 (manufacturing industries).

NOTE: Where the *1997 Numerical List* denotes footnote 1 at the end of a specific Subsector, refer to Appendices A, and then B for detail collected in a specified Current Industrial Report. You must provide 10-digit NAICS product codes and descriptions listed in Appendix B.

Item 5(b)(ii)-*Products added or deleted.* Within NAICS Sectors 31-33 (manufacturing industries), identify each product of the person filing notification added or deleted subsequent to 1997, indicate the year of addition or deletion, and state total dollar revenues in the most recent year for each product that has been added. Products may be identified either by 10-digit NAICS product code or in the manner ordinarily used by the person filing notification.

Do not include products added since 1997 by reason of mergers or acquisitions of entities occurring since 1997. Dollar revenues derived from such products should be included in response to Item 5(b)(i). However, if an entity acquired since 1997 by the person filing notification (and now included within the person) itself has added any products since 1997, these products and the dollar revenues derived therefrom should be listed here. Products deleted by reason of dispositions of assets constituting less than substantially all of the assets of an entity since 1997 should also be listed here.

Item 5(b)(iii)-*Dollar revenues by manufactured product class.* Provide the following information concerning the aggregate operations of the person filing notification for the most recent year for each 7-digit NAICS product class within NAICS Sectors 31-33 (manufacturing industries) in which the person engaged. If such data have not been compiled for the most recent year, estimates of dollar revenues by 7-digit NAICS product class may be provided if a statement describing the method of estimation is furnished.

Item 5(c)-*Dollar revenues by non-manufacturing industry.* Provide the following information concerning the aggregate operations of the person filing notification for the most recent year for each 6-digit NAICS industry code in NAICS Sectors other than 31-33 (manufacturing industries) in which the person engaged. If such data have not been compiled for the most recent year, estimates of dollar revenues by 6-digit NAICS industry code may be provided if a statement describing the method of estimation is furnished. Industries for which the dollar revenues totaled less than one million dollars in the most recent year may be omitted.

NOTE: *This million dollar minimum is applicable only to Item 5(c).*

JOINT VENTURE OR OTHER CORPORATIONS

Item 5(d)-Supply the following information only if the acquisition is the formation of a joint venture or other corporation. (See § 801.40.)

Item 5(d)(i)-List the name and mailing address of the joint venture or other corporation.

Item 5(d)(ii)(A)-List contributions that each person forming the joint venture or other corporation has agreed to make, specifying when each contribution is to be made and the value of the contribution as agreed by the contributors.

Item 5(d)(ii)(B)-Describe any contracts or agreements whereby the joint venture or other corporation will obtain assets or capital from sources other than the persons forming it.

Item 5(d)(ii)(C)-Specify whether and in what amount the persons forming the joint venture or other corporation have agreed to guarantee its credit or obligations.

Item 5(d)(ii)(D)-Describe fully the consideration which each person forming the joint venture or other corporation will receive in exchange for its contribution(s).

Item 5(d)(iii)-Describe generally the business in which the joint venture or other corporation will engage, including location of headquarters and principal plants, warehouses, retail establishments or other places of business, its principal types of products or activities, and the geographic areas in which it will do business.

Item 5(d)(iv)-Identify each 6-digit NAICS industry code in which the joint venture or other corporation will derive dollar revenues. If the joint venture or other corporation will be engaged in manufacturing also specify each 7-digit NAICS product class in which it will derive dollar revenues.

ITEM 6

This item need not be completed by a person filing notification only as an acquired person if only assets are to be acquired. Persons filing notification may respond to Items 6(a), 6(b), or 6(c) by referencing a "document attachment" furnished with this Form if the information so referenced is a complete response and is up-to-date and accurate. Indicate for each Item the specific page(s) of the document that are responsive to that Item.

Item 6(a)-*Entities within the person filing notification.* List the name and headquarters mailing address of each entity included within the person filing notification. Entities with total assets of less than $10 million may be omitted.

Item 6(b)-*Shareholders of person filing notification.* For each entity (including the ultimate parent entity) included within the person filing notification the voting securities of which are held (see § 801.1(c)) by one or more other persons, list the issuer and class of voting securities, the name and headquarters mailing address of each other person which holds five percent or more of the outstanding voting securities of the class and the number and percentage held by that person. Holders need not be listed for entities with total assets of less than $10 million.

Item 6(c)-Holdings of person filing notification. If the person filing notification holds voting securities of any issuer not included within the person filing notification, list the issuer and class, the number and percentage held, and (optionally) the entity within the person filing notification which holds the securities. Holdings of less than five percent of the outstanding voting securities of any issuers, and holding of issuers with total assets of less than $10 million may be omitted.

ITEM 7

If, to the knowledge or belief of the person filing notification, the person filing notification derived dollar revenues in the most recent year from operations in industries within any 6-digit NAICS industry code in which any other person that is a party to the acquisition also derived dollar revenues in the most recent year (or in which a joint venture or other corporation will derive dollar revenues), then for each such 6-digit NAICS industry code:

Item 7(a)-supply the 6-digit NAICS industry code and description for the industry;

Item 7(b)-list the name of each person which is a party to the acquisition which also derived dollar revenues in the 6-digit industry;

Item 7(c)-*Geographic market information*:

Item 7(c)(i)-for each 6-digit NAICS industry code within NAICS Sectors 31-33 (manufacturing industries) listed in Item 7(a) above, list the states or, if desired, portions thereof in which, to the knowledge or belief of the person filing notification, the products in that 6-digit NAICS code produced by the person filing notification are sold without a significant change in their form, whether they are sold by the person filing notification or by others to whom such products have been sold or resold;

Item 7(c)(ii)- for each 6-digit NAICS industry code within NAICS Sectors or Subsectors 11 (agriculture, forestry, fishing and hunting); 21 (mining); 22 (utilities); 23 (construction); 48-49 (transportation and warehousing); 511(publishing industries); 513 (broadcasting and telecommunications); and 71 (arts, entertainment and recreation) listed in item 7(a) above, list the states or, if desired, portions thereof in which the person filing notification conducts such operations;

Item 7(c)(iii)-for each 6-digit NAICS industry code within NAICS Sector 42 (wholesale trade) listed in Item 7(a) above, list the states or, if desired, portions thereof in which the customers of the person filing notification are located;

Item 7(c)(iv)-for each 6-digit NAICS industry code within NAICS Sectors or Subsectors 44-45 (retail trade); 512 (motion picture and sound recording industries); 521 (monetary authorities-central bank); 522 (credit intermediation and related activities); 532 (rental and leasing services); 62 (health care and social assistance); 72 (accommodations and food services); 811 (repair and maintenance); and 812 (personal and laundry services) listed in Item 7(a) above, provide the address, **arranged by state, county and city or town,** of each establishment from which dollar revenues were derived in the most recent year by the person filing notification;

Item 7(c)(v)- for each 6-digit NAICS industry code within NAICS Subsectors 514 (information services and data processing services); 523 (securities, commodity contracts and other financial investments and related activities); 525 (funds, trusts and other financial vehicles); 531 (real estate); 533 (lessors of nonfinancial intangible assets, except copyright works); 54 (professional, scientific and technical services); 55 (management of companies and enterprises); 56 (administrative and support and waste management and remediation services); 61 (educational services); 813 (religious, grantmaking, civic, professional, and similar organizations); and NAICS Industry Group 5242 (insurance agencies and brokerages, third party administration of insurance and pension funds, claims adjusting, and other insurance related activities) listed in Item 7(a) above, list the states or, if desired, portions thereof in which establishments were located from which the person filing notification derived revenues in the most recent year; and

Item 7(c)(vi)-for each 6-digit NAICS industry code within NAICS Industry Group 5241 (insurance carriers) listed in Item 7(a) above, list the state(s) in which the person filing notification is licensed to write insurance.

NOTE: Except in the case of those NAICS major industries in the Sectors and Subsectors mentioned in Item 7(c)(iv) above, the person filing notification may respond with the word "national" if business is conducted in all 50 states.

ITEM 8

Item 8-*Previous acquisitions* (to be completed by acquiring persons). Determine each 6-digit NAICS industry code listed in Item 7(a) above, in which the person filing notification derived dollar revenues of $1 million or more in the most recent year and in which either the acquired issuer derived revenues of $1 million or more in the recent year (or, in which, in the case of the formation of a joint venture or other corporation, the joint venture or other corporation reasonably can be expected to derive revenues of $1 million or more), or revenues of $1 million or more in the most recent year were attributable to the acquired assets. For each such 6-digit NAICS industry code, list all acquisitions made by the person filing notification in the five years prior to the date of filing of entities deriving dollar revenues in that 6-digit NAICS industry code. List only acquisitions of 50 percent or more of the voting securities of an issuer which had annual net sales or total assets greater than $10 million in the year prior to the acquisition, and any acquisitions of assets valued at or above the statutory size-of-transaction test at the time of their acquisition.

For each such acquisition, supply:

(a) the name of the entity acquired;
(b) the headquarters address of the entity prior to the acquisition;
(c) whether securities or assets were acquired;
(d) the consummation date of the acquisition; and
(e) the 6-digit (NAICS code) industries by (number and description) identified above in which the acquired entity derived dollar revenues.

CERTIFICATION- (See § 803.6.)

TRANSACTION NUMBER ASSIGNED ☐☐☐☐☐☐☐☐

16 C.F.R. Part 803 - Appendix
NOTIFICATION AND REPORT FORM FOR CERTAIN MERGERS AND ACQUISITIONS

Approved by OMB
3084-0005
Expires 08/31/02

THE INFORMATION REQUIRED TO BE SUPPLIED ON THESE ANSWER SHEETS IS SPECIFIED IN THE INSTRUCTIONS

➢ Attach the Affidavit required by § 803.5 to this page.

FEE INFORMATION

AMOUNT PAID $_____

In cases where your filing fee would be higher if based on acquisition price or where the acquisition price is undetermined to the extent that it may straddle a filing fee threshold, attach an explanation of how you determined the appropriate fee *(acquiring persons only).*

Attachment Number _____

TAXPAYER IDENTIFICATION NUMBER _____
or SOCIAL SECURITY NUMBER of payer _____
(acquiring person (and payer if different from acquiring person))

CHECK ATTACHED ☐ MONEY ORDER ATTACHED ☐

WIRE TRANSFER ☐ CONFIRMATION NO._____

FROM: NAME OF INSTITUTION _____

NAME OF PAYER (if different from PERSON FILING) _____

IS THIS A CORRECTIVE FILING? ☐ YES ☐ NO

IS THIS ACQUISITION SUBJECT TO FOREIGN FILING REQUIREMENTS? ☐ YES ☐ NO
If YES, list jurisdictions: _____

IS THIS ACQUISITION A CASH TENDER OFFER? ☐ YES ☐ NO | BANKRUPTCY? ☐ YES ☐ NO

DO YOU REQUEST EARLY TERMINATION OF THE WAITING PERIOD? *(Grants of early termination are published in the Federal Register AND on the FTC web site www.ftc.gov)*
☐ YES ☐ NO

ITEM 1 – PERSON FILING

1(a) NAME and
HEADQUARTERS ADDRESS
of PERSON FILING

1(b) PERSON FILING NOTIFICATION IS
☐ an acquiring person ☐ an acquired person ☐ both

1(c) PUT AN "X" IN THE APPROPRIATE BOX TO DESCRIBE PERSON FILING NOTIFICATION
☐ Corporation ☐ Partnership ☐ Other *(Specify):* _____

1(d) DATA FURNISHED BY
☐ calendar year ☐ fiscal year *(specify period)* _____ (month/year) to _____ (month/year)

THIS FORM IS REQUIRED BY LAW and must be filed separately by each person which, by reason of a merger, consolidation or acquisition, is subject to §7A of the Clayton Act, 15 U.S.C. §18a, as added by Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. No. 94-435, 90 Stat. 1390, and rules promulgated thereunder (hereinafter referred to as "the rules" or by section number). The statute and rules are set forth in the *Federal Register* at 43 FR 33450; the rules may also be found at 16 CFR Parts 801-03. Failure to file this **Notification and Report Form**, and to observe the required waiting period before consummating the acquisition in accordance with the applicable provisions of 15 U.S.C. §18a and the rules, subjects any "person," as defined in the rules, or any individuals responsible for noncompliance, to liability for a penalty of not more than $11,000 for each day during which such person is in violation of 15 U.S.C. §18a.

All information and documentary material filed in or with this Form is confidential. It is exempt from disclosure under the Freedom of Information Act, and may be made public only in an administrative or judicial proceeding, or disclosed to Congress or to a duly authorized committee or subcommittee of Congress.

Filing - Complete and return *two* copies (with one original affidavit and certification and one set of documentary attachments) of this Notification and Report Form to: Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. *Three* copies (with one set of documentary attachments) should be sent to: Director of Operations and Merger Enforcement, Antitrust Division, Department of Justice, Patrick Henry Building, 601 D Street, N.W., Room #10013, Washington, D.C. 20530. (For FEDEX airbills to the Department of Justice, do not use the 20530 zip code; use zip code 20004.)

DISCLOSURE NOTICE - Public reporting burden for this report is estimated to vary from 8 to 160 hours per response, with an average of 39 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this report, including suggestions for reducing this burden to:

Premerger Notification Office, H-303
Federal Trade Commission
Washington, DC 20580

Office of Information and Regulatory Affairs,
Office of Management and Budget
Washington, DC 20503

Under the Paperwork Reduction Act, as amended, 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. That number is 3084-0005, which also appears in the upper right-hand corner of the first page of this form.

NAME OF PERSON FILING NOTIFICATION	DATE

1(e) PUT AN X IN THE APPROPRIATE BOX AND GIVE THE NAME AND ADDRESS OF ENTITY FILING NOTIFICATION (if other than ultimate parent entity)

☐ NA ☐ This report is being filed on behalf of a foreign person pursuant to § 803.4. ☐ This report is being filed on behalf of the ultimate parent entity by another entity within the same person authorized by it to file pursuant to § 803.2(a).

NAME OF ENTITY FILING NOTIFICATION	ADDRESS

1(f) NAME AND ADDRESS OF ENTITY MAKING ACQUISITION OR WHOSE ASSETS OR VOTING SECURITIES ARE BEING ACQUIRED IF DIFFERENT FROM THE ULTIMATE PARENT ENTITY IDENTIFIED IN ITEM 1(a)

PERCENT OF VOTING SECURITIES HELD BY EACH ENTITY IDENTIFIED IN ITEM 1(a)

1(g) IDENTIFICATION OF PERSON TO CONTACT REGARDING THIS REPORT

NAME OF CONTACT PERSON	
TITLE	
FIRM NAME	
BUSINESS ADDRESS	
TELEPHONE NUMBER	
FAX NUMBER	
E-MAIL ADDRESS	

(h) IDENTIFICATION OF AN INDIVIDUAL LOCATED IN THE UNITED STATES DESIGNATED FOR THE LIMITED PURPOSE OF RECEIVING NOTICE OF ISSUANCE OF A REQUEST FOR ADDITIONAL INFORMATION OR DOCUMENTS. (See § 803.20(b)(2)(iii))

NAME OF CONTACT PERSON	
TITLE	
FIRM NAME	
BUSINESS ADDRESS	
TELEPHONE NUMBER	
FAX NUMBER	
E-MAIL ADDRESS	

ITEM 2

2(a) LIST NAMES OF ULTIMATE PARENT ENTITIES OF ALL ACQUIRING PERSONS	LIST NAMES OF ULTIMATE PARENT ENTITIES OF ALL ACQUIRED PERSONS

2(b) THIS ACQUISITION IS *(put an X in all the boxes that apply)*

- ☐ an acquisition of assets
- ☐ a merger (see § 801.2)
- ☐ an acquisition subject to § 801.2(e)
- ☐ a formation of a joint venture of other corporation (see § 801.40)
- ☐ an acquisition subject to § 801.30 (*specify type*)
- ☐ other (*specify*) _____
- ☐ a consolidation (see § 801.2)
- ☐ an acquisition of voting securities
- ☐ a secondary acquisition
- ☐ an acquisition subject to § 801.31

2(c) INDICATE THE HIGHEST NOTIFICATION THRESHOLD IN § 801.1(h) FOR WHICH THIS FORM IS BEING FILED *(acquiring person only)*

☐ $50 million ☐ $100 million ☐ $500 million ☐ 25% (see Instructions) ☐ 50%

2(d)(i) VALUE OF VOTING SECURITIES TO BE HELD AS A RESULT OF THE ACQUISITION	(ii) PERCENTAGE OF VOTING SECURITIES	(iii) VALUE OF ASSETS TO BE HELD AS A RESULT OF THE ACQUISITON	(iv) AGGREGATE TOTAL VALUE
$	%	$	$

NAME OF PERSON FILING NOTIFICATION	DATE

2(e) If aggregate total value in 2(d)(iv) is based in whole or in part on a fair market valuation pursuant to § 801.10(c)(3), identify the person or persons responsible for making the valuation *(acquiring persons only).*

ITEM 3

3(a) DESCRIPTION OF ACQUISITION

NAME OF PERSON FILING NOTIFICATION	DATE

3(b)(i) ASSETS TO BE ACQUIRED (to be completed only for asset acquisitions)

3(b)(ii) ASSETS HELD BY ACQUIRING PERSON

3(c) VOTING SECURITIES TO BE ACQUIRED

3(c)(i) LIST AND DESCRIPTION OF VOTING SECURITIES AND LIST OF NON-VOTING SECURITIES:

3(c)(ii) TOTAL NUMBER OF SHARES OF EACH CLASS OF SECURITY:

3(c)(iii) TOTAL NUMBER OF SHARES OF EACH CLASS OF SECURITY BEING ACQUIRED:

NAME OF PERSON FILING NOTIFICATION	DATE

3(c)(iv) IDENTITY OF PERSONS ACQUIRING SECURITIES:

3(c)(v) DOLLAR VALUE OF SECURITIES IN EACH CLASS BEING ACQUIRED:

3(c)(vi) TOTAL NUMBER OF EACH CLASS OF SECURITIES TO BE HELD AS A RESULT OF THE ACQUISITION:

3(d) SUBMIT A COPY OF THE MOST RECENT VERSION OF CONTRACT OR AGREEMENT (or letter of intent to merge or acquire)

DO NOT ATTACH THIS DOCUMENT TO THIS PAGE ATTACHMENT OR REFERENCE NUMBER OF CONTRACT OR AGREEMENT _____

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 4 PERSONS FILING NOTIFICATION MAY PROVIDE BELOW AN OPTIONAL INDEX OF DOCUMENTS REQUIRED TO BE SUBMITTED BY ITEM 4 (See Item by Item instructions). THESE DOCUMENTS SHOULD NOT BE ATTACHED TO THIS PAGE.

4(a) DOCUMENTS FILED WITH THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION	ATTACHMENT OR REFERENCE NUMBER

4(b) ANNUAL REPORTS, ANNUAL AUDIT REPORTS, AND REGULARLY PREPARED BALANCE SHEETS	ATTACHMENT OR REFERENCE NUMBER

4(c) STUDIES, SURVEYS, ANALYSES, AND REPORTS	ATTACHMENT OR REFERENCE NUMBER

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 5 (See "References" listed in the General Instructions to the Form. Refer to the *North American Industry Classification System-United States, 1997* (*1997 NAICS Manual*) for the 6-digit (NAICS) industry codes. Refer to the *1997 Numerical List of Manufactured and Mineral Products* (EC97M31R-NL) for the 7-digit product class codes and the 10-digit product codes. Report revenues for the 7-digit product class codes and 10-digit product codes using the codes in the columns labeled "Product code." For further information on NAICS-based codes visit the www.census.gov web site.)

5(a) DOLLAR REVENUES BY INDUSTRY

6-DIGIT INDUSTRY CODE	DESCRIPTION	1997 TOTAL DOLLAR REVENUES

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 5(b)(i) DOLLAR REVENUES BY MANUFACTURED PRODUCTS

10-DIGIT PRODUCT CODE	DESCRIPTION	1997 TOTAL DOLLAR REVENUES

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 5(b)(ii) PRODUCTS ADDED OR DELETED

DESCRIPTION (10-DIGIT PRODUCT CODE)	ADD	DELETE	YEAR OF CHANGE	TOTAL DOLLAR REVENUES

ITEM 5(b)(iii) DOLLAR REVENUES BY MANUFACTURED PRODUCT CLASS

7-DIGIT PRODUCT CLASS	DESCRIPTION	YEAR I_____I TOTAL DOLLAR REVENUES

(Item 5(b)(iii) continued on page 10)

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 5(b)(iii) DOLLAR REVENUES BY MANUFACTURED PRODUCT CLASS - CONTINUED

7-DIGIT PRODUCT CLASS	DESCRIPTION	YEAR |_____| TOTAL DOLLAR REVENUES

ITEM 5(c) DOLLAR REVENUES BY NON-MANUFACTURING INDUSTRY

6-DIGIT INDUSTRY CODE	DESCRIPTION	YEAR |_____| TOTAL DOLLAR REVENUES

NAME OF PERSON FILING NOTIFICATION	DATE

5(d) COMPLETE ONLY IF ACQUISITION IS IN THE FORMATION OF A JOINT VENTURE OR OTHER CORPORATION

5(d)(i) NAME AND ADDRESS OF THE JOINT VENTURE OR OTHER CORPORATION

5(d)(ii)

(A) CONTRIBUTIONS THAT EACH PERSON FORMING THE JOINT VENTURE OR OTHER CORPORATION HAS AGREED TO MAKE

(B) DESCRIPTION OF ANY CONTRACTS OR AGREEMENTS

(C) DESCRIPTION OF ANY CREDIT GUARANTEES OR OBLIGATIONS

(D) DESCRIPTION OF CONSIDERATION WHICH EACH PERSON FORMING THE JOINT VENTURE OR OTHER CORPORATION WILL RECEIVE

5(d)(iii) DESCRIPTION OF THE BUSINESS IN WHICH THE JOINT VENTURE OR OTHER CORPORATION WILL ENGAGE

5(d)(iv) SOURCE OF DOLLAR REVENUES BY 6-DIGIT INDUSTRY CODE (non-manufacturing) AND BY 7-DIGIT PRODUCT CLASS (manufacturing)

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 6

6(a) ENTITIES WITHIN PERSON FILING NOTIFICATION

6(b) SHAREHOLDERS OF PERSON FILING NOTIFICATION

NAME OF PERSON FILING NOTIFICATION	DATE

6(c) HOLDINGS OF PERSON FILING NOTIFICATION

ITEM 7 DOLLAR REVENUES

7(a) 6-DIGIT NAICS CODE AND DESCRIPTION

7(b) NAME OF EACH PERSON WHICH ALSO DERIVED DOLLAR REVENUES

NAME OF PERSON FILING NOTIFICATION	DATE

7(c) GEOGRAPHIC MARKET INFORMATION

ITEM 8 PRIOR ACQUISITIONS (to be completed by acquiring person only)

NAME OF PERSON FILING NOTIFICATION	DATE

CERTIFICATION

This **NOTIFICATION AND REPORT FORM,** together with any and all appendices and attachments thereto, was prepared and assembled under my supervision in accordance with instructions issued by the Federal Trade Commission. Subject to the recognition that, where so indicated, reasonable estimates have been made because books and records do not provide the required data, the information is, to the best of my knowledge, true, correct, and complete in accordance with the statute and rules.

NAME (Please print or type)	TITLE
SIGNATURE	DATE

Subscribed and sworn to before me at the
City of _____, State of _____

this _____day of _____, the year _____

Signature _____

My Commission expires _____

[SEAL]

FTC FORM C4 (rev. 07/01/01) 15 of 15

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–11592 Filed 5–8–01; 8:45 am]

BILLING CODE 6750–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, and 558

Animal Drugs, Feeds, and Related Products; Trichlorfon, etc.; Withdrawal of Approval of NADAs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove those portions that reflect approval of 11 new animal drug applications (NADAs) listed below. In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of the NADAs.

DATES: This rule is effective May 21, 2001.

FOR FURTHER INFORMATION CONTACT: Pamela K. Esposito, Center for Veterinary Medicine (HFV–210), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5593.

SUPPLEMENTARY INFORMATION: The following sponsors have requested that FDA withdraw approval of the NADAs listed below because the products are no longer manufactured or marketed:

Sponsor	NADA Number Product (Drug)	21 CFR Cite Affected (Sponsor Drug Labeler Code)
Purina Mills, Inc., P.O. Box 66812, St. Louis, MO 63166–6812.	NADA 48–915 Purina® Bot Control (trichlorfon)	520.2520a (017800)
Golden Sun Feeds, Inc., 111 South Fifth St., Estherville, IA 51334.	NADA 97–567 Tylan® 10 Premix (tylosin phosphate).	558.625(b)(17) (021780)
.....	NADA 97–615 Swine Med-A-Mix TS 8000 Premix, Tylan® 5, 10, 20, 40 Sulfa-G (tylosin phosphate and sulfamethazine).	558.630(b)(4) and (b)(10) (021780)
Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318–1093.	NADA 110–440 Hygromix Hygrowormer Hyanthelmix (hygromycin B).	558.274(a)(2), (a)(3), (a)(4), (c)(1)(i), and (c)(1)(ii) (016968)
Steris Laboratories Inc., 620 North 51st Ave., Phoenix, AZ 85043–4705.	NADA 45–578 Lidocaine Hydrochloride With Epinephrine Injection 2%.	522.1258 (000402)
.....	NADA 44–585 Oxytocin Injection	522.1680 (000402)
.....	NADA 45–737 Sodium Pentobarbital Injection	522.1704(b) (000402)
.....	NADA 45–848 Phenylbutazone Injection	522.1720 (000402)
.....	NADA 110–349 Dexamethasone Injection	522.540(c)(2) (000402)
.....	NADA 110–350 Dexamethasone Injection	522.540(b)(2)(ii) (000402)
.....	NADA 117–973 Prednisolone Sodium Succinate for Injection.	522.1884(c) (000402)

Following the withdrawal of approval of these NADAs, Golden Sun Feeds, Inc., is no longer the sponsor of any approved applications. Therefore, 21 CFR 510.600(c) is amended to remove entries for the sponsor.

Steris Laboratories currently has another approved application for dexamethasone injection (NADA 104–606). Therefore, the regulation is not amended to reflect the withdrawal of approval of NADA 110–349 (dexamethasone injection).

Steris Laboratories NADA 44–585 oxytocin injection is not codified under 21 CFR 522.1680 oxytocin injection. Also, Steris Laboratories NADA 45–848 phenylbutazone injection is not codified under 21 CFR 522.1720 phenylbutazone injection. Therefore, amendments of the cited regulations are not required.

As provided below, the animal drug regulations are amended to reflect the withdrawal of approvals.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520 and 522

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry ''Golden Sun Feeds, Inc.'', and in the table in paragraph (c)(2) by removing the entry ''021780''.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.2520a [Removed]

4. Section 520.2520a *Trichlorfon oral* is removed.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

5. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1258 [Removed]

6. Section 522.1258 *Lidocaine injection with epinephrine* is removed.

§ 522.1704 [Amended]

7. Section 522.1704 *Sodium pentobarbital injection* is amended by removing and reserving paragraph (b).

§ 522.1884 [Amended]

8. Section 522.1884 *Prednisolone sodium succinate injection* is amended by removing the second sentence of

paragraph (c) and by removing paragraph (d)(2)(iv).

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

9. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.274 [Amended]

10. Section 558.274 *Hygromycin B* is amended as follows:

a. In paragraph (a)(2) by removing ''016968 and'';

b. By removing and reserving paragraph (a)(3);

c. In paragraph (a)(4) by removing ''016968,'';

d. In the table in paragraph (c)(1) in the fifth column of the first entry in items (i) and (ii) by removing ''016968,''.

§ 558.625 [Amended]

11. Section 558.625 *Tylosin* is amended by removing and reserving paragraph (b)(17).

§ 558.630 [Amended]

12. Section 558.630 *Tylosin and sulfamethazine* is amended by removing and reserving paragraph (b)(4), and in paragraph (b)(10) by removing ''021780,''.

Dated: May 2, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–11621 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Narasin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Animal Health which provides for establishing a tolerance for residues of narasin in edible tissues of chickens.

DATES: This regulation is effective May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Janis R. Messenheimer, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578.

SUPPLEMENTARY INFORMATION: Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed a supplement to NADA 118–980 that provides for the use of Monteban® (36, 45, 54, 72, or 90 grams per pound narasin activity), a Type A medicated article. The supplement provides for establishing a tolerance for residues of narasin in the abdominal fat of chickens. The supplement is approved as of April 11, 2001, and 21 CFR 556.428 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In addition, FDA is taking the opportunity to codify the acceptable daily intake for total residues of narasin which was previously established.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 556 is amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

2. Section 556.428 is revised to read as follows:

§ 556.428 Narasin.

(a) *Acceptable daily intake (ADI).* The ADI for total residues of narasin is 5 micrograms per kilogram of body weight per day.

(b) *Tolerances*—(1) *Chickens* (*abdominal fat*). The tolerance for parent narasin (the marker residue) is 480 parts per billion.

(2) [Reserved]

Dated: May 1, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–11584 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF 452]

RIN 1512–AA07

River Junction Viticultural Area (98R–192P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury Decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is establishing a viticultural area located in southern San Joaquin County, California, to be known as ''River Junction.'' This viticultural area is the result of a petition filed by Mr. Ronald W. McManis. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allow wineries to designate the specific areas where the grapes used to make the wine were grown and enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: July 9, 2001.

FOR FURTHER INFORMATION CONTACT: Tim DeVanney, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226; Telephone (202) 927–8196.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definite American viticultural areas (AVAs). The regulations also allow the name of an

approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692), which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas. Section 4.25a(e)(1), Title 27, Code of Federal Regulations, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. Ronald W. McManis, proposing to establish a new viticultural area in southern San Joaquin County, California, to be known as ''River Junction.'' The viticultural area is located at the western edge of San Joaquin Valley (also known as the Central Valley) and the southernmost edge of the Sacramento-San Joaquin River Delta. It contains approximately 1,300 contiguous acres, of which 740 are currently planted to vineyards. Present agricultural use of the area is primarily 700 acres of Chardonnay grapes. An additional 40 acres are planted to Cabernet Sauvignon grapes.

Notice of Proposed Rulemaking

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 901, in the **Federal Register** on August 10, 2000 [65 FR 48653], proposing the establishment of the River Junction viticultural area. The notice requested comments from interested persons by October 10, 2000.

Evidence That the Name River Junction Is Locally or Nationally Known

The origin of the name, ''River Junction,'' refers to the junction of the Stanislaus River with the San Joaquin River. Mr. McManis states, ''The name is in prominent use within the AVA, undoubtedly because of the significant prehistoric, historic, and ongoing influence of the rivers' confluence on the immediate area.'' The petitioner owns a vineyard in the AVA. The property, purchased in the early 1990's, was previously known as ''River Junction Vineyards.'' A vineyard block map of his ranch shows the historical ownership of the vineyards by the designation ''R'' for ''River Junction Vineyards.'' These vineyards are located within the AVA.

The name ''River Junction'' is also used for River Junction Reclamation District No. 2064, a State of California Special District dating from at least 1925. River Junction Reclamation District includes Bret Harte Gardens subdivision, filed October 11, 1922. Since this subdivision assumes reclamation within the District, it seems likely that ''River Junction,'' as a District name, dates at least to 1922. The name is also used for River Junction Farms subdivision no. 2 within the River Junction Reclamation District.

Evidence of Boundaries

The viticultural area is bounded on the north by an old river terrace shelf delineated by Division Road; on the northwest by a drainage boundary enhanced and delineated by Airport Way; on the west and south by the San Joaquin River; and on the south and east by the Stanislaus River.

Following the Federal Swampland Act of 1850, reclamation of wetlands was begun. A portion of the River Junction AVA was designated as a State Reclamation District, River Junction Reclamation District No. 2064. Ronald McManus indicated that this portion of the AVA ''. . . occupies the southern one-third of the California State Reclamation District No. 2064 and is the same as River Junction Farms Subdivision No. 2, except that it does not include 195 acres at the northeast corner of that subdivision.''

As indicated, the petitioner owns a vineyard in the viticultural area. Most of the property, purchased in the early 1990's, was previously known as River Junction Vineyards and is located within the northwest and southwest boundaries of the AVA, west of Two Rivers Road.

Geographical Features

Topography

The following topographical evidence shows that the area is distinct from surrounding areas:

(a) *South, east and west boundaries.* The River Junction viticultural area is bounded on the west by relatively steep slopes and the San Joaquin River, and is bounded on the south and east by gentle, nearly flat topography and the Stanislaus River. The area is locally unique in terms of topography: its gentle, persistent southwest slope and higher boundaries form a shallow, slightly tilted bowl about 18 to 25 feet in elevation at the center. Original natural boundaries to the west, south and east have been exaggerated by engineered, permanent levees that range from about 35 to 42 feet in elevation. Geographical analyses, provided by the petitioner, show a transect through the River Junction AVA and illustrate the elevation differences that distinguish it.

(b) *Northern boundary.* The northern boundary of the area is an abrupt, natural elevation change at about the 29 foot contour, delineated by Division Road. Physical evidence indicates that Division Road was placed on the upper side of a pre-existing natural river terrace boundary. The topographic change marked by the road exactly follows geologic and soil type boundaries extending from the east to the center of section 7 on the Ripon, CA quadrangle map T3S/R7E and westward to Airport Way. The natural extension of ''Red Bridge Slough'' to the northwest is further evidence that this boundary is a natural river terrace.

(c) *Northwest boundary.* The northwest boundary of the River Junction AVA is delineated by Airport Way, a subtle natural high that is exaggerated by the raised roadbed. Elevation ranges from about 29 to 35 feet. Available geologic and historic evidence strongly supports the conclusion that, like Division Road, Airport Way follows a natural topographic high. The U.S.G.S. maps submitted by the petitioner show two separate sloughs draining from the Airport Way/Division Road intersection. An unnamed slough on the U.S.G.S. Ripon, CA quadrangle map drains southeast through the River Junction AVA, while the other slough, called ''Red Bridge Slough'' on the U.S.G.S. Vernalis, CA quadrangle map, flows in the opposite direction. A 1925 Reclamation District Map (''southern part'') provided by the petitioner also

shows the two sloughs. These two sloughs coincide with occurrences of Merritt soils, which fan out to the northwest and southeast of the Airport Way/Division Road intersection. This provides further evidence that the intersection of Airport Way and Division Road has historically sat on naturally higher topography from which the soils accumulated downhill in two directions.

Soil

The following is evidence regarding the soil composition of the River Junction AVA:

(a) *Formation and distribution of local soils.* The River Junction AVA contains soils that are generally grouped as alluvial, and which formed on the geologic parent material of recent river channel deposits that are exposed in, and partly define, the area. Soils that formed on the stream channel deposits and derived from these deposits, are similar to one another in nature, and are characteristic of the parent sedimentary deposits. These soils are identified as ''recent alluvial floodplains soils'' and ''delta and floodplains soils'' in the U.S. Department of Agriculture soils reports for San Joaquin and Stanislaus counties.

Where the Stanislaus River joins the San Joaquin River, bounding topography is steeper to the west and flatter to the east, thus restricting the westward limits of soils. West of the San Joaquin River, northeast facing slopes limit alluvial soils to an area only about ½ mile or less in width. These soils, primarily Merritt—Columbia—Dello series and Dospalos—Bolfar complex, are bounded on the west by basin soils of the Willows—Pescadero series and terrace soils of the Capay series. Conversely, east of the San Joaquin River, flatter topography has allowed alluvial soils to accumulate to a width of 1 to 1½ miles.

South of the Stanislaus River there are mostly Columbia—Temple series soils, bounded by basin soils of the Waukena—Fresno association, and alluvial fan soils of the Modesto—Chualar group that extend eastward.

North of the Stanislaus River, elevation is slightly higher than to the south, and topography is nearly flat but includes subtle northwest-facing and more strongly expressed southwest-facing slopes. Here the alluvial soils reach 1½ miles in width and are composed of Merritt—Grangeville—Columbia series with lesser amounts of Dello and Egbert soils. They are bounded to the east by terrace soil groups, primarily of the Delhi—Veritas—Tinnin series.

(b) *Unique soil composition of area.* The River Junction viticultural area is a mix of soils that differs from the surrounding areas. Among the total soils, nearly one-half are sandy types, and about one-fourth of the total is fine sandy loam of the Grangeville series. Soil types include about 25 percent Grangeville fine sandy loam; about 50 percent Merritt silty clay loam; nearly 25 percent Columbia fine sandy loams; and less than 1 percent Veritas silty clay loam. None of the surrounding areas has nearly as high a ratio between sandy loam to clay loam soils. Grangeville sandy loam is unusual in this part of the southern delta. The single other local occurrence of Grangeville sandy loam soil is west of the San Joaquin River, 1½ miles northwest, and is less than 11 acres in area.

Grangeville and Columbia series are formed in alluviums derived from granitic rock sources and the Merritt series is formed in alluviums from mixed rock sources. The Grangeville, Merritt, and Columbia series of soils are characterized as ''prime farmland.'' These soils are all very deep, less well drained, and have moderate to high water capacity. Permeability ranges from moderately slow in the Merritt series to rapid in the Columbia and Grangeville series. They occupy nearly flat areas at low elevation and are occasionally flooded. They are exceedingly fertile soils that are capable of supporting wine grapes, almonds, tomatoes, sugar beets, wheat and other crops. Grapes have been grown on Columbia soils, but apparently, in San Joaquin County at least, have not been previously grown on bottomlands with Grangeville and Merritt.

Soil samples collected on-site at the viticultural area during October 1997 include one sample from each of the dominant units. Brief low-power microscopic analysis from each of these samples indicated similar texture and composition. All samples contained abundant angular quartz grains and mica flakes, indicating granitic origin. These soils are mineralogically young and should be expected to be very high in available minerals.

(c) *Comparisons with surrounding areas.* The River Junction viticultural area is clearly distinct from all potentially comparable adjacent local tracts, including the Red Bridge Slough, Walthall Slough, and Northeast areas.

As would be expected of deposits formed along rivers, downstream alluvial soils have a wider distribution than does their parent alluvial substrate, due to stream transport, while upstream the derived soils are less widely distributed than the underlying stream channel deposits.

In the River Junction viticultural area, derived alluvial soils strictly overlap but do not extend beyond their parent recent river deposits. The strict relationship between the channel deposits and their derived soils in the area results in a strikingly distinct northern boundary.

The location of these soil changes corresponds to the location of a strongly expressed terrace (distinct change in elevation) which angles northwest from the Stanislaus River near its mouth. Its upper side is nearly exactly followed by Division Road. This terrace probably marks the highest flood stage in historically recent times and suggests that soils in the area are probably derived from Stanislaus River alluvium. This would explain the distinctively high granitic content of these soils as compared with the surrounding area.

In the Red Bridge Slough area (north of the AVA's boundary following Airport Way) overlap of alluvial soils with parent channel deposits is less exact and the soils are restricted to the west of the Slough. This tract has a slight northwest slope and, based on field observation, is wetter than the River Junction viticultural area. It has no strongly expressed northern or eastern boundaries, and thus would have less temperature extremes than the AVA due to the absence of topographic enclosure.

The Red Bridge Slough area also has soils that are different from the proposed River Junction AVA. It contains about 35 percent Columbia loam. At its center it includes 10 percent Egbert silty clay loam. No Grangeville sands are present. As indicated above, the tract is part of River Junction Reclamation District No. 2064, which was recorded as River Junction Farms subdivision no. 3 in 1925. Durham Ferry State Recreation Area occupies about 20 percent of the tract, and the remaining part is essentially flat at 20–25 feet elevation.

Southeast of Walthall Slough, located north of the Red Bridge Slough area, the relationship between channel deposits and derived soils is obscure. Here the soils occupy a larger expanse than do the underlying stream deposits. They include nearly 40 percent Columbia soils and about 20 percent Dello clay loam. No Grangeville sands are present. Topographically, this area is essentially flat to slightly northwest sloping. In terms of soils, and the microclimate that would be inferred from the flat and open topography, it is completely different from the AVA.

To the northeast, recent river alluvium still underlies the soils but soils in this area include about 20

percent Veritas and Manteca series. No Grangeville sands are present. Otherwise, the Merritt and Columbia soils percentages are comparable to the River Junction AVA. However, this area is higher and flatter, averaging about 30–35 feet elevation, and has no distinct topographic boundaries. Therefore, it undoubtedly has less temperature extremes than the AVA. This area comprises about 195 acres of the original River Junction Farms subdivision no. 2.

Climate

The River Junction AVA is shown on a Sacramento-San Joaquin Delta map (''Base Map Source—Department Of Water Resources''). The AVA appears within the boundaries of the aforementioned delta, at the southeasternmost tip. The southernmost edge of the Sacramento-San Joaquin River Delta is more modified by inland weather patterns than other parts of the Delta. This part of the Delta experiences more extreme high and low temperatures, although still receiving maritime influence. It is subject to little rainfall (10 to 11 inches per year) and, at its southernmost part, lies within the rain shadow of the maritime influenced land to the west. This is the driest part of the Delta and can be considered as arid to semiarid with maritime influence.

The viticultural area is distinctively cooler than the immediate surrounding area (Modesto, Stockton, Tracy Carbona, Tracy Pumping Plant, and Rivercrest Vineyards). Temperature data from 1995 and 1996 were recorded by a weather station located near the center of the River Junction AVA, at Rivercrest Vineyards. The monthly-averaged data show that minimum temperatures are consistently slightly cooler than elsewhere in the region, especially in summer. Average high temperatures are similar to Antioch and Lodi, which are significantly closer to the Suisun and San Francisco Bays and would be expected to experience more cooling from the maritime influence. Average low temperatures are generally the coolest among Tracy Carbona and Tracy Pumping Plant. Significantly, minimum August temperatures are 2 to 5 degrees cooler than Tracy, Stockton, and Modesto.

Grapes grown here are also subject to seasonally later frosts as pointed out by an unpublished agricultural analysis by Cook and Lider dated 1972.

Comments on Notice of Proposed Rulemaking

ATF did not receive any comments in response to Notice No. 901. Having analyzed and evaluated the evidence contained in the petition, ATF is adopting the River Junction viticultural area as proposed.

Boundary

The boundaries of the River Junction viticultural area may be found on the following two 1:24,000 Scale U.S.G.S. topographical maps. They are titled:

(1) Ripon, CA 1969, photorevised 1980;
(2) Vernalis, CA 1969, photorevised 1980;

The boundaries are described in § 9.164.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(j)) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is proposed.

Drafting Information

The principal author of this document is Tim DeVanney, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding § 9.164 as follows:

Subpart C—Approved American Viticultural Areas

§ 9.164 River Junction.

(a) *Name.* The name of the viticultural area described in this section is ''River Junction.''

(b) *Approved maps.* The appropriate maps for determining the boundaries of the River Junction viticultural area are the following two 1:24,000 Scale U.S.G.S. topographical maps. They are titled:

(1) Ripon, CA 1969, photorevised 1980;
(2) Vernalis, CA 1969, photorevised 1980;

(c) *Boundaries.* The River Junction AVA is located in southern San Joaquin County, California. The boundaries are as follows:

(1) Beginning on the Vernalis, CA quadrangle map at the intersection of the secondary highway Airport Way and the San Joaquin River levee, near Benchmark 35 in T3S/R6E;

(2) Then in a southeasterly direction, follow the levee along the San Joaquin River onto the Ripon, CA quadrangle map;

(3) Then in a northerly direction around Sturgeon Bend in section 18 T3S/R7E;

(4) Then continuing in a generally southeasterly, then northeasterly direction along the levee adjoining the Stanislaus River through sections 19, 20 and 17 to the point where the levee intersects sections 17 and 8;

(5) Then continuing in a northerly direction along the levee in section 8 for approximately 1,000 feet;

(6) Then in a straight line in a northwesterly direction for approximately 100 feet to the intersection with Division Road;

(7) Then in a southwesterly, then northwesterly direction along Division Road through sections 8, 17, 18 and 7 to the intersection with the secondary highway Airport Way;

(8) Then in a southwesterly direction along Airport Way onto the Vernalis quadrangle map to the starting point at the intersection of Airport Way and the San Joaquin River levee T3S/R6E.

Dated: March 8, 2001.

Bradley A. Buckles,

Director.

Approved: April 4, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–11675 Filed 5–8–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SPATS No. MO–033–FOR]

Missouri Regulatory Program and Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving, with certain exceptions and additional requirements, an amendment to the Missouri regulatory program (Missouri program) and the Missouri Abandoned Mine Land Reclamation Plan (Missouri plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Missouri proposed revisions to its rules pertaining to surface mining performance standards, special mining activities, prohibitions and limitations on mining in certain areas and areas unsuitable for mining, permitting requirements, bond and insurance requirements, definitions and general requirements, and abandoned mine land reclamation requirements. Missouri intends to revise its program to be consistent with the corresponding Federal regulations, to provide additional safeguards, to clarify ambiguities, and to improve operational efficiency.

EFFECTIVE DATE: May 9, 2001.

FOR FURTHER INFORMATION CONTACT: John W. Coleman, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463–6460. Internet: jcoleman@osmre.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background on the Missouri Program and Plan
II. Submission of the Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Missouri Program and Plan

On November 21, 1980, the Secretary of Interior conditionally approved the Missouri program. You can find general background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the November 21, 1980, **Federal Register** (45 FR 77017). You can find later actions on the Missouri program at 30 CFR 925.12, 925.15, and 925.16.

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. Background information on the Missouri plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning the Missouri plan and amendments to the plan can be found at 30 CFR 925.25.

II. Submission of the Amendment

By letter dated October 5, 2000 (Administrative Record No. MO–662.1), Missouri sent us an amendment to its program and plan under SMCRA and the Federal regulations at 30 CFR 732.17(b) and 884.15, respectively. Missouri sent the amendment in response to our letter dated June 17, 1997 (Administrative Record No. MO–651), that we sent to Missouri under 30 CFR 732.17(c), and in response to required program amendments codified at 30 CFR 925.16. The amendment also includes changes made at Missouri's own initiative. Missouri proposed to amend the Missouri Code of State Regulations (CSR) at Title 10, Division 40.

We announced receipt of the amendment in the October 31, 2000, **Federal Register** (65 FR 64906). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period closed on November 30, 2000. Because no one requested a public hearing or meeting, we did not hold one.

During our review of the amendment, we identified concerns relating to spillways, temporary impoundments, air resource protection, and the exemption for coal extraction incidental to the extraction of other minerals. We notified Missouri of these concerns by letter dated December 15, 2000 (Administrative Record No. MO–662.5).

By letter dated January 12, 2001 (Administrative Record No. MO–662.6), during a telephone conference on February 13, 2001 (Administrative Record No. MO–662.7), and by letter dated April 17, 2001 (Administrative Record No. MO–662.8), Missouri provided us additional explanatory information regarding its provisions for spillways. Because the additional information merely clarified Missouri's proposed spillway requirements, we did not reopen the public comment period. In its letters, Missouri indicated that it would submit revisions to its rules relating to temporary impoundments, air resource protection, and the exemption for coal extraction incidental to the extraction of other minerals in a future rulemaking. Therefore, we are proceeding with the publication of this final rule **Federal Register** document.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15, 732.17, 884.14, and 884.15, are the Director's findings concerning the amendment to the Missouri program and plan.

Any revisions that we do not discuss below are about minor wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Missouri's Rules That Are Minor

Missouri proposed minor wording, editorial, and rule reference changes to several previously-approved rules.

1. Missouri corrected rule references at 10 CSR 40–3.040(4)(A)1, 40–3.040(13)(A)1.A, 40–3.040(13)(B)1, 40–3080(3)(D), 40–3.200(12)(A)1.A, 40–3.200(12)(B)1, 40–4.010(3)(J), 40–4.020(2)(B), 40–4.050(11), 40–4.050(12), 40–6.020(7)(A), 40–6.050(9)(C)3, 40–6.050(9)(C)4, 40–6.070(8)(C), 40–6.070(8)(D)3, 40–6.090(6)(A), 40–6.090(7), 40–8.010(1)(A)97.B, 40–8.030(6)(A)3, 40–8.030(12)(C), and 40–8.070(2)(C)1.A(II).

2. At 10 CSR 40–4.030(3)(A), (6)(A), and (7)(B)2 and 7; 40–6.040(16)(C)1 and 3; and 40–6.060(4), Missouri corrected references to the United States Natural Resources Conservation Service (NRCS) by replacing the ''United States Soil Conservation Service'' and ''SCS'' with the current agency name and acronym, the ''United States Natural Resources Conservation Service'' and ''NRCS,'' respectively. At 10 CSR 40–8.010(1)(A) 52.C, Missouri revised the secondary definition of ''prime farmland'' in its definition of ''land use'' by adding the information ''(now known as the Natural Resources Conservation Service)'' after the term ''Soil Conservation Service.''

3. Missouri corrected typographical errors at 10 CSR 40–3.080(8)(A), 40–6.070(5) (B)4, and 40–6.070(10)(D).

4. At 10 CSR 40–3.050, 40–4.010, 40–4.030, 40–6.020, and 40–8.050, Missouri revised the purpose statements to identify the topic and statutory authority of the rules.

Because the above revisions are minor and do not change the meaning of these previously approved rules, we find that they will not make Missouri's rules less effective than the counterpart Federal regulations.

B. Revisions to Missouri's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

The State rules listed in the table contain language that is the same as or similar to the corresponding sections of the Federal regulations. Differences between the State rules and the Federal regulations are minor.

Topic	State rule	Federal regulation
Impoundments: Examination	10 CSR 40–3.040(6)(T)/40–3.200(6)(T)	30 CFR 816.49(a)(12)/817.49(a)(12).
Impoundments: Stability	10 CSR 40–040(10)(L)1/40–3.200(10)(L)1	30 CFR 816.49(a)(4)(i) 817.49(a)(4)(i).
Inpoundments: Freeboard	10 CSR 40–3.04(10)(M)/40–3.200(10)(N)	30 CFR 816.49(a)(5)/817.49(a)(5).
Impoundments: Foundation	10 CSR 40–3.040(10)(N)/40–3.200(10(N)	30 CFR 816.49(a)(6)/817.49(a)(6).
Impoundments: Spillways	10 CSR 40–3.040(10)(O), (O)1, (O)2.A/40–3.200.	30 CFR 816.49(a)(9), (9)(i), (9)(ii)(A)/817.49(A)(9), (9)(i), (9)(ii)(A).
Temporary Impoundments	10 CSR 40–3.040(10)(O)3, 3.A/40–3.200(10)(O)3, 3.A.	30 CFR 816.49(c)(2), (2)(i)/817.49(c)(2), (2)(i).
Blasting Schedule Contents	10 CSR 40–3.050(3)(C)1	30 CFR 816.64(c)(1).
Disposal of Coal Processing Waste	10 CSR 40–3.080(1)(A)	30 CFR 816.81(a).
Backfilling and Grading: Thin Overburden	10 CSR 40–3.110(4)(A), (A)(1) and (2)	30 CFR 816.104(a), (a)(1) and (2).
Backfilling and Grading: Thick Overburden	10 CSR 40–3.110(5)(A), (A)(1) and 2	30 CFR 816.105(a), (a)(1) and (2).
Operations on Prime Farmland: Applicability	10 CSR 40–4.030(4)(B)	30 CFR 823.11(a) and (b).
Prohibitions and Limitations on Mining in Certain Areas: Definition of Significant Recreational, Timber, Economic or Other Values Incompatible With Surface Coal Mining Operations.	10 CSR 40–5.010(1)(B)	30 CFR 761.5.
Prohibitions and Limitations on Mining in Certain Areas: Areas Where Mining is Prohibited or Limited.	10 CSR 40–5.010(2)(E)	30 CFR 761.11(e)(1).
Coal Exploration Permits: Commercial Use or Sale.	10 CSR 40–6.020(5)	30 CFR 772.14(a) and (b).
Geology Description	10 CSR 40–6.040(5)(B) 1.E	30 CFR 780.22(b)(2)(iii).
Probable Hydrologic Consequences Determination.	10 CSR 40–6.050(9)(D)3	30 CFR 780.21(f)(4).
Cumulative Hydrologic Impact Assessment	10 CSR 40–6.050(9)(E)/40–6.120(5)(E)	30 CFR 780.21(g)/784.14(f).
Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments.	10 CSR 40–6.050(11)(A), (A)2, (A)3, (B), (C), (F)/40–6.120(7)(A), (A)2, (A)3, (B)1, (C), (F)..	30 CFR 780.25(a), (a)(2), (a)(3), (b), (c), (f)/784.16(a), (a)(2), (a)(3), (b), (c), (f).
Prime Farmlamds: Issuance of Permit	10 CSR 40–6.060(4)(E)5	30 CFR 785.17(e)(5).
Self-Bonding	10 CSR 40–7.011(6)(D)2 C(II), (D)5.A and C	30 CFR 800.23(b)(3)(ii), (e)(1) and (4).
Bond Release Application: Notarized Statement of Accomplished Reclamation.	10 CSR 40–7.021(3)(D)	30 CFR 800.40(a)(3).
Definition of Approximate Original Contour	10 CSR 40–8.010(1)(A)9	30 CFR 701.5.
Definition of Other Treatment Facilities	10 CSR 40–8.010(1)(A)59	30 CFR 701.5.
Definition of Prime Farmland	10 CSR 40–8.010(1)(A)73	30 CFR 701.5.
Definition of Regulatory Authority	10 CSR 40–8.10(1)(A)82	30 CFR 700.5.
Small Operator's Assistance: Definition of Qualified Laboratory.	10 CSR 40–8.050(1)	30 CFR 795.3.
Small Operator Assistance: Eligibility for Assistance.	10 CSR 40–8.050(2)(B), (B)1 and 2	30 CFR 795.6(a)(2), (a)(2)(i) and (ii).
Small Operator Assistance: Program Services and Data Requirements.	10 CSR 40–8.050(5)(A), (B)1 through 6	30 CFR 795.9(a), (b)(1) through (6).
Small Operator Assistance: Applicant Liability	10 CSR 40–8.050(9)(A) (A)2 and 3	30 CFR 795.12(a), (a)(2) and (3).
Termination of Jurisdiction	10 CSR 40–8.070(2)(F) and (G)	30 CFR 700.11(d)(1) and (2).

Because the above State rules have the same meaning as the corresponding Federal regulations, we find that they are no less effective than the Federal regulations.

C. 10 CSR 40–3 Performance Requirements for Surface and Underground Mining Operations

1. *10 CSR 40–3.010(6) Buffer Zone Markers.* Missouri added a reference to 10 CSR 40–8.010(1)(A)13 in its rule for buffer zone markers. Missouri's rule at 10 CSR 40–8.010(1)(A)13 defines the term ''buffer zone.'' Although the Federal regulation at 30 CFR 816.11(e) for buffer zone markers does not contain a counterpart reference, we find that Missouri's reference to its approved definition of ''buffer zone'' will not make its rule at 10 CSR 40–3.010(6) less effective than the Federal regulation.

2. *10 CSR 40–3.020 Requirements for Casing and Sealing of Drilled Holes.* In its rules at 10 CSR 40–3.020(1) and (3), Missouri corrected a citation reference by changing 10 CSR 40.3.040(13) to 10 CSR 40–3.040(14). Missouri also added a reference to the rules of the Wellhead Protection Section, Division of Geology and Land Survey, at 10 CSR 23, Chapter 6. Coal mine operators in Missouri must meet both the requirements of 10 CSR 40–3.040(14) and the Division of Geology and Land Survey's rules at 10 CSR 23, Chapter 6, in order to convert a drilled hole, borehole, or monitoring well into a water well. Missouri's rule at 10 CSR 40–3.040(14) contains provisions for transferring exploratory or monitoring wells for use as water wells. We find that changing the existing citation reference to 10 CSR 40–3.040(14) is appropriate because it is consistent with the reference to 30 CFR 816.41 in the counterpart Federal regulations at 30 CFR 816.13 and 816.15. The Federal regulation at 30

CFR 816.41 allows wells to be transferred to another party for further use if approved by the regulatory authority and if the transfer complies with State and local law. Therefore, we find that requiring coal mine operators to meet other State regulations relating to water wells, as well as the State counterpart to 30 CFR 816.41, will not make Missouri's rules at 10 CSR 40–3.010(1) and (3) less effective than the counterpart Federal regulations at 30 CFR 816.13 and 816.15.

3. *10 CSR 40–3.040 and 10 CSR 40–3.200 Requirements for Protection of the Hydrologic Balance.* Missouri proposed several changes to its rules at 10 CSR 40–3.040 for surface mining operations and 10 CSR 40–3.200 for underground mining operations.

a. Missouri replaced all instances of the term ''sedimentation ponds'' with the term ''siltation structures'' in its rules at 10 CSR 40–3.040(2)(A), 40–3.040(6), 40–3.040(8), 40–3.040(17), 40–3.200(2)(A), 40–3.200(6), 40–3.200(8), and 40–3.200(16). On October 20, 1994, OSM replaced the term ''sedimentation ponds'' with the term ''siltation structures'' in many of its counterpart regulations (59 FR 53022). OSM did this because the term ''siltation structures'' provides a broader classification of structures for the control of sediment than the term ''sedimentation ponds.'' For this reason and because sedimentation ponds are included in the Missouri and the Federal definitions of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89 and 30 CFR 701.5, respectively, we find that Missouri's changes will not make its rules less effective than the counterpart Federal regulations.

b. *10 CSR 40–3.040(4) and 10 CSR 3.200(4) Stream Channel Diversions.* On September 29, 1992, we required Missouri to amend its rules at 10 CSR 3.040(4) and 40–3.200(4) to require the certification of any design criteria set by the regulatory authority as required at 30 CFR 816.43(b)(4) and 817.43(b)(4). We codified this requirement at 30 CFR 925.16(f)(1). In response to this requirement, Missouri added the language ''and any design criteria set by the director'' at the end of 10 CSR 40–3.040(4)(B)3 and 40–3.200 (4)(B)3. The revised rules require the design and construction of all stream channel diversions of perennial and intermittent streams to be certified by a qualified registered professional engineer as meeting the performance standards of the rules and any design criteria set by the director. We find that Missouri's revised rules at 10 CSR 40–3.040(4)(B)3 and 40–3.200(4)(B)3 are substantively identical to the counterpart Federal regulations at 30 CFR 816.43(b)(4) and 817.43(b)(4), respectively. The revisions also satisfy the required amendment that was codified at 30 CFR 925.16(f)(1), which we are removing.

c. At 10 CSR 40–3.040(10)(A) and 40–3.200(10)(A), Missouri added the following new provision:

> Furthermore, impoundments meeting the Class B or C criteria for dams in TR–60 shall comply with the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60 and the requirements of this section.

We find that Missouri's new provision contains requirements that are substantively the same as the counterpart Federal regulation requirements at 30 CFR 816.49(a)(1) and 817.49(a)(1). Therefore, we are approving Missouri's revised rules at 10 CSR 40–3.040 (10)(A) and 40–3.200(10)(A).

d. At 10 CSR 40–3.040(10)(B)5 and 40–3.200(10)(B)5, Missouri updated its reference to the requirements for impoundments that do not meet the size or other criteria contained in 30 CFR 77.216(a) by changing the ''United States Soil Conservation Service Practice Standards 378, Ponds, January 1991'' to the ''United States Natural Resources Conservation Service, Conservation Practice Standard, POND, CODE, No. 378, December 1998.'' We are approving this reference change because the December 1998 version of Practice Standard No. 378 is the current version issued by the Natural Resources Conservation Service for the State of Missouri.

e. Missouri added a new subsection at 10 CSR 40–3.040(10)(L) and 40–3.200(10)(L) entitled ''Stability.'' As shown above in finding B, paragraphs (10)(L)1 are substantively the same as the counterpart Federal regulations. Paragraphs (10)(L)2 require an impoundment not meeting the Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, to have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions or meet the requirements of the Natural Resources Conservation Service, Conservation Practice Standard 378, ''Ponds,'' December 1998, and be less than 20 feet in height.

Missouri's rules provide for two alternatives to determine the stability of an embankment for impoundments that do not meet the Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a). The first alternative requires that the slope stability of the earth embankment meet the same 1.3 minimum static safety factor requirements for steady state seepage as found in 30 CFR 816.49(a)(4)(ii) and 817.49(a)(4)(ii). The second alternative refers to the NRCS Practice Standard No. 378 design standards developed for Missouri in December 1998. On November 17, 2000, we conducted a technical review of these standards (Administrative Record No. MO–662.4). The NRCS Practice Standard No. 378 requires that slopes be 2.5H:1V or flatter with combined slopes being 6H:1V or flatter for an embankment. This is a conservative standard when compared to other approved design standards, usually 5H:1V. It further requires that the slopes be stable, even if flatter slopes are required. The slope stability evaluation must be based on soil mechanics analysis or past experience in the surrounding area. The Federal regulations at 30 CFR 816.49(a)(4)(ii) and 817.49(a)(4)(ii) allow a regulatory authority to establish engineering design standards comparable to the 1.3 static safety factor for impoundments not meeting the Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a). Our technical review of Conservation Practice Standard No. 378 found that its design standards are comparable to the 1.3 static safety factor required for these types of impoundments. Therefore, we find the proposed rules at 10 CSR 40–3.040(10)(L)2 and 40–3.200(10)(L)2 are no less effective than the counterpart Federal regulations at 30 CFR 816.49(a)(4)(ii) and 817.49(a)(4)(ii), respectively.

f. Missouri added a new subsection at 10 CSR 40–3.040(10)(O) and 10 CSR 40–3.200(10)(O) entitled ''Spillways.''

(1) Missouri rules at 10 CSR 40–3.040(10)(O)2 and 40–3.200(10)(O)2 provide the spillway requirements for permanent and temporary impoundments. They specify the design precipitation events that the various types of impoundments must be designed and constructed to safely pass or contain. With the following differences, Missouri's rules at 10 CSR 40–3.040(10)(O)2 and 40–3.200(10)(O)2 are substantively the same as the counterpart Federal regulations at 30 CFR 816.49(a)(9) and 817.49(a)(9) for permanent and temporary impoundments with spillways.

(a) Missouri's rules at 10 CSR 40–3.040(10)(O)2.B and 40–3.200(10)(O)2.B contain the spillway design precipitation event requirements for permanent and temporary impoundments meeting or exceeding the size or other criteria of 30 CFR 77.216(a). Missouri's rules provide that

the required design precipitation event for this type of impoundment is a 100-year, 24-hour event or greater as specified by the director or commission.

The Federal regulations at 30 CFR 816.49(a)(9)(ii) and 817.49(a)(9)(ii) specify a 100-year, 6-hour or greater design precipitation event for this type of impoundment. We conducted a technical review and found that overall the two are generally accepted as comparable events (Administrative Record No. MO–662.4). The 100-year, 24-hour precipitation event will have a higher peak discharge than the 100-year, 6-hour precipitation event. This means that in Missouri, the spillways for this type of impoundment will be designed and constructed to safely pass the design precipitation event required by the Federal regulations. Therefore, we find Missouri's rules at 10 CSR 40–3.040(10)(O)2.B and 40–3.200(10)(O)2.B are no less effective than the counterpart Federal regulations at 30 CFR 816.49(a)(9)(ii) and 817.49(a)(9)(ii), respectively.

(b) Missouri's rules at 10 CSR 40–3.040(10)(O)2.C and 40–3.200(10)(O)2.C contain the spillway design precipitation event requirements for impoundments not meeting the Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a). Missouri's rules provide that the required design precipitation event for this type of impoundment is as specified in Table 3 of the United States Natural Resources Conservation Service, Conservation Practice Standard 378, ''Ponds,'' December 1998.

We conducted a technical review and found that Table 3 in Conservation Practice Standard 378 contains design criteria for principal and auxiliary spillways for small impoundments (Administrative Record No. MO–662.4). Table 3 includes requirements for sizing principal and auxiliary spillways for 10-year, 24-hour; 25-year, 24-hour; and 50-year, 24-hour design storm events. The requirements for impoundments with watersheds of 20 acres or less includes spillways designed for either a 10-year, 24-hour or 25-year, 24-hour design precipitation event. The Federal regulation standard at 30 CFR 816.49(a)(9)(ii)(C) and 817.49 (a)(9)(ii)(C) for small impoundments is a 25-year, 6-hour or greater precipitation event. The peak flow resulting from a 10-year, 24-hour event will be slightly lower than the peak flow resulting from the 25-year, 6-hour event. A spillway for this type of impoundment must be designed to at least discharge the peak flow produced by the minimum design precipitation event specified in the Federal regulations. This issue was discussed with Missouri during the February 13, 2001, telephone conference (Administrative Record No. MO–662.7). Missouri explained that its policy is to require operators to construct spillways for small impoundments that will meet a 25-year, 24-hour or greater precipitation event design standard. Missouri stated in its letter of April 17, 2001, that its rule at 10 CSR 40–3.040(6)(I) requires a minimum 25-year, 24-hour design event. Missouri indicated that it will add a provision to its rules at 10 CSR 40–3.040(10)(0) and 40–3.200(10)(0) that will require a minimum 25-year, 24-hour design storm event for any emergency or auxiliary spillway. Missouri further stated that until the future rule change becomes effective, it will not approve any temporary or permanent impoundments with an emergency spillway design event less that the 25-year, 24-hour event. Missouri's rule at 10 CSR 40–3.040(6)(I) for sedimentation ponds requires that an appropriate combination of principal and emergency spillways be provided to safely discharge the runoff from a 25-year, 24-hour precipitation event or larger event required in the permit and plan. Our technical review found that a 25-year, 24-hour precipitation event will have a higher peak discharge than a 25-year, 6-hour precipitation event. This means that in Missouri, the spillways for small impoundments that control sediment will be designed and constructed to safely pass the minimum design precipitation event required by the Federal regulations at 30 CFR 816.49(a)(9)(ii)(2)(C) and 817.49(a)(9)(ii)(2)(C). We are approving Missouri's rules at 10 CSR 40–3.040(10)(O)2.C and 40–3.200(10)(O)2.C in combination with its policy letter dated April 17, 2001, and its rule at 10 CSR 40–40–3.040(6)(I) that requires operators to design and construct spillways for impoundments that will safely pass a 25-year, 24-hour or greater precipitation event.

(2) Missouri's rules at 10 CSR 40–3.040(10)(O)3 and 40–3.200(10)(O)3 provide the requirements for temporary impoundments that rely solely on storage capacity to control runoff from a design precipitation event. They specify the design precipitation events that the impoundments must be designed and constructed to contain. With the following differences, Missouri's rules at 10 CSR 40–3.040(10)(O)3 and 40–3.200(10)(O)3 are substantively the same as the counterpart Federal regulations at 30 CFR 816.49(c) and 817.49(c) for temporary impoundments that rely primarily on storage to control the runoff from a design precipitation event.

(a) Missouri's rules at 10 CSR 40–3.040(10)(O)3.B and 40–3.200(10)(O)3.B contain the design precipitation event requirements for temporary impoundments, with no spillways, that do not meet the Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a). These impoundments rely primarily on storage to control the runoff from a design precipitation event. Missouri's rules specify that this type of temporary impoundment shall be designed to control the precipitation of a 100-year, 24-hour event.

The Federal regulations at 30 CFR 816.49(c)(2)(ii) and 817.49(c)(2)(ii) specify a 100-year, 6-hour or greater event for this type of temporary impoundment. As discussed above under finding 3(f)(1)(a), we determined that 100-year, 6-hour and 100-year, 24-hour events are generally accepted as comparable design precipitation events. However, the total runoff from the 100-year, 24-hour precipitation event will be larger than from a 100-year, 6-hour event with a similar return period. This means that in Missouri, temporary impoundments without spillways that do not meet the Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a) will be designed and constructed to safely control the runoff from the minimum design precipitation event required by the Federal regulations. Therefore, we find that Missouri's rules at 10 CSR 40–3.040(10)(O)3.B and 40–3.200(10)(O)3.B are no less effective than the counterpart Federal regulations at 30 CFR 816.49(c)(2)(ii) and 817.49(c)(2)(ii).

(b) Missouri's rules at 10 CSR 40–3.040(10)(O)3.C and 40–3.200(10)(O)3.C provide spillway design, precipitation event requirements for permanent and temporary impoundments. These paragraphs do not contain any requirements for temporary impoundments that rely solely on storage capacity to control the runoff from a design precipitation event, which is the intended purpose of the provisions in 10 CSR 40–3.040(10)(O)3 and 40–3.200(10)(O)3. Instead, they contain the same requirements as Missouri's proposed rules at 10 CSR 40–3.040(10)(O)2.C and 40–3.200(10)(O)2.C for impoundments that rely on spillways to safely pass the applicable design precipitation event.

We find that Missouri's rules at 10 CSR 40–3.040(10)(O)3.C and 40–3.200(10)(O)3.C are not consistent with the other requirements of Missouri's rules at 10 CSR 40–3.040(10)(O)3 and 40–3.200(10)(O)3 or with the Federal

regulation requirements at 30 CFR 816.49(c) and 817.49(c) for temporary impoundments that rely primarily on storage to control the runoff from a design precipitation event. Further, we are requiring Missouri to remove these provisions from its program. In its January 12, 2001, letter, Missouri indicated that the two paragraphs (10 CSR 40–3.040(10)(O)3.C and 10 CSR 40–3.200(10)(O)3.C) were inappropriate in this part of its program and will be deleted in a future rulemaking.

g. *10 CSR 40–3.040(14) and 10 CSR 40–3.200(13)(B) Transfer of Wells.* Missouri revised 10 CSR 40–3.040(14)(B)3 and 40–3.200(13)(B)3 to require that upon transfer of a well, the transferee must assume primary responsibility for compliance with 10 CSR 40–3.020 and 40–3.180, respectively, and those rules of the Wellhead Protection Section, Division of Geology and Land Survey, at 10 CSR 23, Chapter 3, applicable to the well. The current rules just require compliance with 10 CSR 40–3.020 and 40–3.180, which are counterparts to the Federal regulations at 30 CFR 816.13 through 15 and 817.13 through 15, respectively. The Wellhead Protection Section, Division of Geology and Land Survey rules provide requirements that owners must meet for protection of groundwater quality and resources and maintenance of wells. The Federal regulations at 30 CFR 816.41(g) and 817.41(g) allow wells to be transferred to another party for further use if approved by the regulatory authority and if the transfer complies with State and local law. Therefore, we find that requiring coal mine operators to meet other State regulations relating to water wells will not make Missouri's rules at 10 CSR 40–3.040(14)(B)3 and 40–3.200 (13)(B)3 less effective than the counterpart Federal regulations.

4. *10 CSR 40–3.050 Requirements for the Use of Explosives.* At 10 CSR 40–3.050(1)(D)1.A, Missouri proposes to clarify that an operator must submit a blast design if blasting operations will be conducted within 1000 feet of a dam that is outside the permit area. At 10 CSR 40–3.050(2)(A), Missouri proposes to clarify that the operator must notify owners of dams that are located within one-half mile of the permit area at least forty days before initiation of blasting and tell them how to request a preblast survey.

Missouri's currently approved rules require a blast design for dams and an opportunity for a preblasting survey for owners of dams because of each rule's reference to structures listed in 10 CSR 40–3.050(5)(D)1. The structures listed in 10 CSR 40–3.050(5)(D)1 include dams. We find that Missouri's clarification of its rules at 10 CSR 40–3.050(1)(D)1.A and 10 CSR 40–3.050(2)(A) will not make them less effective than the counterpart Federal regulations at 30 CFR 816.61(d)(i) and 816.62(a), respectively.

5. *10 CSR 40–3.090, Surface Mining Operations, and 10 CSR 40–3.240, Underground Mining Operations: Air Resource Protection.* On September 29, 1992, we required Missouri to amend its rules at 10 CSR 40–3.090 and 40–3.240 by providing performance standards that address air quality in a manner no less effective than the Federal regulations at 30 CFR 816.95(a) and 817.95(a). We codified this requirement at 30 CFR 925.16(p)(4). The Federal regulations require that all exposed surface areas be protected and stabilized to effectively control erosion and air pollution attendant to erosion.

a. Missouri revised 10 CSR 40–3.090 by adding the following new provision at the end of the previously approved rule language:

> All exposed surface areas shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion according to 10 CSR 40–3.040(5)(A).

We find that Missouri's new provision at 10 CSR 40–3.090 is substantively identical to the Federal regulation requirement for protection of air resources at 30 CFR 816.95(a), and we are approving it. Missouri's new provision also satisfies a portion of the required amendment that we codified at 30 CFR 925.16(p)(4), and it will be modified accordingly.

b. Missouri removed the existing requirements at 10 CSR 40–3.240 and added the following new requirement:

> All exposed surface areas shall be protected attendant to erosion according to 10 CSR 40–3.200(5)(A).

The counterpart Federal regulation at 30 CFR 817.95(a) requires all exposed surface areas to be protected ''and stabilized to effectively control erosion and air pollution'' attendant to erosion. We find that Missouri's revised rule at 10 CSR 40–3.240 is less effective than the Federal regulation because it is missing pertinent requirements relating to control of erosion and air pollution. Therefore, we are not approving Missouri's revised rule to the extent that it is missing these requirements, and we are modifying 30 CFR 925.16(p)(4) to require further revision to 10 CSR 40–3.240.

6. *10 CSR 40–3.110(6) Regrading or Stabilizing Rills and Gullies.* On July 13, 1995 (60 FR 36046), we required Missouri to revise 10 CSR 40–3.110(6)(B) to clearly require, for areas that have been previously mined, either topsoil or a topsoil substitute, in accordance with its rules at 10 CSR 40–3.030. We codified this requirement at 30 CFR 925.16(q)(2). In response to this requirement, Missouri revised 10 CSR 40–3.110(6)(B) to read as follows:

> On areas that have been previously mined, the requirements for regrading or stabilizing rills and gullies pursuant to subsection (6)(A) apply after final grading and placement of topsoil or the best available topsoil substitute.

We find that Missouri's revised rule at 10 CSR 40–3.110(6)(B) meets the requirements of the Federal regulations at 30 CFR 816.106(a) and 816.102(d)(2) concerning redistribution of topsoil on previously mined areas, and we are approving it. We also find that Missouri's revision satisfies the required amendment at 30 CFR 925.16(q)(2), which we are removing.

7. *10 CSR 40–3.120 and 10 CSR 40–3.270 Revegetation Requirements.* Missouri proposed several changes to its rules at 10 CSR 40–3.120 for surface mining operations and 10 CSR 40–3.270 for underground mining operations.

a. *10 CSR 40–3.120(5) and 10 CSR 40–3.270(5) Grazing.* On September 29, 1992 (60 FR 44666), we required Missouri to revise 10 CSR 40–3.120(5) and 40–3.270(5) by removing or defining the term ''range land.'' We codified this requirement at 30 CFR 925.16(p)(5). In response to this requirement, Missouri removed the term ''range land'' from its provisions for grazing at 10 CSR 40–3.120(5) and 40–3.270(5).

Based on the discussion in finding 19 of the September 29, 1992, **Federal Register** (57 FR 44665), we find that, with the removal of the term ''range land,'' Missouri's requirements at 10 CSR 40–3.120(5) and 40–3.270(5) for grazing and pasture land are no less effective than the Federal regulation requirements at 30 CFR 816.116(b)(1) and 817.116(b)(1), respectively. We also find that Missouri has satisfied the required amendment at 30 CFR 925.16(p)(5), which we are removing.

b. *10 CSR 40–3.120(8) and 10 CSR 40–3.270(8) Reclamation Schedule.* Missouri replaced all instances of the term ''sedimentation ponds'' with the term ''siltation structures'' in its rules at 10 CSR 40–3.120(8)(A)4, (B), and (D) and 10 CSR 40–3.270(8) (A)4 and (B). Because sedimentation ponds are included in the Missouri and the Federal definitions of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89 and 30 CFR 701.5, respectively, we find that Missouri's changes will not make its rules less effective than the

counterpart Federal regulations. Also, because the term ''siltation structures,'' as defined, includes a broader range of sediment control structures than the term ''sedimentation ponds,'' we find that Missouri's revisions clarify that all sediment control structures, not just sedimentation ponds, are included in the reclamation schedule requirements.

8. *10 CSR 40–3.140 Road and Other Transportation Requirements.* On September 29, 1992 (60 FR 44669), we required Missouri to revise 10 CSR 40–3.140(1)(A) by requiring that all exposed surfaces be stabilized in accordance with current prudent engineering practices. We codified this requirement at 30 CFR 925.16(p)(9). In response to this requirement, Missouri removed the word ''road'' from the phrase ''as well as dust occurring on other exposed road surfaces.'' Missouri's revised rule at 10 CSR 40–3.140(1) (A) now requires that Class 1 roads be maintained to control or prevent erosion; siltation; and the air pollution attendant to erosion, including road dust as well as dust occurring on other exposed surfaces.

Because the Federal regulation at 30 CFR 816.150(b)(1) provides the same requirements for roads, we find that Missouri's revised rule is no less effective than the Federal regulation. We also find that Missouri has satisfied the required amendment at 30 CFR 925.16(p)(9), which we are removing.

D. 10 CSR 40–6 Permitting Requirements for Permits, Permit Applications, and Coal Exploration

1. *10 CSR 40–6.010(4)(B)2 Renewal of Valid Permits.* Missouri corrected a citation reference in its existing provision at 10 CSR 40–6.010(4)(B)2 by changing ''10 CSR 40–6.080(5) and (6)'' to ''10 CSR 40–6.090(5) and (6).'' Missouri also added the following new provision to the end of 10 CSR 40–6.010(4)(B)2:

> A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to conduct surface coal mining operations has expired or has been terminated, revoked, or suspended.

As revised, the existing provision in 10 CSR 40–6.010(4)(B)2 requires a permittee to file an application for renewal of a permit under 10 CSR 40–6.090(5) and (6) at least 120 days before the expiration of the permit. The corrected citation reference is appropriate because 10 CSR 40–6.090(5) and (6) contain Missouri's requirements for permit renewals. This provision is substantively the same as the Federal regulation at 30 CFR 774.15(b)(1). Missouri's new provision in 10 CSR 40–6.010(4)(B)2 is substantively the same as the counterpart Federal provision in 30 CFR 773.11(a). Based on the above discussion, we find that Missouri's provisions at 10 CSR 40–6.010(4)(B)2 are no less effective than the counterpart Federal regulation provisions at 30 CFR 774.15(b)(1) and 773.11(a), respectively.

2. *10 CSR 40–6.010(6)(A) Permit Fees.* Missouri removed the existing third sentence that specified that ''[a]ll permits shall be on a yearly basis and shall require the entire initial fee and the acreage fee for that year.'' Missouri also revised the existing fifth sentence to read as follows:

> Afterwards and until the operator obtains the final liability release on all lands covered by the permit, the annual fee and acreage fee shall be paid as a condition to and prior to operating for that permit year.

Missouri's removal of the existing third sentence eliminates an apparent conflict with other provisions in the rule that allow multiple year permits. Missouri revised the existing fifth sentence to clarify that the annual fee and acreage fee must be paid until the operator obtains the final liability release on all permitted acres. The Federal regulation at 30 CFR 777.17 requires the regulatory authority to determine the amount of the permit application fee and allows the regulatory authority to develop procedures for the fee to be paid over the term of the permit. Based on the above discussion, we find that Missouri's revisions will not make its previously approved rule less effective than the counterpart Federal regulation.

3. *10 CSR 40–6.030 and 10 CSR 40–6.100 Minimum Requirements for Legal, Financial, Compliance and Related Information.* We are approving Missouri's proposed revisions to its rules at 10 CSR 40–6.030 for surface mining operations and 10 CSR 40–6.100 for underground mining operations. Missouri proposed the revisions to clarify previously approved provisions or to meet the required amendments codified at 30 CFR 925.16(p)(10) and (11) on September 29, 1992.

On December 19, 2000 (65 FR 79582), we revised the Federal counterparts to the rules that Missouri is proposing to amend. Because Missouri submitted its amendment before the date that we published our new regulations, we are using previous versions of the Federal regulations as our standards of comparison. In accordance with the requirements and procedures in 30 CFR 732.17(d) through (f), we will notify Missouri at a later time if we determine that our revised regulations will require additional revisions to the Missouri program.

a. Missouri clarified the introductory paragraph of 10 CSR 40–6.030(1)(C) by adding the phrase ''each application shall contain'' after the words ''as applicable.'' The revised paragraph reads as follows:

> For each person who owns or controls the applicant under the definition of owned or controlled and owns or controls in 10 CSR 40–6.010(2)(E), as applicable each application shall contain—

We find that Missouri's clarification did not change the meaning of this previously approved rule. We also find that the introductory paragraph of 10 CSR 40–6.030(1)(C) is substantively the same as the introductory paragraph of the former Federal regulation at 30 CFR 778.13(c) that was promulgated on April 21, 1997.

b. Missouri revised the introductory paragraph of 10 CSR 40–6.030(1)(D) to read as follows:

> For any surface coal mining operation owned or controlled by the applicant under the definition of owned or controlled and owns or controls in 10 CSR 40–6.010(2)(E), each application shall contain—

We find that Missouri's revised introductory paragraph is substantively the same as the introductory paragraph of the former Federal regulation at 30 CFR 778.13(f) that was promulgated on April 21, 1997.

c. *10 CSR 40–6.030(1)(I) and 10 CSR 40–6.100(1)(I) Identification of Interests and Violation Information Format.* On September 29, 1992 (57 FR 44671), we required Missouri to revise its rules to require that a permit applicant submit ownership and control and violation information in a format prescribed by OSM. We codified this requirement at 30 CFR 925.16(p)(10). In response to this requirement, Missouri revised its rules at 10 CSR 40–6.030(1)(I) and 40–6.100(1)(I) to require the applicant to submit the information required by 10 CSR 40–6.010(1) and (2) and 40–6.100(1) and (2) in any prescribed format issued by the ''Office of Surface Mining Reclamation and Enforcement (OSMRE).''

We find that Missouri's revised rules at 10 CSR 40–6.030(1)(I) and 40–6.100(1)(I) are substantively the same as the former Federal regulation at 30 CFR 778.13(l) that was promulgated on April 21, 1997, and they satisfy the required amendment at 30 CFR 925.16(p)(10), which we are removing.

d. *10 CSR 40–6.030(2)(C) Surface Mining Permit Applications—*

Compliance Information. On September 29, 1992 (57 FR 44671), we required Missouri to revise 10 CSR 40–6.030(2)(C) to require any violation of SMCRA to be listed by the operator to make this regulation no less effective than the Federal regulation at 30 CFR 778.14(c). We codified this requirement at 30 CFR 925.16(p)(11). In response to this requirement, Missouri revised 10 CSR 40–6.030(2)(C) to read as follows:

A list of all violation notices received by the applicant during the three year period preceding the application date, and a list of all unabated cessation orders and unabated violation notices received prior to the date of the application by any surface coal mining and reclamation operation that is deemed or presumed to be owned or controlled by the applicant under the definition of ''owned or controlled'' and ''owns or controls'' in 10 CSR 40–6.010(2)(E) of this chapter. For each notice of violation issued pursuant to 10 CSR 40–8.030(7) or under the Federal or State program for which the abatement period has not expired, the applicant must certify that such notice of violation is in the process of being corrected to the satisfaction of the agency with jurisdiction over the violation. For each violation notice or cessation order reported, the lists shall include the following information, as applicable:

A. Any identifying numbers for the operation, including the Federal or State permit number and MSHA number, the dates of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department or agency;

B. A brief description of the violation alleged in the notice;

C. The date, location and type of any administrative or judicial proceedings initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in subsection (C) of this section to obtain administrative or judicial review of the violation;

D. The current status of the proceedings and of the violation notice; and

E. The actions, if any, taken by any person identified in subsection (C) of this section to abate the violation.

We find that Missouri's revised rule at 10 CSR 40–6.030(2)(C) is substantively the same as the former counterpart Federal regulation at 30 CFR 778.14(c) that was promulgated on April 21, 1997. Missouri's revised rule also satisfies a portion of the required amendment at 30 CFR 925.16(p)(11), which we are removing.

e. *10 CSR 40–6.100(2)(C) Underground Mining Permit Applications—Compliance Information.* On September 29, 1992 (57 FR 44671), we required Missouri to revise 10 CSR 40–6.100(2)(C) to require any violation of SMCRA to be listed by the operator to make this regulation no less effective than the Federal regulation at 30 CFR 778.14(c). We codified this requirement at 30 CFR 925.16(p)(11). In response to this requirement, Missouri revised 10 CSR 40–6.100(2)(C) to read as follows:

For any violation of a provision of the Act, or of any law, rule or regulation of the United States, or of any State law, rule or regulation enacted pursuant to Federal law, rule or regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violations notices received by the applicant during the three (3) year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the lists shall include the following information, as applicable:

1. Any identifying numbers for the operation, including the Federal or State permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department or agency;

2. A brief description of the violation alleged in the notice;

3. The date, location and type of any administrative or judicial proceedings initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in subsection (C) of this section to obtain administrative or judicial review of the violation;

4. The current status of the proceedings and of the violation notice; and

5. The actions, if any, taken by any person identified in subsection (C) of this section to abate the violation.

We find that Missouri's revised rule at 10 CSR 40–6.100(2)(C) is substantively the same as the former counterpart Federal regulation at 30 CFR 778.14(c) that existed on September 29, 1992, the date that we required Missouri to revise its rule. Missouri's revision also satisfies the remaining portion of the required amendment at 30 CFR 925.16(p)(11) by requiring that ''any violation of a provision of the Act'' be listed by the operator. Missouri's rule at 10 CSR 40–8.010(1)(A)3 defines ''Act'' to mean SMCRA.

4. *10 CSR 40–6.050 and 10 CSR 40–6.120 Minimum Requirements for Reclamation and Operations Plan.* Missouri proposed changes to its rules at 10 CSR 40–6.050 for surface mining operations and 10 CSR 40–6.120 for underground mining operations.

a. Missouri changed the term ''sedimentation pond'' to the term ''siltation structure'' in its rules at 10 CSR 40–6.050(5)(B)11, 40–6.050(5)(C)1, 40–6.120(14)(B)10, and 40–6.120(14)(C)1. Because sedimentation ponds are included in the Missouri and the Federal definitions of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89 and 30 CFR 701.5, respectively, we find that Missouri's changes will not make its rules less effective than the counterpart Federal regulations. Also, because the term ''siltation structures,'' as defined, includes a broader range of sediment control structures than the term ''sedimentation ponds,'' we find that Missouri's revisions clarify that all sediment control structures must be shown on the maps and plans of the proposed mine operation.

b. *10 CSR 40–6.050(5) Operations Plan—Maps and Plans.* At 10 CSR 40–6.050(5) (C), Missouri removed the provision that would allow, with certain exceptions, a professional geologist experienced in the design and construction of impoundments to prepare and certify maps, plans, and cross-sections required under 10 CSR 40–6.050(5) (B)4, 5, 6, 10, and 11. As revised, Missouri's rule requires all maps, plans, and cross-sections to be prepared and certified by a qualified registered professional engineer, with assistance from experts in related fields such as land surveying and landscape architecture.

With identified exceptions, the counterpart Federal regulation at 30 CFR 780.14(c) requires a qualified registered professional engineer, a professional geologist, or a qualified registered professional land surveyor to prepare and certify the specified cross sections, maps, and plans. A qualified registered professional engineer must certify maps, plans, and cross-sections for the identified exceptions, which include impoundments, siltation structures, excess spoil disposal sites, and coal mine waste disposal sites. Because only a qualified registered professional engineer can prepare and certify the specified cross sections, maps, and plans under the Missouri rule, we find that Missouri's revised rule at 10 CSR 40–6.050(5)(C) is no less effective than the counterpart Federal regulation.

c. *10 CSR 40–6.050(7) and 40–6.120(12) Fish and Wildlife Plan.* On July 13, 1995 (60 FR 36047), we required Missouri to revise 10 CSR 40–6.050(7)(D)1 and 40–6.120 (12)(D)1 to require that the description in the fish and wildlife plan be consistent with, respectively, its performance standards for protection of fish, wildlife, and related environmental values at 10 CSR 40–3.100 and 40–3.250. We codified this requirement at 30 CFR 925.16(u). At 10 CSR 40–6.050(7)(D)1, Missouri proposed to require that each fish and

wildlife plan description be consistent with the requirements of 10 CSR 40–6.050 and 40–3.100. At 10 CSR 40–6.120(12)(D)1, Missouri proposed to require that each fish and wildlife plan description be consistent with the requirements of 10 CSR 40–6.120 and 40–3.250. Missouri's rules at 10 CSR 40–3.100 for surface coal mining and 40–3.250 for underground coal mining contain performance requirements for the protection of fish, wildlife, and related environmental values.

We find that Missouri's revised rules at 10 CSR 40–6.050(7)(D)1 and 40–6.120(12)(D)1 are substantively the same as the counterpart Federal regulations at 30 CFR 780.16(b)(1) and 784.21(b)(1), respectively, and we are approving them. We also find that Missouri's revisions satisfy the required amendment at 30 CFR 925.16(u), which we are removing.

d. *10 CSR 40–6.050(11) Reclamation Plan—Ponds, Impoundments, Banks, Dams and Embankments.* At 10 CSR 40–6.050(11)(A)1.A, Missouri removed the provision that would allow a professional geologist to prepare and certify a general plan for each siltation structure, water impoundment, and coal processing waste bank, dam, or embankment within the mine plan area. As revised, Missouri's rule requires general plans for these structures to be prepared and certified by a qualified registered professional engineer, with assistance from experts in related fields such as land surveying and landscape architecture.

The counterpart Federal regulation at 30 CFR 780.25(a)(1)(i) requires a qualified registered professional engineer, a professional geologist, or a qualified registered professional land surveyor, with assistance from experts in related fields such as landscape architecture, to prepare and certify general plans for these structures. Because use of the word ''or'' in the Federal regulation would allow any one of the listed professionals to prepare and certify general plans, we find that Missouri's revised rule at 10 CSR 40–6.050(11)(A)1.A is no less effective than the counterpart Federal regulation at 30 CFR 780.25(a)(1)(i).

e. *10 CSR 40–6.050(17) and 40–6.120(15) Transportation Facilities.* On September 29, 1992 (57 FR 44671), we required Missouri to provide proof that land surveyors are authorized in the State to prepare and certify plans and drawings for road design or delete the provision from 10 CSR 40–6.050(17)(B) and 40–6.120(15)(B). We codified this requirement at 30 CFR 925.16(p)(12). In response to this requirement, Missouri removed the language ''or a qualified registered professional land surveyor'' from its provisions at 10 CSR 40–6.050(17)(B) and 40–6.120(15)(B). Missouri's revised rules require the plans and drawings for each class I and II road to be prepared by, or under the direction of, and certified by a qualified registered professional engineer.

In those States that do not authorize land surveyors to certify the design of roads, the Federal regulations at 30 CFR 780.37(b) and 784.24(b) require the plans and drawings for roads to be prepared by, or under the direction of, and certified by a qualified registered professional engineer. Therefore, we find that Missouri's revised rules at 10 CSR 40–6.050(17)(B) and 40–6.120(15)(B) are no less effective than the counterpart Federal regulations at 30 CFR 780.37(b) and 784.24(b), respectively. We also find that Missouri's revisions satisfy the requirements of 30 CFR 925.16(p)(12), which we are removing.

5. *10 CSR 40–6.070 Review, Public Participation and Approval of Permit Applications and Permit Terms and Conditions.*

a. *10 CSR 40–6.070(3) Opportunity for Submission of Written Comments on Permit Applications.* At 10 CSR 40–6.070(3)(B), Missouri proposed to require that written comments on permit applications by public entities notified under subsections (2)(B) and (C) be submitted to the commission and director within 30 days after the last publication of the newspaper advertisement required by subsection (2)(A). Missouri previously required that written comments be submitted within 60 days after the application is filed.

The counterpart Federal regulation at 30 CFR 773.13(b)(1) requires that written comments on permit applications by these public entities be submitted within a reasonable time established by the regulatory authority. We find that Missouri's proposed time frame is reasonable, and we are approving the revisions to 10 CSR 40–6.070(3)(B).

b. *10 CSR 40–6.070(4) Right to File Written Objections.* At 10 CSR 40–6.070(4) (A), Missouri is proposing to require that written objections to an initial, renewed, or revised application for a permit be filed within 30 days after the last publication of the newspaper advertisement required by subsection (2)(A). Missouri previously required that written objections be filed within 60 days after the application is filed.

Missouri's revised rule contains substantively the same requirements for filing written objections as the counterpart Federal regulation at 30 CFR 773.13(b)(2), including the 30-day time frame. Therefore, we find that Missouri's rule at 10 CSR 40–6.070(4)(A) is no less effective than the Federal regulation.

6. *10 CSR 40–6.090(4) Permit Revisions.* Missouri is revising 10 CSR 40–6.090 (4)(B)2 to read as follows:

> The scale or extent of permit application information requirements and procedures, including notice and hearings, applicable to revision requests shall be sufficient to demonstrate compliance with all applicable rules. Any application for a revision which proposes significant alterations in the operations described in the materials submitted in the application for the original permit under 10 CSR 40–6.030, 10 CSR 40–6.040, 10 CSR 40–6.050, 10 CSR 40–6.060, 10 CSR 40–6.100, 10 CSR 40–6.110 or 10 CSR 40–6.120 or in the conditions of the original permit, at a minimum, shall be subject to the requirements of 10 CSR 40–6.070 and 10 CSR 40–6.080.

Missouri's rule at 10 CSR 40–6.070 contains requirements for review, public participation, and approval of permit applications. It includes Missouri's provisions for permit terms and conditions. Missouri's rule at 10 CSR 40–6.080 contains requirements for administrative and judicial review of decisions on permit applications.

The Federal regulation at 30 CFR 774.13(b)(2) requires the regulatory authority to establish guidelines for the scale or extent of revisions for which all the permit application information requirements and procedures, including notice, public participation, and notice of decision requirements shall apply. We find that Missouri's revised rule at 10 CSR 40–6.090(4)(B)(2) is consistent with this Federal requirement, and we are approving it.

E. 10 CSR 40–7 Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations

1. *10 CSR 40–7.011(6) Bond Requirements—Type of Bonds.* On September 29, 1992 (57 FR 44673), we required Missouri to revise its rule at 10 CSR 40–7.011(6)(D)8 to provide that, upon issuance of a cessation order, mining operations shall not resume until the regulatory authority has determined that an acceptable bond has been posted as required by the Federal regulations at 30 CFR 800.16(e)(2). We codified this requirement at 30 CFR 925.16(p)(14). In response to this requirement, Missouri revised its rule provisions at 10 CSR 40–7.011(6)(A)8 for surety bonds and 10 CSR 40–7.011(6)(D)8 for self-bonds to require that when a cessation order is issued for failure to replace bond coverage, mining operations shall not resume until the director has determined that an acceptable bond has been posted.

Missouri's revised provisions at 10 CSR 40–7.011(6)(A)8 and 40–7.011(6)(D)8 have substantively the same requirements for replacing bond coverage as the counterpart Federal regulations at 30 CFR 800.16(e) for surety bonds and 800.23(g) for self-bonds. Therefore, Missouri's revised rules are no less effective than the counterpart Federal regulations. Missouri's revision to 10 CSR 40–7.011(6)(D)(8) satisfies the required amendment at 30 CFR 925.16(p)(14), which we are removing.

2. *10 CSR 40–7.021 Duration and Release of Reclamation Liability.*

a. *10 CSR 40–7.021(1)(C) and (D)/40–7.021(2)(B)5 and 6 Termination of Jurisdiction.* On September 29, 1992 (57 FR 44674), we required Missouri to relocate its provisions at 10 CSR 40–7.021(2)(B)5 and 6 that addressed termination of jurisdiction to an appropriate location in its regulations. Missouri had placed these provisions under its phase II bond release requirements. We were concerned that this location could lead to possible misinterpretation of the requirements for phase II bond release and termination of jurisdiction. We codified this requirement at 30 CFR 925.16(p)(16). In response to the required amendment, Missouri removed its provisions from 10 CSR 40–7.021(2)(B)5 and 6 and added them to 10 CSR 40–7.021(1)(C) and (D) under its period of liability requirements.

As discussed in finding 51 of the September 29, 1992, **Federal Register**, Missouri's rules for termination of jurisdiction are substantively the same as the counterpart Federal regulations at 30 CFR 700.11(d). Both the Federal regulations and Missouri's rules clarify the circumstances under which a regulatory authority may terminate or reassert jurisdiction for the reclaimed sites of completed surface coal mining and reclamation operations. Because regulatory jurisdiction may only be terminated upon the final release of a performance bond or, where no bond was required, upon a finding that all reclamation had been successfully completed, we find locating these provisions under its requirements concerning the period of reclamation liability at 10 CSR 40–7.021(1) is appropriate. Therefore, we are approving Missouri's deletion of 10 CSR 40–7.021(2)(B)5 and 6 and addition of 10 CSR 40–7.021(1)(C) and (D). We are also removing the required amendment at 30 CFR 925.16(p)(16).

b. *10 CSR 40–7.021(2) Criteria for Release of Reclamation Liability.* Missouri replaced the term ''sediment ponds'' with the term ''siltation structures'' in its rule at 10 CSR 40–7.021(2)(A). The revised provision provides that phase I bond must be retained on unreclaimed temporary structures, such as roads, siltation structures, diversions and stockpiles.

Because the term ''siltation structures,'' as defined in Missouri's rules at 10 CSR 40–8.010(1)(A)89 and the Federal regulations at 30 CFR 701.5, includes a broader range of sediment control structures than the term ''sedimentation ponds,'' we find that Missouri's revision will provide additional guidance for retention of phase I bond for unreclaimed temporary structures.

c. *10 CSR 40–7.021(3) Bond Release Application Procedures.* Missouri added the following new procedure at 10 CSR 40–7.021(3)(C):

> (C) At the time of final or phase III bond release submittal, the operator shall include evidence that an affidavit has been recorded with the recorder of deeds in the county where the mined land is located generally describing the parcel or parcels of land where operations such as underground mining, auger mining, covering of slurry ponds, or other underground activities occurred which could impact or limit future use of that land. This requirement shall be applicable to mined land where phase I reclamation was completed on or after September 1, 1992.

There is no counterpart Federal regulation. However, we find that this new requirement does not conflict with any existing Federal or State requirements concerning performance bond release. Therefore, 10 CSR 40–7.021(3)(C) will not make Missouri's rules concerning performance bond release at 10 CSR 40–7.021 less effective than the counterpart Federal regulations at 30 CFR 800.40.

F. 10 CSR 40–8 Definitions and General Requirements

1. *10 CSR 40–8.010(1)(A)12 Definition of Best Technology Currently Available.* Missouri replaced the term ''sedimentation ponds'' with the term ''siltation structures,'' in its definition of ''best technology currently available.''

Because the term ''siltation structures'' provides a broader classification of sediment control structures than the term ''sedimentation ponds'' and because sedimentation ponds are included in the Missouri and the Federal definitions of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89 and 30 CFR 701.5, respectively, we find that Missouri's revision will not make its definition of ''best technology currently available'' less effective than the counterpart Federal definition at 30 CFR 701.5.

2. *10 CSR 40–8.010(1)(A)87 and 40–8.010(1)(A)89 Definitions of Sedimentation Pond and Siltation Structure, respectively.* Missouri removed its definition of ''sedimentation pond'' at 10 CSR 40–8.010(1)(A)87 and added its substantive provisions to the following new definition of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89:

> Siltation structure means a sedimentation pond, a series of sedimentation ponds, or other treatment facility, it also means a primary sediment control structure designed, constructed and maintained in accordance with 10 CSR 40–3.040(6) and including, but not limited to, barrier, dam or excavated depression which slows down water runoff to allow sediment to settle out. A siltation structure shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts and other measures that reduce overland flow velocity, reduce runoff volume or trap sediment, to the extent that those secondary sedimentation structures drain to the siltation structure.

The counterpart Federal regulation at 30 CFR 701.5 defines ''siltation structure'' to mean a sedimentation pond, a series of sedimentation ponds, or other treatment facility. As shown above, Missouri's proposed definition of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89 contains the language from the Federal definition and the previously approved language from its definition of ''sedimentation pond'' at 10 CSR 40–8.010(1)(A)87. As discussed throughout this document, Missouri replaced all instances of the term ''sedimentation pond'' with the term ''siltation structure'' in its rules at 10 CSR 40. Because Missouri no longer uses the term ''sedimentation pond'' in its rules and because Missouri added the substantive language from its currently approved definition of ''sedimentation ponds'' to its definition of ''siltation structure,'' we find that Missouri's removal of its definition of ''sedimentation pond'' will not make its rules less effective than the Federal regulations. Also, because Missouri's definition of ''siltation structure'' at 10 CSR 40–8.010(1)(A)89 includes the language from the Federal definition of ''siltation structure'' at 30 CFR 701.5, we find that Missouri's definition is no less effective than the Federal definition.

3. *10 CSR 40–8.030(1) Inspections.* On September 29, 1992 (57 FR 44675), we required Missouri to revise 10 CSR 40–8.030(1)(F) and (G) to remove limitations regarding the required number of inspections of abandoned mine sites. We codified this requirement at 30 CFR 925.16(p)(18). In response to this requirement, Missouri proposed revisions to its regulations at 10 CSR 40–8.030(1)(F)4.A and 40–8.030(1)(G).

Missouri revised 10 CSR 40–8.030(1)(F)4.A by requiring a site to be classified as abandoned only in cases where a permit has either expired or been revoked. Missouri's revised rule is substantively identical to the counterpart Federal regulation at 30 CFR 840.11(g)(4)(i). Missouri revised 10 CSR 40–8.030(1)(G) by removing its existing provisions and adding new provisions that require Missouri to inspect abandoned sites on a frequency commensurate with the public health and safety and environmental conditions present. Missouri must always perform at least one complete inspection per calendar year for each abandoned site. Missouri's revised rule incorporates criteria that must be taken into consideration and documented before it can reduce inspection frequencies at an abandoned site. We find that Missouri's new provisions are substantively identical to the Federal regulation provisions at 30 CFR 840.11(h). We also find that Missouri's revisions at 10 CSR 40–8.030(1)(F)4.A and 40–8.030(1)(G) removed the previous limitations regarding the required number of inspections of abandoned mine sites and satisfied the required amendment at 30 CFR 925.16(p)(18). Therefore, we are approving 10 CSR 40–8.030(1)(F)4.A and 40–8.030(1)(G), and we are removing the required amendment at 30 CFR 925.16(p)(18).

4. *10 CSR 40–8.070(2)(C) Exemption for Coal Extraction Incidental to the Extraction of Other Minerals.*

a. *10 CSR 40–8.070(2)(C)1.A Definition of Cumulative Measurement Period.* Missouri's current rule at 10 CSR 40–8.070(2)(C)1.A(II)(a) requires that, for coal or other minerals extracted prior to November 1, 1990, a person with an approved exemption for coal extraction incidental to the extraction of other minerals submit a written report of cumulative production and revenue every October after that. On September 29, 1992, we required Missouri to amend 10 CSR 40–8.070(2)(C)1.A(II) to provide appropriate dates for reporting of cumulative production that are no earlier than the date Missouri's October 10, 1990, amendment is published in the **Federal Register** as a final rule. We codified this requirement at 30 CFR 925.16(p)(20). In response to this requirement, Missouri amended 10 CSR 40–8.070(2)(C)1.A(II)(a) to require that, for coal or other minerals extracted prior to October 1, 1990, a person with an approved exemption for coal extraction incidental to the extraction of other minerals submit an annual written report of cumulative production and revenue on September 30, 1992, and every September 30 after that.

Missouri's October 10, 1990, amendment was published in the **Federal Register** on September 29, 1992. Therefore, the initial annual reporting date proposed at 10 CSR 40–8.070(2)(C)1.A(II)(a) of September 30, 1992, and subsequent annual reporting date of September 30 satisfy a portion of the required amendment at 30 CFR 925.16(p)(20). However, Missouri's proposed rule still specifies the end of the period for which cumulative production and revenue is calculated is where the coal or other minerals were extracted prior to October 1, 1990, which is a date earlier than September 29, 1992. This date needs to be revised to be no earlier than September 29, 1992. Therefore, we find that Missouri's proposed rule at 10 CSR 40–8.070(2)(C)1.A(II) is less effective than the counterpart Federal regulation at 30 CFR 702.5(a)(2), and we are not approving the October 1, 1990, date proposed at 10 CSR 40–8.070(2)(C)1.A(II)(a). Also, Missouri did not revise its rule at 10 CSR 40–8.070(2)(C)1.A(II)(b). This rule still refers to extraction of coal or other minerals commenced on or after November 1, 1990, which is earlier than the required date. Based on this finding, we are modifying the required amendment at 30 CFR 925.16(p)(20).

b. *10 CSR 40–8.070(2)(C)10.F Revocation and Enforcement—Direct Enforcement.* Missouri's current rules at paragraph (2)(C)10.F provide direct enforcement requirements for operators who did or did not conduct activities in accordance with the terms of an approved exemption before revocation of the exemption. Subparagraph (C)10.F(I) specifies that an operator mining in accordance with the terms of an approved exemption shall not be cited for violations of the commission which occurred prior to the revocation of the exemption. Subparagraph (C)10.F(II) specifies that an operator who does not conduct activities in accordance with the terms of an approved exemption shall be subject to direct enforcement action for violations of the commission. Subparagraph (C)10.F(III) specifies that upon revocation of an exemption or denial of an exemption application, an operator shall comply with the reclamation standards of the commission. On September 29, 1992, we required Missouri to amend its rules at 10 CSR 40–8.070(2)(C)10.F(I), (II), and (III). We codified these requirements at 30 CFR 925.16(p)(21). The counterpart Federal regulations at 30 CFR 702.17(d)(1), (2), and (3) have similar requirements with the exception that the Federal regulations either specify violations of the regulatory program or reclamation standards of the regulatory program. Missouri's current rules limit its direct enforcement requirements to violations or reclamation standards of its commission rather than its regulatory program. In response to the required amendment at 30 CFR 925.16(p)(21), Missouri replaced the term ''commission'' with the term ''regulatory program'' in each of its rules at 10 CSR 40–8.070(2)(C)10.F(I), (II), and (III).

We find that Missouri's revised rules at 10 CSR 40–8.070(2)(C)10.F(I), (II), and (II) are substantively identical to the counterpart Federal regulations at 30 CFR 702.17(d)(1), (2), and (3), respectively, and we are approving them. We also find that Missouri's revisions satisfy the required amendment at 30 CFR 925.16(p)(21), which we are removing.

G. 10 CSR 40–9.020 Abandoned Mine Reclamation and Restoration; Reclamation

1. Missouri revised its rule at 10 CSR 40–9.020(1)(D)4 to require the commission to find in writing whether coal lands and waters damaged and abandoned after August 3, 1977, meet the specified eligibility requirements and priority objectives. Missouri also added the requirement that the commission find in writing that the reclamation priority of the site is the same or more urgent than the reclamation priority for other lands and waters. Missouri's revised rule reads as follows:

> The commission finds in writing that the site meets the eligibility requirements of this section and the priority objectives stated in subsections (4)(A) and (B) of this rule and that the reclamation priority of the site is the same or more urgent than the reclamation priority for other lands and waters eligible pursuant to this section. Priority will be given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon a community.

The counterpart Federal regulation at 30 CFR 874.12(d) also requires a written determination of eligibility for these sites. Therefore, we find that Missouri's revised rule at 10 CSR 40–9.020(1)(D)4 is consistent with the requirements of the counterpart Federal regulation at 30 CFR 874.12(d)(3), and we are approving it.

2. Missouri added the following new provision at 10 CSR 40–9.020(1)(F):

> If reclamation of a site covered by an interim or permanent program permit is carried out under the State reclamation program, the permittee of the site shall

reimburse the abandoned mine land reclamation fund for the cost of the reclamation that is in excess of any bond forfeited to ensure reclamation. In performing reclamation under subsection (1)(D) of this rule, the commission shall not be held liable for any violations of any performance standards or reclamation requirements specified in Chapter 444 RSMo (1994) nor shall a reclamation activity undertaken on such lands or waters be held to any standards set forth in Chapter 444 RSMo (1994).

We find that Missouri's rule at 10 CSR 40–9.020(1)(F) is substantively identical to the counterpart Federal regulation at 30 CFR 874.12(g), and we are approving it.

IV. Summary and Disposition of Comments

Federal Agency Comments

On October 18, 2000, under section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i) of the Federal regulations, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Missouri program (Administrative Record No. MO–662.2). We did not receive any comments.

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), we are required to obtain the written concurrence of the EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Missouri proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA for its concurrence.

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. MO–662.2). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On October 18, 2000, we requested comments on Missouri's amendment (Administrative Record No. MO–662.2), but neither responded to our request.

Public Comments

We asked for public comments on the amendment, but did not receive any.

V. Director's Decision

Based on the above findings, we approve, with certain exceptions and additional requirements, the amendment as sent to us by Missouri on October 5, 2000.

With the requirement that Missouri further revise its rules, we do not approve, as discussed in: finding No. C.3.f(2)(b), 10 CSR 40–3.040(10)(O)3.C and 40–3.200(10)(O)3.C, design precipitation event requirements for permanent and temporary impoundments; finding No. C.5.b, 10 CSR 40–3.240, air resource protection, to the extent that it is missing pertinent requirements relating to control of erosion and air pollution; finding No. F.4.a, 10 CSR 40–8.070(2)(C)1.A(II)(a), definition of cumulative measurement period, to the extent that it uses October 1, 1990, for determining the end of the period for which cumulative production and revenue is reported.

To implement this decision, we are amending the Federal regulations at 30 CFR part 925, which codify decisions concerning the Missouri program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Missouri to bring its program into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any changes to State programs that are not approved by OSM. In the oversight of the Missouri program, we will recognize only the statutes, rules and other materials approved by the Secretary or by us, together with any consistent implementing policies, directives and other materials. We will require the enforcement by Missouri of only such provisions.

VI. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary under SMCRA. Section 405(d) of SMCRA requires State abandoned mine reclamation programs to be in compliance with the procedures, guidelines, and requirements of SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met. Decisions on proposed abandoned mine land reclamation plans and revisions submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR part 884 of the Federal regulations.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program

provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A). Agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions are also categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined 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.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 25, 2001.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 925 is amended as set forth below:

PART 925—MISSOURI

1. The authority citation for Part 925 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 925.12 is amended by removing the introductory paragraph; by revising paragraphs (a), (b), and (c) and adding paragraphs (d), (e), and (f) to read as follows:

§ 925.12 State program provisions and amendments disapproved.

(a) The amendment at 10 CSR 40–4.030(4)(A), submitted on December 14 and 18, 1987, is disapproved insofar as it would exempt from prime farmland performance standards coal preparation plants, support facilities, and roads associated with surface coal mining activities.

(b) The amendment at 10 CSR 40–4.030(4)(B), submitted on December 14 and 18, 1987, is disapproved insofar as it would exempt from prime farmland performance standards water bodies as a postmining land use.

(c) The definitions of ''coal processing plant'' and ''coal preparation plant'' at 10 CSR 40–8.010(1)(A)18, submitted on December 14 and 18, 1987, are disapproved insofar as they exempt from regulation certain facilities where coal is subjected to chemical or physical processing or cleaning, concentrating, or other processing or preparation, if they do not separate coal from its impurities.

(d) The amendments at 10 CSR 40–3.040(10)(O)3.C and 40–3.200(10)(O)3.C, submitted on October 5, 2000, concerning temporary impoundment design are disapproved effective May 9, 2001.

(e) The amendment at 10 CSR 40–3.240, submitted on October 5, 2000, concerning air resource protection is disapproved effective May 9, 2001, to the extent that it is missing pertinent requirements relating to control of erosion and air pollution.

(f) The amendment at 10 CSR 40–8.070(2)(C)1.A(II)(a), submitted on October 5, 2000, concerning the definition of cumulative measurement period is disapproved effective May 9, 2001, to the extent that it uses October 1, 1990, for determining the end of the period for which cumulative production and revenue is reported.

3. Section 925.15 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 925.15 Approval of Missouri regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
October 5, 2000	May 9, 2001	10 CSR 40–3.010(6); 3.020(1); 3.020(3); 3.040(2)(A)1, 2, 3.B, 4, 5, 6; 3.040(4)(A)1 and (B)3; 3.040(6)(A), (B), (C), (E), (F), (G), (H), (Q), (T), (U); 3.040(8); 3.040(10)(A), (B)5, (L), (M), (N), (O), (O)1, (O)2.A and B, (O)2.C, (O)3, (O)3.A and B; 3.040(10)(O)3.C [not approved]; 3.040(13)(A)1.A and (B)1; 3.040(14)(B)3; 3.040(17); 3.050 Purpose; 3.050(1)(D)1.A; 3.050(2)(A); 3.050(3)(C)1; 3.080(1)(A); 3.080(3)(D); 3.080(8)(A); 3.090; 3.110(4)(A); 3.110(5)(A); 3.110(6)(B); 3.120(5); 3.120(8)(A)4, (B), (D)2 and 8; 3.140(1)(A); 3.200(2)(A)1, 2, 3.A, 4, 5, 6; 3.200(4)(B)3; 3.200(6)(A), (B), (C), (E), (F), (G), (Q), (T), (U); 3.200(8), 3.200(10)(A), (B)5, (K), (L), (M), (N), (O), (O)1, (O)2.A, B, and C, (O)3, (O)3.A and B; 3.200(10)(O)3.C [not approved]; 3.200(12) (A)1.A and (B)1; 3.200(13)(B)3; 3.200(16); 3.240 [partial approval]; 3.270(5); 3.270(8)(A)4 and (B); 4.010 Purpose; 4.010 (3)(J); 4.020(2)(B); 4.030 Purpose; 4.030 (3)(A); 4.030(4)(A), (B), (C); 4.030(6)(A), 4.030(7)(B)2 and 7; 4.050(11), (12); 5.010(1)(B); 5.010(2)(E); 6.010(4)(B)2; 6.010(6)(A); 6.020 Purpose; 6.020(5); 6.020(7)(A); 6.030(1)(C), (D), (I); 6.030(2)(C); 6.040(5)(B)1.E; 6.040(16)(C)1 and 3; 6.050(1); 6.050(5)(B)11, (C), and (C)1; 6.050(7)(D)1; 6.050(9)(C)3 and 4, (D)3, (E); 6.050(11)(A), (A)1.A, 2 and 3, (B), (C), (F); 6.050(17)(B); 6.060(4)(C)1 and 5, (D)1, (E)5; 6.070(3) and (3)(B); 6.070(4)(A); 6.070(5)(B)4; 6.070(8)(C), (D)3; 6.070(10) (D); 6.090(4)(B)2; 6.090(6)(A); 6.090(7); 6.100(1)(I); 6.100(2)(C); 6.120(5)(E); 6.120(7)(A), (A)2 and 3, (B)1, (C), (F); 6.120(12)(D)1; 6.120(14)(B)10, (C)1; 6.120(15)(B); 7.011(6)(A)8, (D)2.C(II), 5.A and C, 8; 7.021(1)(C) and (D); 7.021(2)(A), (B)5 and 6; 7.021(3)(C) and (D); 8.010(1) (A)9, 12, 52.C, 59, 73, 82, 87, 89, and 97B; 8.030(1)(F)4.A and (G); 8.030(6)(A)3 and (B)1; 8.030(10)(A); 8.030(12)(C); 8.050 Purpose; 8.050(1); 8.050(2)(B); 8.050(5)(A) and (B); 8.050(9)(A); 8.070(2)(C)1.A(II)(a) [partial approval] and 10.F, (F), (G).

4. Section 925.16 is amended by removing and reserving paragraphs (b), (f)(1), (g), (p)(5), (p)(9), (p)(10), (p)(11), (p)(12), (p)(14), (p)(16), (p)(18), (p)(21), (q), (q)(2), and (u); by revising paragraphs (p), (p)(4), and (p)(20) and adding paragraph (v) to read as follows:

§ 925.16 Required program amendments.

* * * * *

(p) By May 10, 2002, Missouri shall amend its program as follows:

* * * * *

(4) At 10 CSR 40–3.240 by providing performance standards that address air quality in a manner no less effective than the Federal regulations at 30 CFR 817.95(a).

* * * * *

(20) At 10 CSR 40–8.070(2)(C)1.A(II)(a) and (b) to revise the definition of cumulative measurement period to provide appropriate dates for the end of the period for which cumulative production and revenue is reported that are no earlier than September 29, 1992, in accordance with the Federal regulation requirements at 30 CFR 702.5(a)(2)(i) and (ii).

* * * * *

(v) By May 10, 2002, Missouri must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to remove its provisions at 10 CSR 40–3.040(10)(O)3.C and 40–3.200(10)(O)3.C.

5. Section 925.25 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
October 5, 2000	May 9, 2001	10 CSR 40–9.020(1)(D)4 and (F).

[FR Doc. 01–11635 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK–025–FOR]

Oklahoma Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule, approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposed revisions to it rules concerning permit revisions. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6548. Telephone: (918) 581–6430. Internet: mwolfrom@osmre.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background on the Oklahoma Program
II. Submission of the Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the

Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

II. Submission of the Amendment

By letter dated January 25, 2001 (Administrative Record No. OK–990), the Oklahoma Department of Mines (Department) sent us an amendment to the Oklahoma program under SMCRA and the Federal regulations at 30 CFR 732.17(b). Oklahoma sent the amendment at its own initiative. Oklahoma is amending its rules at OAC 460:20–17–3 concerning permit revisions by providing guidelines for determining when a permit revision is major/significant or minor and by specifying a time period for approval or disapproval of a permit revision application.

We announced receipt of the amendment in the February 15, 2001, **Federal Register** (66 FR 10403). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period closed on March 19, 2001. Because no one requested a public hearing or meeting, we did not hold one.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendment to the Oklahoma program.

The Federal regulations at 30 CFR 774.13(b)(1) and (2) require regulatory authorities to establish—

(1) A time period within which the regulatory authority will approve or disapprove an application for a permit revision; and

(2) Guidelines establishing the scale or extent of revisions for which all the permit application information requirements and procedures of Subchapter G, including notice, public participation, and notice of decision requirements of 30 CFR 773.13, 773.19(b)(1) and (3), and 778.21 apply. All permit application information requirements and procedures must apply at a minimum to significant permit revisions.

As shown below, we found that Oklahoma's guidelines meet the requirements of the Federal regulations at 30 CFR 774.13(b)(1) and (2). Any revisions that we do not discuss below are about minor wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. *OAC 460:20–17–3(a) General.* At Section 460:20–17–3(a) Oklahoma is adding the following provision:

(a) Any revision application to the approved mining or reclamation plan will be subject to review and approval by the Department. During the revision review, the revision will be classified as either: (1) Major or Significant; or (2) Minor.

The Federal regulation at 30 CFR 774.13(b)(2) requires the regulatory authority to establish guidelines for the scale or extent of revisions for which all the permit application requirements will apply. It allows flexibility to the regulatory authority to establish both significant and insignificant permit revision guidelines suitable to the operation of the State program. We find that Oklahoma's rule at OAC 460:20–17–3(a) meets the requirements of this Federal regulation, and we are approving it.

B. *OAC 460:20–17–3(b) Application requirements and procedures.* Oklahoma is removing the existing provisions in Section 460:20–17–3(b), and adding the following new provisions:

(b) Application requirements and procedures. A permittee is required to submit any permit revision applications to the Chief of Technical Services for review. The Technical Service review shall determine:

(1) Whether the permittee has provided all technical and public notice requirement information the Department deems necessary to adequately evaluate and find that the revision meets the requirements of the statutes and of this Chapter; and

(2) Whether the revision application contains any deficiencies. The Department is required to send written notification to the permittee of any deficiencies along with a response date deadline for answering the deficiencies noted. Any deadline extension requests shall be in writing and are subject to the approval of the Chief of Technical Services. Failure of the permittee to file written responses within the required time frames, will result in the denial of the revision application.

The Federal regulation at 30 CFR 774.13(b)(2) requires the regulatory authority to establish guidelines for the scale or extent of revisions for which all the permit application requirements will apply. The Federal regulations provide flexibility to the regulatory authority to establish guidelines suitable to the operation of the State program. We find that Oklahoma's rule at OAC 460:20–17–3(b) meets the requirement of the Federal regulation, and we are approving it.

C. *OAC 460:20–17–3(c) Significant revisions.* Oklahoma is moving the existing provision in Section 460:20–17–3(c) to new Section 460:20–17–3(f), and is adding the following provision to Section OAC 460:20–17–3(c):

(c) A significant revision to the mining or reclamation plan will be subject to the permit application information requirements and procedures of this Subchapter, including notice, public participation, and notice of decision requirements of Sections 460:20–15–5, 460:20–15–8(b)(1) and (3), and 460:20–23–9 prior to approval by the Department and implementation by the permittee.

The Federal regulation at 30 CFR 774.13(b)(2) requires all permit application information requirements and procedures of Subchapter G, including notice, public participation, and notice of decision requirements of 30 CFR 773.13, 773.19(b)(1) and (3), and 778.21 to apply at a minimum to significant permit revisions. We find that Oklahoma's rule at OAC 460:20–17–3(c) contains the same requirements for significant permit revisions, and therefore, is no less effective than the Federal regulation.

D. *OAC 460:20–17–3(d) Departmental consideration.* Oklahoma is moving the existing provision in Section 460:20–17–3(d) to new Section 460:20–17–3(g), and is adding the following new provisions to Section OAC 460:20–17–3(d):

(d) Departmental consideration. The Department will consider any proposed revision to be significant if its implementation could reasonably be expected, in the opinion of the Director, to result in any adverse impact to persons, property, or the environment outside the permit area. Revisions with impacts confined to the permit area will be evaluated on a case by case basis to determine if significant. While consideration will be given to the size, location, type and extent of impact in classifying a revision, the following will typically be considered significant:

(1) Incidental boundary changes;

(2) Hydrology plan changes which could have adverse impacts outside the permit acres, such as:

(A) The addition or relocation of permanent impoundments;

(B) The addition, deletion, or relocation of stream diversions; and

(C) The addition or deletion of acid mine drainage treatment facilities;

(3) The addition of a coal wash plant;

(4) The addition of or changes to a non coal waste storage plan;

(5) Construction or relocation of county roads;

(6) Addition of blasting plans;

(7) Postmining land use changes to residential, industrial or commercial (except for changes involving oil and gas wells and

private roads), recreation, or developed water resources as discussed 460:20–27–14(a)(2);

(8) Changes impacting historical or cultural areas, high value wildlife habitat, and parks and public places;

(9) Permanent changes which could have a limiting or adverse effect on the long term future of the land; and

(10) Other changes deemed significant by the Director which affect the landowner and or the public.

The Federal regulation at 30 CFR 774.13(b)(2) requires the regulatory authority to establish guidelines for the scale or extent of revisions for which all the permit application requirements will apply. The Federal regulations provide flexibility to the regulatory authority to establish permit revision guidelines suitable to the operation of the State program. We find that Oklahoma's rule at OAC 460:20–17–3(d) meets the requirement of this Federal regulation, and we are approving it.

E. *OAC 460:20–17–3(e) Minor revisions.* Oklahoma is adding the following new provisions at OAC 460:20–17–3(e):

(e) Minor revisions. The following revisions are typically considered minor revisions:

(1) Changes to pond designs;

(2) Addition or deletion of dewatering pipes on ponds;

(3) Addition, deletion or changes to office facilities, explosive storage areas, temporary haul roads, and coal pads;

(4) Changes to surface and groundwater monitoring plans;

(5) Vegetation changes;

(6) Change of operator without a change of permittee; and

(7) Conversion to incremental bonding or change to bond increments, pursuant to the requirements of Subchapter 37 of this Chapter.

The Federal regulation at 30 CFR 774.13(b)(2) requires the regulatory authority to establish guidelines for the scale or extent of revisions for which all the permit application requirements will apply. It allows flexibility to the regulatory authority to establish both significant and insignificant permit revision guidelines suitable to the operation of the State program. We find that Oklahoma's rule at OAC 460:20–17–3(e) meets the requirements of this Federal regulation, and we are approving it.

F. *OAC 460:20–17–3(h) Application decisions.* Oklahoma is adding the following new provision at Section 460:20–17–3(h):

(h) The Department will make a decision of approval or denial of a revision application within six months of receipt of the application unless the application, or some aspect of the application, is under technical, administrative or judicial review.

The Federal regulation at 30 CFR 774.13(b)(1) requires a regulatory authority to establish a time period within which he or she will approve or disapprove an application for a permit revision. The Federal regulation provides flexibility to the regulatory authority in establishing time periods suitable to operation of the State program. We find that Oklahoma's rule at OAC 460:20–17–3(h) meets the requirements of the Federal regulation, and we are approving it.

IV. Summary and Disposition of Comments

Federal Agency Comments

On February 5, 2001, under section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i) of the Federal regulations, we requested comments from various Federal agencies with an actual or potential interest in the Oklahoma amendment (Administrative Record No. OK–990.01). The U. S. Army Corps of Engineers responded on March 2, 2001 (Administrative Record No. OK–990.02), that the proposed amendment was satisfactory to the agency.

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), we are required to obtain the written concurrence of the EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Oklahoma proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA for its concurrence.

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. OK–990.01). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On February 5, 2001, we requested comments on Oklahoma's amendment (Administrative Record No. OK–990.01), but neither responded to our request.

Public Comments

We requested public comments on the amendment, but did not receive any.

V. Director's Decision

Based on the above findings, we approve the amendment as sent to us by Oklahoma on January 25, 2001.

We approve the rules that Oklahoma proposed with the provision that they be promulgated in identical form to the rules sent to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 936, which codify decisions concerning the Oklahoma program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Oklahoma to bring its program into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary under SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory

programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides a decision on a proposed State regulatory program provision does not constitute major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined 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.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 25, 2001.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 936 is amended as set forth below:

PART 936—OKLAHOMA

1. The authority citation for Part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 936.15 Approval of Oklahoma regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
January 25, 2001	May 9, 2001.	OCA 460:20–17–3.

[FR Doc. 01–11634 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–062]

RIN 2115–AE47

Drawbridge Operation Regulations: Hackensack River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Lincoln Highway Bridge, at mile 1.8, across the Hackensack River at Jersey City, New Jersey. This temporary final rule requires vessels to provide a one-hour daytime advance notice and a four-hour nighttime advance notice for bridge openings from May 8, 2001 through July 31, 2001. This action is necessary to facilitate completion of maintenance at the bridge.

DATES: This temporary final rule is effective from May 8, 2001 through July 31, 2001.

ADDRESSES: The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Yee, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after publication in the **Federal Register.** This temporary rule will extend the time period the bridge will operate on an advance notice basis in order to complete maintenance repairs that were scheduled to be completed by May 7, 2001. The Coast

Guard published a temporary rule on March 13, 2001, (66 FR 14487) effective from March 13, 2001 through May 7, 2001, to facilitate necessary maintenance at the bridge. The scheduled repairs could not be performed as planned due to inclement weather conditions; therefore, additional time will be required to complete this work.

The Coast Guard did not receive notification from the bridge owner, regarding the need to extend the maintenance period in time to provide 30 days notice prior to this rule's effective date. This temporary rule will not close the bridge to marine traffic at any time. It will simply require mariners to provide advance notification for bridge openings.

The Coast Guard discussed the advance notification periods with all known waterway users likely to be impacted by this change to the drawbridge operation regulations and no objections were received.

Any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest since immediate action is needed in order to complete this necessary maintenance at the bridge.

Background

The Lincoln Highway Bridge, at mile 1.8, across the Hackensack River has a vertical clearance of 35 feet at mean high water and 40 feet at mean low water. The existing operating regulations require the bridge to open on signal at all times.

The owner of the bridge, the New Jersey Department of Transportation (NJDOT), initially requested a temporary change to the operating regulations requiring advance notice for bridge openings from February 12, 2001 through May 7, 2001. The bridge owner was initially granted the above temporary final rule (66 FR 14487) effective from March 13, 2001 through May 7, 2001, in order to perform necessary maintenance at the bridge. Due to inclement weather the scheduled repairs will not be completed within the time period covered by the first temporary rule. The bridge owner has requested a second temporary regulation to be effective from May 8, 2001 through July 31, 2001; whereby, the bridge will operate as follows: from May 8, 2001 through July 31, 2001 the Lincoln Highway Bridge shall open on signal; except that, Monday through Thursday, 9 a.m. to 4 p.m., at least a one-hour advance notice for bridge openings is required and from 9 p.m. on Friday through 5 a.m. on Monday, at least a four-hour advance notice for bridge openings is required. Vessels that can pass under the bridges without openings may do so at all times. This temporary rule is necessary in order to complete the remaining maintenance repairs at the bridge.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge will continue to open at all times provided the advance notice is given.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the bridge will continue to open on signal at all times provided the advance notice is given.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From May 8, 2001 through July 31, 2001, § 117.723 is temporarily amended by adding an new paragraph (i) to read as follows:

§ 117.723 Hackensack River

* * * * *

(i) The Lincoln Highway Bridge, mile 1.8, shall open on signal; except that,

Monday through Thursday, 9 a.m. to 4 p.m., at least a one-hour advance notice for bridge openings is required and from 9 p.m. on Friday through 5 a.m. on Monday, at least a four-hour advance notice for bridge openings is required.

Dated: April 30, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–11713 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–059]

Drawbridge Operation Regulations: Kennebec River, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Carlton Bridge, at mile 14.0, across the Kennebec River between Bath and Woolwich, Maine. This deviation from the regulations authorizes the bridge owner to keep the bridge in the closed position from 7 a.m. on May 24, 2001 through 7 p.m. on June 7, 2001. This deviation is necessary in order to facilitate necessary repairs at the bridge.

DATES: This deviation is effective from May 24, 2001, through June 7, 2001.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

SUPPLEMENTARY INFORMATION: The Carlton Bridge, at mile 14.0, across the Kennebec River has a vertical clearance in the closed position of 10 feet at mean high water and 16 feet at mean low water. The existing drawbridge operating regulations are listed at 33 CFR 117.525.

The owner of the bridge, the Maine Department of Transportation, requested a temporary deviation from the drawbridge operation regulations to facilitate the installation of an alternate diesel powered operating system at the bridge. The bridge will be out of service during the construction necessary to install the back-up diesel operating system.

This deviation to the operating regulations authorizes the owner of the Carlton Bridge to keep the bridge in the closed position from 7 a.m. on May 24, 2001 through 7 p.m. on June 7, 2001.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 30, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–11712 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–055]

RIN 2115–AE47

Drawbridge Operation Regulations: Chelsea River, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the P.J. McArdle Bridge, at mile 0.3, across the Chelsea River between East Boston and Chelsea, Massachusetts. This rule allows the bridge owner to keep the bridge in the partial open position of 49 degrees for eight, three and a half day, closures. This action is necessary to facilitate structural maintenance at the bridge.

DATES: This temporary final rule is effective from June 11, 2001 through September 21, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–01–055) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because notice and comment are unnecessary. The Coast Guard believes notice and comment are unnecessary because all the facilities that operate on the Chelsea River agreed to the requested closure dates at a meeting on March 1, 2001. The recreational vessels that use the Chelsea River will not be effected by the bridge not fully opening because there will still be 135 feet of navigable channel with unlimited airspace available when the bridge is opened to a 49 degree angle. Deep draft vessels will be prohibited from transiting the waterway during the specified dates closures as a result of a safety zone that is pending publication in the **Federal Register**.

Background

The P.J. McArdle Bridge, at mile 0.3, across the Chelsea River, has a vertical clearance of 21 feet at mean high water, and 30 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.593.

The bridge owner, the City of Boston, requested a temporary deviation from the drawbridge operating regulations at a meeting on March 1, 2001, between the Coast Guard and the upstream facilities that operate on the Chelsea River. All the facilities agreed to the proposed closure schedule. The recreational vessels that transit the Chelsea River will not be effected by the bridge being in the partial open position of 49 degrees because they will still have 135 feet of navigable channel with unlimited airspace to pass through the bridge.

During the closure periods the bridge bascule spans will be at approximately a 49 degree angle of opening. This will reduce the navigable channel with unlimited airspace from 175 feet to 135 feet. This partial open position is necessary in order to perform structural repairs at the bridge.

This temporary final rule allows the bridge owner to keep the bridge in the partial open position for eight, three and a half day, closure periods, from sunset on Monday through sunrise on Friday. This closure schedule will allow 10 days between each closed period for full operation of the bridge.

The bridge will be in the partial open position from sunset on Monday through sunrise on Friday on the following dates:

June 11, 2001 through June 15, 2001;
June 25, 2001 through June 29, 2001;
July 9, 2001 through July 13, 2001;
July 23, 2001 through July 27, 2001;
August 6, 2001 through August 10, 2001;

August 20, 2001 through August 24, 2001;

September 3, 2001 through September 7, 2001; and

September 17, 2001 through September 21, 2001.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the requested closures were agreed upon in advance by the upstream facilities that use this waterway.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the requested closures were agreed upon in advance by the upstream facilities that use this waterway.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for the temporary final rule.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From June 11, 2001 through September 21, 2001, § 117.593 is suspended and a new section 117.T594 is added to read as follows:

§ 117.T594 Chelsea River.

(a) All drawbridges across the Chelsea River shall open on signal; except that, the P.J. McArdle Bridge, mile 0.3, need not fully open for the passage of vessel traffic from, sunset on Monday through sunrise on Friday, June 11, 2001 through June 15, 2001; June 25, 2001 through June 29, 2001; July 9, 2001 through July 13, 2001; July 23, 2001 through July 27, 2001; August 6, 2001 through August 10, 2001; August 20, 2001 through August 24, 2001; September 3, 2001 through September 7, 2001; and September 17, 2001 through September 21, 2001.

(b) The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast. The acknowledging signal is three prolonged blasts when the draw can be opened immediately and two prolonged blasts when the draw cannot be opened or is open and must be closed.

Dated: April 30, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–11711 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC049–2026a; FRL–6973–7]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the District of Columbia State Implementation Plan (SIP). The revision makes the oxygenated gasoline program a contingency measure for the District of Columbia (the District), which means that the oxygenated gasoline program would only be required to be implemented in the District if there is a violation of the carbon monoxide (CO) national ambient air quality standard (NAAQS). The District's revision also makes technical amendments to its oxygenated gasoline regulations which correct the deficiencies previously identified by EPA in a January 26, 1995 final rule granting limited approval/limited disapproval of those regulations. Therefore, the limited approval/limited disapproval is being converted to a full approval. EPA is approving this revision in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on July 9, 2001 without further notice, unless EPA receives adverse written comment by June 8, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the District of Columbia Department of Public Health, Air Quality Division, 51 N Street, NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 814–2177, or by e-mail at bunker.kelly@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are significant contributors of carbon monoxide (CO) emissions. An important control measure to reduce these emissions is the use of oxygenates in motor vehicles' gasoline. Extra oxygen enhances fuel combustion, which tends to be less efficient in cold weather. The oxygen also helps to offset fuel-rich operating conditions, particularly during vehicle starting, which are more prevalent in the winter. By adding oxygenates to gasoline, exhaust emissions of carbon monoxide are reduced. A gasoline blend containing 2.7 percent (%) oxygen by weight will result in a 15% to 20% reduction in CO emissions.

Section 211(m) of the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (the Act) requires that states with carbon monoxide nonattainment areas with design values of 9.5 parts per million (ppm) or more, based on data for the two year period of 1988 and 1989 or any two year period after 1989, submit revisions to their State Implementation Plan (SIP) which establish oxygenated gasoline programs. These programs were to begin no later than November 1, 1992.

The oxygenated gasoline programs must require gasoline in the specified control areas to contain not less than 2.7% oxygen by weight (known as a per-gallon program), except that states may adopt an averaging program employing marketable oxygen credits. Where an averaging program is adopted, gasoline containing oxygen above 2.7% by weight may offset the sale of gasoline with a oxygen content below 2.7% by weight.

The minimum 2.7% standard shall apply during that portion of the year in which the areas are prone to high ambient concentrations of CO. The Act requires that the oxygenated gasoline program apply to all gasoline sold or dispensed in the larger of the Consolidated Metropolitan Statistical Area (CMSA) or the Metropolitan Statistical Area (MSA) in which the nonattainment area is located.

II. Background

EPA determined that the 1988 and 1989 monitoring data for the Metropolitan Washington area was invalid because of poor data quality and, therefore, inadequate to properly characterize the ambient concentrations of CO. Therefore, data from 1987 and 1988 was used and the Metropolitan Washington area was designated as a CO nonattainment area with a design value of 11.4 ppm. The District of Columbia (the District) is part of the Metropolitan Washington area CO nonattainment area. Consequently, as per the requirements of section 211(m) of the Act, an oxygenated gasoline program was required to be implemented in the District's portion of the Washington, DC. MSA.

On October 27, 1993, the District officially submitted to EPA a revision to its SIP for an oxygenated gasoline program. The District's oxygenated gasoline regulations, located at 20 District of Columbia Municipal Regulations (DCMR) Chapter 1, Section 199; Chapter 5, Section 500 and 502 and Chapter 9, Section 904, required the implementation of a program to be implemented on a per gallon basis. EPA granted limited approval/limited disapproval of these regulations as a SIP revision on January 26, 1995 (60 FR 5134).

On October 12, 1995, the District submitted a redesignation request and maintenance plan for its portion of the Metropolitan Washington area CO nonattainment area. In its demonstration of maintenance, the District showed that its oxygenated gasoline program was not necessary for attainment and continued maintenance of the CO national ambient air quality standards (NAAQS). The oxygenated gasoline program was relegated to a contingency measure in the maintenance plan. If the redesignated area violates the CO standard then the oxygenated gasoline program would be reinstated at the beginning of the next oxygenated gasoline control period. EPA approved the redesignation request and maintenance plan on January 30, 1996 (61 FR 2931).

The District was required to adopt and submit to EPA a revision to their oxygenated gasoline regulation which: (1) required the use of the oxygenated gasoline program as a contingency measure if the redesignated area violates the CO standard and (2) corrected the deficiencies in the regulations previously identified by EPA in the January 26, 1995 rulemaking (60 FR 5134).

On July 3, 1997, the District amended its oxygenated gasoline regulations to reflect the requirements of the federally approved CO maintenance plan. The regulation revision requires the implementation of the oxygenated gasoline program in the District if there are two or more exceedances of the of NAAQS for CO in a calendar year. The regulation states that the oxygenated gasoline program will not commence until at least 180 days after the Mayor

determines that the contingency measure has been triggered.

On October 17, 1997, the District submitted the July 3, 1997 amended oxygenated gasoline regulations as a formal revision to its SIP. The revisions to the oxygenated gasoline regulation are found at 20 DCMR, Chapter 9 (Motor Vehicle Pollutants, Lead, Odors, and Nuisance Pollutants), Section 904, new subsection 904.3. These regulatory revisions became effective on July 25, 1997. On October 26, 2000 and December 8, 2000, the District of Columbia supplemented the October 17, 1997 SIP submittal. The supplements contain revisions to 20 DCMR at subsections 199.1 and 502.18. These revisions correct the deficiencies identified in EPA's January 26, 1995 limited approval/limited disapproval rulemaking (60 FR 5134). These regulatory revisions were adopted by the District of Columbia on October 26, 2000 and became effective on December 8, 2000.

The October 17, 1997 SIP submittal and its October 26 and December 8, 2000 SIP supplements are the subject of this action. A more detailed analysis of the District's submittal is contained in a Technical Support Document (TSD) which is available from the Region III office listed in the **ADDRESSES** section of this notice.

III. EPA's Analysis of the District of Columbia's Amendment to Its Oxygenated Gasoline Regulation

As previously stated, on January 26, 1995 (60 FR 5134), EPA published a final rule granting limited approval/limited disapproval of the District's oxygenated gasoline regulation found in 20 DCMR Sections 199, 500.4, 500.5, 502.18, 904.1, 904.2. EPA identified three things lacking in the District's regulation, namely, a definition for the term ''carrier'', a sampling procedure, and a procedure for the calculation of oxygen content in the gasoline sampled. The October 26, 2000 and December 8, 2000 SIP supplements correct the three deficiencies. The three deficiencies and EPA's evaluation of the corrections is provided below.

1. The regulation lacks a definition for the term ''carrier'.

EPA Evaluation—A definition for the term ''carrier'' had been added to Subsection 199.1 of 20 DCMR. This definition is acceptable and corrects the deficiency.

2. The regulation lacks a sampling procedure.

EPA Evaluation—EPA's sampling procedures are detailed in Appendix D of 40 CFR Part 80. EPA has recommended that states adopt these sampling procedures. The District has revised 20 DCMR Subsection 502.18 to require the use of the sampling methodologies set forth at 40 CFR Part 80, Appendix D or other methods approved by EPA. This deficiency has been corrected.

3. The regulation lacks a procedure for the calculation of oxygen content in the gasoline sampled.

EPA Evaluation—The District has revised 20 DCMR Subsection 502.18 to require the use of procedures for the calculation of oxygenated content in the gasoline found in the EPA guidance document entitled ''Guidelines for Oxygenated Gasoline Credit Programs under Section 211(m) of the Clean Air Act as Amended,'' which was made available in the **Federal Register** on October 20, 1992 (57 FR 47853), or other methods developed or approved by EPA. This corrects the deficiency.

This SIP revision also relegates the oxygenated gasoline program to a contingency measure, only to be implemented if there are two or more exceedances of the NAAQS for CO in a calendar year at any monitor located in the Metropolitan Washington, DC MSA. This regulation change, found at Subsection 904.3 of 20 DCMR, conforms with the District of Columbia's CO maintenance plan which was approved by the EPA as a SIP revision on January 30, 1996 (61 FR 2931). The regulation states that the oxygenated gasoline program will not commence until at least 180 days after the Mayor determines that the contingency measure has been triggered.

IV. Final Action

EPA is approving the revisions to 20 DCMR which relegate the oxygenated gasoline program to a contingency measure, only to be implemented if there are two or more exceedances of the NAAQS for CO in a calendar year at any monitor located in the Metropolitan Washington, DC MSA. The District's revision also makes technical amendments to the oxygenated gasoline regulations which correct the deficiencies previously identified in EPA's January 26, 1995 limited approval/limited disapproval rulemaking. Therefore, the January 26, 1995 limited approval/limited disapproval is hereby being converted to a full approval. EPA is approving this revision in accordance with the requirements of the Clean Air Act.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on July 9, 2001 without further notice unless EPA receives adverse comment by June 8, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. 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). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This 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 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not

subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 9, 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 granting full approval of the District of Columbia's oxygenated gasoline regulation and relegating it to be a contingency measure of its CO maintenance plan 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, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 24, 2001.

William C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart J—District of Columbia

2. In § 52.470 the table in paragraph (c) is amended:

a. Under Chapter 1 by adding a new Section 199 after the existing entry for Section 199;

b. Under Chapter 5 by revising the entry for Section 502.18; and

c. Under Chapter 9 by revising the entry for Section 904.

The revisions and addition read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) EPA approved regulations.

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS

State citation	Title/Subject	State effective date	EPA approval date	Comments
* *	*	*	*	*
	Chapter 1—General			
* *	*	*	*	*
Section 199	Definitions and Abbreviations	12/8/00	May 9, 2001 66 FR 23614	Addition of the definition of the word ''carrier'' to subsection 199.1.
* *	*	*	*	*
	Chapter 5—Source Monitoring and Testing			
* *	*	*	*	*
Section 502.18	Sampling Tests and Measurements.	12/8/00	May 9, 2001 66 FR 23614	Provision is amended by adding an oxygenated gasoline sampling procedure and oxygen content calculation.
* *	*	*	*	*
	Chapter 9—Motor Vehicle Pollutants, Lead, Odors, and Nuisance Pollutants			
Section 904	Oxygenated Fuels	7/25/97	May 9, 2001 66 FR 23614	Addition of subsection 904.3 to make the oxygenated gasoline program a CO contingency measure.
* *	*	*	*	*

[FR Doc. 01–10986 Filed 5–8–01; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–112–9933(a); FRL–6975–5]

Approval and Promulgation of Air Quality Implementation Plans; Kentucky: Approval of American Greetings Corporation; Source-Specific State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 30, 1999, the Commonwealth of Kentucky submitted, through the Natural Resources and Environmental Protection Cabinet, a source-specific revision to the Kentucky State Implementation Plan (SIP). This source-specific SIP revision allows American Greetings Corporation to have an alternative averaging period of 30 days for compliance determination. EPA is approving this revision because the 30 day alternate averaging period does not jeopardize maintenance of the National Ambient Air Quality Standards (NAAQS).

DATES: This direct final rule is effective July 9, 2001 without further notice, unless EPA receives adverse comment by June 8, 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 Randy Terry, at the EPA Regional Office listed below. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Copies of SIP materials which are incorporated by reference into 40 CFR Part 52 (the documents relative to this action) are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency; Region 4 Air Planning Branch; 61 Forsyth Street, SW; Atlanta, Georgia 30303–8960

Commonwealth of Kentucky; Division for Air Quality; 803 Schenkel Lane; Frankfort, KY 40601–1403

FOR FURTHER INFORMATION CONTACT: Randy Terry at 404/562–9032.

SUPPLEMENTARY INFORMATION:

I. Background

On March 30, 1999, the Commonwealth of Kentucky submitted, through the Natural Resources and Environmental Protection Cabinet, a source-specific revision to the Kentucky SIP. This source-specific SIP revision allows American Greetings Corporation to have an alternative averaging period of 30 days for compliance determination.

To meet the requirements of this SIP revision, American Greetings Corporation must provide all record keeping in accordance with regulation 401 KAR 59:212, *New Graphic Arts Facilities Using Rotogravure and Flexography,* Section 4(6). These records shall include, but are not limited to, the following:

(a) Applicable regulation number;

(b) Application method and substrate type;

(c) Amount and type of graphic arts material or solvent used at each point of application, including exempt compounds;

(d) The volatile organic compound (VOC) content as applied in each graphic arts materials or solvent;

(e) The date for each application for graphic arts material or solvent; and

(f) The amount of surface preparation, clean-up, or wash-up solvent (including exempt compounds) used and the VOC content of each;

In addition, the permittee must keep monthly records of the pounds of each ink and topcoat lacquer used and the corresponding VOC contents and hours of operation. These emissions shall be calculated and recorded in tons per month and tons per 12 months. Tons per 12 months shall represent a rolling average. These records shall be made available for inspection to any authorized representative of the Division for Air Quality upon request.

Agency policy regarding SIP revisions for averaging times for compliance with VOC emission limits is stated in a January 20, 1984, memo from John R. O'Conner, Acting Director, Office of Air Quality Planning and Standards: ''Current Agency guidance specifies the use of a daily weighted average for VOC regulations as the preferred alternative where continuous compliance is not feasible.''

The aforementioned memo also approves the utilization of averaging period for VOC emissions for as long as thirty days, providing that certain conditions are met.

These requirements consist of the following elements.

1. The VOC limits must be specified in an enforceable form with appropriate compliance dates.

2. A description of the affected processes and associated historical production and operating rates.

3. A description of the control techniques to be applied to the affected processes such as low solvent and waterborne coating; technology and/or add-on controls.

4. The nature of the emission control program whether a bubble, a regulation change, a compliance schedule, or some other form of alternative control program.

5. The method of record keeping and reporting to be employed to demonstrate compliance with the new emission limit requirement and to support the showing that the emission limit is consistent with Reasonable Further Progress (RFP) and the demonstration of attainment.

II. Analysis of State's Submittal

In response to meeting the aforementioned requirements, Kentucky submitted the results of a detailed statistical analysis verifying that the actual emissions emitted are consistently below the allowable emissions. Based on this analysis, Kentucky utilizing a monthly averaging recording system has a very minimal chance that the emissions will exceed ten percent of the permitted emission rate.

Kentucky's submittal addressed the NAAQS for ozone in the Appalachian Air Quality Control Region where the facility is located. Kentucky found that there were no violations of the ozone NAAQS during 1992–1995, based on an evaluation of the 1996–1997 Kentucky Environmental Quality Commission's Environmental Annual Status Report on Air Quality. EPA's review of additional ozone data in the Aerometric Information Retrieval System (AIRS) for the surrounding counties of Bell, Perry, and Pulaski for the years 1992–2000 found no ozone violations. Based on the air quality analysis by Kentucky and EPA's review of additional ozone air quality data, EPA concludes there will be no adverse environmental impact on the surrounding ozone attainment area from the adoption of 30-day monthly VOC record keeping for the American Greetings Corporation.

The use of thirty day averaging period as a maximum averaging time for VOC emissions is consistent with current agency policy, as detailed in the January 20, 1984, John O'Conner memo. Because of the simplicity of this action, no technical support document was prepared.

III. Final Action

EPA is approving the aforementioned changes to the SIP because they are

consistent with the Clean Air Act and EPA requirements. The requirements for averaging time frames for sources of ozone precursors can be found in the January 20, 1984, memo by John R. O'Conner. EPA believes that approving this source-specific SIP revision will create no adverse effects in the surrounding attainment area based on the ozone air quality data from the surrounding monitoring sites.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment 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 relevant adverse comments be filed. This rule will be effective July 9, 2001 without further notice unless the Agency receives relevant adverse comments by June 8, 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 on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 9 2001 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Orders and Congressional Acts

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

B. Disclaimer Language Approving SIP Revisions in Audit Law States

Nothing in this action should be construed as making any determination or expressing any position regarding Kentucky's, audit privilege and penalty immunity law, ''KRS 224.01–040'' or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Kentucky's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 9, 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, Hydrocarbons, Intergovernmental

relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 20, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, 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 S—Kentucky

2. In § 52.920 the table in paragraph (d) is amended by adding a new entry for ''Alternate Averaging Period for American Greetings Corporation'' to the end of the table as follows:

§ 52.920 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Federal Register notice
*	*	*	*	*
Alternate Averaging Period for American Greetings Corporation.	KDEPDAQ Permit V–98–049		July 9, 2001	66 FR 23617.

* * * * *

[FR Doc. 01–11524 Filed 5–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL–6976–8]

RIN 2090–AA19

Project XL Site-Specific Rulemaking for the Autoliv ASP Inc. Facility in Promontory, Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is implementing a project under the Project XL program that will provide site-specific regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), for the Autoliv ASP Inc. (Autoliv) facility in Promontory, Utah. The terms of the XL project are defined in a Final Project Agreement (''FPA'') which has been available for public review and comment. (See 65 FR 49571, August 14, 2000). Following a review of the public comments, the FPA was signed by Autoliv, Box Elder County, the state of Utah, and EPA on September 20, 2000. EPA is today publishing a final rule, applicable only to the Promontory Facility, to facilitate implementation of the XL project. The principal objective of this XL Project is to explore the benefits of a more streamlined and flexible RCRA regulation of pyrotechnic hazardous wastes from the automobile airbag industry that are treated in industrial furnaces. Today's final rule is an outgrowth of the proposed rule published on February 13, 2001 See 66 FR 9992. Today's action provides regulatory flexibility to Autoliv in the form of a conditional exemption from the definition of hazardous waste. It is conditioned on Autoliv's compliance with air emission and waste management requirements that have been developed under this XL project. The air emission and waste management requirements are set forth in today's final rule. Today's action is intended to provide site-specific regulatory changes to implement this XL project. The EPA the state of Utah and Autoliv expect this XL project to result in superior environmental performance while providing cost savings and paperwork reduction for both Autoliv and the state of Utah.

DATES: This final rule is effective on May 9, 2001.

ADDRESSES: Docket: Three dockets contain supporting information used in developing this final rule, and are available for public inspection and copying at the EPA's docket office located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603–9230. Refer to RCRA docket number F–2001–AUFP–FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page. Project materials are also available for review for today's action on the world wide web at *http://www.epa.gov/projectxl/.* A duplicate copy of the docket is available for inspection and copying at U.S. EPA, Region 8 Library, First Floor, 999 18th Street, CO 80202–2466 during normal business hours. Persons wishing to view the duplicate docket at the Denver location are encouraged to contact Ms. Mary Byrne in advance, by telephoning (303) 312–6491 or by email at or byrne.mary@epa.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Byrne, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, CO 80202–2466 or Mr. Ted Cochin, Office of Environmental Policy Innovation, U.S. EPA, 1200 Pennsylvania Avenue NW (1802), Washington, DC 20460. Further information on today's action may also be obtained on the world wide web at *http://www.epa.gov/projectxl/.* Questions to EPA regarding Today's action can be directed to Ms. Byrne at (303) 312–6491 or Mr. Cochin at (202) 260–0880.

SUPPLEMENTARY INFORMATION: The development and implementation of on-site treatment would be piloted at Autoliv's Promontory, Utah facility using the existing metals recovery furnace with air pollution controls instead of sending the materials off-site to be open burned. This pilot is intended to test the effectiveness of on-site treatment of automobile airbag waste pyrotechnics in Autoliv's Metals Recovery Furnace (MRF). These automobile airbag waste pyrotechnics generated on-site at the Autoliv facility, are currently regulated as reactive hazardous wastes (waste code D003).

The pilot will determine whether this approach promotes better treatment of the waste pyrotechnics than the current method of open burning. Autoliv will comply with many of the general facility standards of RCRA, and is not seeking relief from all RCRA management protections. Through this project, Autoliv intends to be able to treat waste

pyrotechnics, generated on-site, without obtaining a RCRA permit from the state of Utah. A RCRA permit is normally required for thermal destruction of hazardous waste in an industrial furnace. The waste as referenced in Autoliv's Project Proposal is reactive only and does not contain significant amounts of hazardous constituents listed in 40 CFR Part 261, for more detailed information on waste composition please see *http://www.epa.gov/projectxl/Autoliv/page2.htm.*

Today's action provides a ''conditional exemption'' from the definition of hazardous waste, for the specific waste that is subject to this site-specific rule. The effect of EPA granting the conditional exemption is that a RCRA permit is not required in this specific instance. The waste pyrotechnics, generated on-site at the Autoliv facility, are now conditionally exempted from regulation as hazardous wastes and thus, 40 CFR Parts 262 through 270 when treated in the MRF in accordance with the provisions in this site-specific rule. The facility will continue to comply with certain general RCRA conditions on facility operations, as described in this site-specific rule for the Autoliv Facility and any state of Utah regulations that grant the conditional exemption. The project signatories believe that processing pyrotechnic materials in the MRF can be both cost-effective and achieve superior environmental results as compared to open burning and this project meets the intent of Project XL. This rule will not in any way impact the provisions or applicability of any other existing or future regulations.

The deferral of specified RCRA requirements is in effect only for the five-year term of this XL project. Following review of its MRF, Autoliv would notify the state of Utah and EPA in writing of the date on which it intends to begin treating its pyrotechnic waste in the MRF. This rule would become effective in Autoliv's facility only after such written notification. Section III.C.2. and IV.F.1. discuss the aspects of state implementation of this rule.

The deferral of the specified RCRA requirements is conditional upon Autoliv's implementation and compliance with the conditions set forth in 40 CFR 261.4 of this rule. The agreement includes specific requirements for the management of Autoliv's waste that ensure protection of human health and the environment while providing some flexibility to encourage chemical reuse and waste minimization.

The conditions set forth in this rule are expected to function as an outline of the procedures that must be in place to manage waste. The deferral of the hazardous waste determination is conditional on compliance with all of the requirements of the XL Project. These criteria ensure that the handling and disposal of Autoliv's waste would be protective of human health and the environment by establishing how Autoliv's waste would be treated within its Promontory facility, and in transit to the on-site waste accumulation area for Autoliv.

EPA has agreed to allow Autoliv to undertake this XL project with the requested regulatory flexibility to determine if the performance-based approach would result in superior environmental performance and significant cost savings to Autoliv.

This rule, and the state actions described in Section IV.F.1. of this preamble that parallel this action, will not in any way affect the provisions or applicability of any other existing or future regulations. The XL Project will enter the implementation phase after the initial stack test results have been submitted by Autoliv and reviewed by both EPA and the state of Utah to ensure adherence to the XL Project.

Outline of Today's Document

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I. Authority

EPA is publishing this site specific rule under the authority of sections of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act (RCRA).

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6938.)

II. Overview of Project XL

Project XL—''eXcellence and Leadership''—was announced on March 16, 1995, as a central part of the National Performance Review and the EPA's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL provides a limited number of private and public regulated entities an opportunity to develop their own pilot projects to provide regulatory flexibility that will result in environmental protection that is superior to what would be achieved through compliance with current and reasonably anticipated future regulations. These efforts are crucial to EPA's ability to test new strategies that reduce regulatory burden and promote economic growth while achieving better environmental and public health protection. EPA intends to evaluate the results of this and other Project XL projects to determine which specific elements of the project(s), if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

Under Project XL, participants in four categories; facilities, industry sectors, governmental agencies and communities are offered the flexibility to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements, on the condition that they produce and demonstrate superior environmental performance.

The XL program is intended to allow EPA to experiment with potentially promising regulatory approaches, both to assess whether they provide benefits

at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. As part of this experimentation, the EPA may try out approaches or legal interpretations that depart from or are even inconsistent with longstanding Agency practice, so long as those interpretations are within the broad range of discretion enjoyed by the Agency in interpreting statutes that it implements. The EPA may also modify rules, on a site-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute.

Adoption of such alternative approaches or interpretations in the context of a given XL project does not, however, signal EPA's willingness to adopt that interpretation as a general matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful in the particular projects that embody them. In announcing the XL program, EPA expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative interpretation again, either generally or for other specific facilities.

EPA believes that adopting alternative policy approaches and interpretations, on a limited, site-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (provided that the Agency acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing reevaluation of environmental programs, is reflected in a variety of statutory provisions, such as section 8001 of RCRA.

To participate in Project XL, applicants must develop alternative pollution reduction strategies pursuant to eight criteria: Superior environmental performance; cost savings and paperwork reduction; local stakeholder involvement and support; test of an innovative strategy; transferability; feasibility; identification of monitoring, reporting and evaluation methods; and avoidance of shifting risk burden. They must have full support of affected federal, state and tribal agencies to be selected.

For more information about the XL criteria, readers should refer to the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23, 1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 Principles for Development of Project XL Final Project Agreements document. For further discussion as to how Autoliv XL project addresses the XL criteria, readers should refer to the Final Project Agreement available from the EPA RCRA docket or Region 8 library for this action (see **ADDRESSES** section of today's preamble).

The Project XL program is compartmentalized into four basic phases: the initial pre-proposal phase where the project sponsor comes up with an innovative concept that they would like to consider as an XL pilot, the second phase where the project sponsor works with EPA and interested stakeholders in developing an XL proposal, the third phase where EPA, local regulatory agencies, and other interested stakeholders review the XL proposal, the fourth phase where the project sponsor works with EPA, local regulatory agencies, and interested stakeholders in developing a Final Project Agreement (FPA) and legal mechanism. After the FPA has been signed by all designated parties, the XL pilot proceeds into the implementation phase and evaluation phase.

The FPA is a written agreement between the project sponsor and regulatory agencies. The FPA contains a detailed description of the pilot project. It addresses the eight Project XL criteria, and the expectation of the Agency that this XL project will meet those criteria. The FPA identifies performance goals and indicators (monitoring schedule) which will enable Autoliv to clearly illustrate the baseline quantities. The FPA specifically addresses the manner in which the project is expected to produce superior environmental benefits. The FPA also discusses the administration of the agreement, including dispute resolution and termination. The FPA is available for review in the docket for today's action, and also is available on the world wide web at http://www.epa.gov/projectxl/.

III. Overview of the Autoliv XL Project

Autoliv is proposing to develop, evaluate and implement, an alternative to open burning of certain wastes generated at its Promontory, Utah facility.

This waste is reactive only, and contains no significant levels of hazardous constituents. These reactive hazardous wastes are presently treated through open burning at a RCRA interim status facility.

Autoliv currently operates a $3 million Metals Recovery Facility (MRF) designed to recover aluminum and steel from inflator units containing live pyrotechnic material as well as previously fired units. The MRF is capable of recovering 2000 pounds per hour of recyclable aluminum and steel from off-spec and fired commercial inflator units and their components while minimizing the waste to the environment. Autoliv's XL Project proposes to process small volumes of its waste pyrotechnic materials within the MRF rather than sending the materials to a RCRA regulated treatment, storage or disposal facility (TSDF) for open burning. The company is seeking a conditional exemption from the definition of hazardous waste for pyrotechnic materials to be processed through the MRF.

The MRF has an extensive air pollution train which is capable of capturing the particulate emissions produced by the waste pyrotechnic materials. This project will demonstrate that it is feasible to utilize existing equipment to process certain hazardous wastes in a more efficient and environmentally sound manner, under a more flexible regulatory framework. With minimal modifications to the operation, Autoliv believes that it can achieve a safer, cleaner, and more effective method of treatment than the current method of open burning.

EPA anticipates that this project will provide information on how to develop alternative approaches to handling pyrotechnic waste. This information will be useful to EPA in learning more about alternative treatment approaches for airbag manufacturing wastestreams. This XL Project would include conditions for the treatment of Autoliv's wastes within Autoliv's Promontory Facility. These criteria will operate at Autoliv's Promontory facility in lieu of the requirements found at 40 CFR 261.4. The conditions are a set of measurable requirements that are similar to the current RCRA requirements. Each of the elements of the conditions is described in full in today's rule and is briefly explained below.

The requirements for Autoliv's XL Project include a requirement that the project include procedures to assure compliance with conditions specified in the rule. The conditions set forth for the treatment of Autoliv's waste have been designed to ensure that Autoliv's waste

will be treated in a manner protective of human health and the environment. The requirements in the conditions include provisions which are consistent with current RCRA requirements. Autoliv is proposing that EPA explore the benefits of more streamlined and flexible RCRA regulation of pyrotechnic hazardous wastes from the automobile airbag industry that are treated in industrial furnaces. The project signatories agree that this rule can be characterized as a conditional exemption from the definition of hazardous waste.

Autoliv will comply with many of the general facility standards of RCRA, and is not seeking relief from all RCRA management protections. Through this project Autoliv intends to be able to treat its waste pyrotechnic materials on-site without obtaining a RCRA Part B permit from the State of Utah that is normally required for thermal treatment. The waste as referenced in Autoliv's Project Proposal is reactive only and does not contain significant amounts of hazardous constituents (See the Environmental Performance Summary Calculations section of the Autoliv Proposal at http://www.epa.gov/projectxl/Autoliv/page2.htm. for more detailed information on waste composition).

A. To What Autoliv Facility Would the Site Specific Rule Apply?

This site specific rule would apply only to the Autoliv ASP Inc. (Autoliv) facility in Promontory, Utah.

B. What Are the Environmental Benefits of This Project?

This project is designed to achieve environmental results that are superior to what is currently achieved by the current RCRA regulatory system.

This project is expected to achieve superior environmental results as compared to open burning for several reasons. The major benefit to the environment will be from reduced air emissions due to the minimization of open burning of hazardous waste. The company has arranged for open burning of 183,557 lbs. of pyrotechnic material that were not able to be recovered or recycled during 1998 and 1999. The uncontrolled particulate emissions are a point of concern for all parties involved. Although open burning is an approved method for treatment of pyrotechnic wastes it does not utilize any air pollution controls. The same pyrotechnic materials, if processed at the MRF, would pass through an extensive air pollution control system rather than being emitted, thus achieving a significant reduction of air pollutants released to the environment, accomplishing superior environmental performance compared to open burning. The company projects that it can eliminate open burning of 158,000 lbs. of pyrotechnic waste material in the first year of project participation. It also estimates that a net reduction of 22,876 lbs./yr. of particulate emissions would be accomplished.

Additional environmental benefits are achievable due to the fact that certain pyrotechnic formulations contain materials (e.g., copper) that could be potentially recovered in the slag as well as in the baghouse. These materials could then be recycled back to Autoliv's raw material suppliers. The distinctive properties of the pyrotechnic materials enable these materials to be treated more efficiently and in a manner that creates few air emissions than open burning which precludes recycling or recovery of any kind.

The specifications governing the air bag industry are very stringent and do not allow the use of toxic materials. The major gases produced by gas generants are water, carbon dioxide, and nitrogen. The percentage of each of these gases can vary depending on the formulation but a typical analysis would be approximately 40% nitrogen, 40% water, and 20% carbon dioxide. Other gaseous and particulate (metal) compounds are present at ppm levels. These include gaseous carbon dioxide (CO), nitrogen dioxide (NO2), nitric oxide (NO), and ammonia (NH3), and particulate matter containing the metals copper, cobalt, boron, and aluminum. The MRF is presently permitted by Utah (DAQE–549–97) to operate 24 hours/day, 365 days/year. Actual operation is estimated to be 50 percent of the permitted production capacity. A portion of the processing capacity will be absorbed by pyrotechnic waste material. Minimal changes to the emission streams are expected because the pyrotechnic materials are also present within the recycled inflator units themselves.

C. What Regulatory Changes Will Be Necessary To Implement This Project?

1. Federal Regulatory Changes

This site specific rule provides Autoliv with a temporary conditional exemption from 40 CFR 261.4. In order to implement this project, EPA will grant a conditional exemption from the definition of hazardous waste, for the specific waste that is subject to this rule.

The effect of EPA granting the conditional exemption is that a RCRA Part B permit is not required. The waste pyrotechnics, generated on-site at the Autoliv facility, are now exempted from regulation as a hazardous waste exempt from 40 CFR Parts 262 through 270 when treated in the MRF in accordance with the provisions in the site-specific rule. The facility will continue to comply with certain general RCRA conditions on facility operations, as described in this Project XL site-specific rule for the Autoliv facility and any State of Utah regulations that grant the conditional exemption. The project signatories believe that processing pyrotechnic materials in the MRF can be both cost-effective and achieve superior environmental results as compared to open burning.

This site-specific rule is necessary to allow for the temporary conditional exemption/deferral, and would add exclusion (b)(18) to 40 CFR 261.4 to clarify that the on-site treatment of Autoliv's wastes would be covered by a new section to 40 CFR.

2. State Regulatory Changes

The State of Utah is authorized under Section 3003 of RCRA (Sec. 6926. Authorized State Hazardous Waste Programs), to implement the federal RCRA Program. The state program operates in lieu of the federal program. The Utah hazardous waste management regulations, codified in Utah Code of Regulations contain equivalent or more stringent requirements as compared to the federal regulations. Autoliv is subject to the federal and the Utah regulations, which would include requirements that the pyrotechnic waste be handled according to the waste management provisions of RCRA. Conforming state regulatory changes or legal mechanisms need to be implemented in addition to the federal changes in order for this XL Project to proceed.

D. Why Is EPA Supporting This New Approach to Autoliv's Waste Treatment?

EPA is supporting this regulatory model contained in this rule because it provides for a degree of environmental protection that is at least as protective as that which existing RCRA regulations would provide for the Autoliv's Promontory facility. The approach to be tested under this project would be to explore the efficacy of treating waste on-site in cases where there is a clear benefit to the environment for doing so. This would entail the substitution of current RCRA permitting requirements outlined in 40 CFR Parts 264 and 266 with those for interim status facilities. EPA is interested in testing and evaluating alternative approaches to regulating RCRA facilities that can achieve superior environmental

performance while reducing costs and paperwork burden. Autoliv has a history of implementing waste minimization techniques and practices with control over manufacturing with emphasis on quality and waste minimization. Providing Autoliv the flexibility to dispose of waste on a regular schedule means professional resources can be redirected from reactive waste management to proactive waste management. EPA anticipates that this rule will result in a successful innovative pilot of a new on-site treatment system for Autoliv. EPA recognizes that the new systems may not be appropriate or necessary for some institutions but may, at some point, depending on the results of this XL project, consider the possibility of offering it as a regulatory option. For this pilot, Autoliv will be implementing an Environmental Reinvestment Project (ERP) that will be finalized one year from the project start date.

E. How Have Various Stakeholders Been Involved in This Project?

Stakeholder involvement during the project development stage was encouraged in several ways. The methods included communicating through the media, directly contacting interested parties and offering an educational program regarding the regulatory requirements impacted by the XL project. Stakeholders have been kept informed on the project status via mailing lists, newspaper articles, public meetings and the establishment of a website. Both local and regional stakeholders have expressed support for this project. They see this as a unique opportunity to improve the air quality in Box Elder County and surrounding communities. Participation in Project XL provides Autoliv, the Box Elder County, the Utah Division of Environmental Quality and the EPA the opportunity to explore new ways to improve the environment. The neighboring community of Howell and the surrounding area would benefit by reducing emissions associated with open burning. The highly visible nature of open burning tends to heighten awareness of the associated environmental impacts. A kickoff meeting and site tour held on June 8th, 1999 garnered stakeholder support and input for the project plan. Additional stakeholder meetings will be held as appropriate. Stakeholders that have been active in the project and have given oral or written support are: Utah Division of Environmental Quality, Bear River Health Department, Howell City, and Box Elder County. Stakeholders have been made aware of Autoliv's intentions and the environmental benefits associated with Project XL. Autoliv will continue to provide the stakeholder group with any information regarding the project including semi-annual project updates and will encourage them to meet on a regular basis. Copies of all comment letters, as well as EPA's response to comment letters, will be located in the rulemaking Docket (see the **ADDRESSES** section of today's preamble). As this XL project continues to be implemented, the stakeholder involvement program would shift its focus to ensure that: (1) Stakeholders are informed of the status of project implementation and (2) stakeholders have access to information sufficient to judge the success of this Project XL initiative. Anticipated stakeholder involvement during the term of the project will likely include other general public meetings to present periodic status reports, availability of data and other information generated. In addition to the state and federal reporting requirements of today's rulemaking, the FPA includes provisions whereby Autoliv will make copies of interim project reports available to all interested parties. A public file on this XL project has been maintained at the website http://www.epa.gov/projectxl/ throughout project development, and Autoliv has committed to continue to update it as the project is implemented. A detailed description of this program and the stakeholder support for this project is included in the FPA, which is available through the docket or through EPA's Project XL site on the Internet (see **ADDRESSES** section of this preamble).

F. How Will This Project Result in Cost Savings and Paperwork Reduction?

The waste treatment currently accounts for the most substantial expense for environmental, health and safety programs at Autoliv. This XL Project would result in cost savings and paperwork reduction in several key areas. These include a decrease in paperwork through a streamlined process for approval of hazardous waste treatment, elimination of paperwork related to transporting the waste off-site to a permitted facility, and a reduction in the disposal costs that the company would pay to a RCRA treatment or disposal facility. Autoliv disposed of 82,361 lbs. of pyrotechnic waste in 1998 at an incurred cost of $164,722. The pyrotechnic waste could easily have been processed in the MRF with minimal additional operating cost. Autoliv estimates that 158,000 lbs. of waste material were generated in the year 2000. The contracted disposal fee at present time is $2.00 per pound. Through Project XL, Autoliv will save an estimated $316,000 in disposal costs in the first year. It has been estimated that issuance of a RCRA permit may take three to five years and may cost the facility $500,000. Part of Autoliv's cost savings from the XL project will be used to fund an ERP. In addition, the following changes would be anticipated: waste pyrotechnics would no longer be transported across public roads, reducing potential liability and associated costs, and increasing public safety. The paperwork burden would be reduced because hazardous waste manifests and shipping papers would not be required or needed. Operational flexibility would allow materials to be processed more regularly, which further reduces paperwork as well as the amount of pyrotechnics stored at any given time. It is expected with this project a certain amount of paperwork associated with RCRA compliance is likely to be reduced.

G. How Will the Terms of This XL Project and Site Specific Rule Be Enforced?

EPA retains its full range of enforcement options under this Site Specific rule. The conditional exemption of certain RCRA requirements are conditional upon Autoliv's implementation and compliance with the conditions set forth in 40 CFR 261.4 of this rule (b)(18). If the conditions for the exemption are not met, the XL project may be terminated pursuant to the terms of the Final Project Agreement setting out the agreement of the parties to this project. The final project agreement further provides for a return to compliance with any regulations deferred under the project, and may include an agreed-upon interim compliance period. As with all XL projects, testing alternative environmental protection strategies, the term of the Autoliv XL project is one of limited duration. This Site Specific rule would set the term of the XL Project at five years after the effective date of this rule. Because Project XL is a voluntary and experimental program, the FPA contains provisions that allow the project to conclude prior to the end of the five years in the event that it is desirable or necessary to do so.

During the five year project term, Autoliv will comply with the following:

(1) Autoliv will comply with the Project XL site-specific rule for the Promontory facility and the requirements specified in 40 CFR Part 262, Part 265, Subparts B, C, D, E, G, H, I, and O, and Part 268. Waste material will still be managed and stored as

hazardous waste prior to treatment. Autoliv will comply with the RCRA 90-day storage requirements.

(2) All waste materials processed will be characterized and an initial stack test described in the site-specific rule will be conducted by Autoliv to evaluate the safety and the efficiency of the MRF system.

(3) The amounts of pyrotechnic wastes will be reported to EPA and the State of Utah at each periodic performance review conference conducted every six months.

(4) Due to the dynamic and ever changing nature of the air bag industry, it will be pertinent to allow for new development and provide flexibility for future materials. Emission product limitations will comply with air bag industry emissions standards listed in the Superior Environmental Performance section.

(5) The Utah Division of Air Quality under authority delegated by EPA has agreed that a separate Approval Order will be issued for the pyrotechnic waste disposal process which will serve as an amendment to the existing Approval Order which covers the current operation of processing airbag inflators and their components. No regulatory flexibility or modification of federal regulations is required for the new approval order to be issued by the Division of Air Quality.

(6) No off-site pyrotechnic wastes will be received or processed at this location and in the MRF.

(7) An MRF Operating Record, including waste feed composition, feed rates, temperatures, pressures, upset conditions, spills and releases, etc., will be maintained at the facility and made available for the State of Utah and EPA to review and copy for enforcement purposes if necessary.

(8) The State of Utah and EPA will be notified of any upset conditions, such as, spills and releases of hazardous or toxic substances at the MRF. The information will be reported orally within 24 hours from the time Autoliv becomes aware of the circumstances. A written submission to the State of Utah and EPA will be provided within five days of the time Autoliv becomes aware of the circumstances of the noncompliance. The severity and type of upset condition that would trigger the reporting threshold is described in the site-specific rule.

IV. Additional Information

A. How To Request a Public Hearing

A public hearing will be held, if requested, to provide opportunity for interested persons to make oral presentations regarding this regulation in accordance with 40 CFR Part 25. Persons wishing to make an oral presentation on the site specific rule to implement the Autoliv XL Project should contact Ms. Mary Byrne of the EPA Region 8 office, at the address given in the **ADDRESSES** section of this document. Any member of the public may file a written statement before the hearing, or after the hearing, to be received by EPA no later than February 27, 2001.

Written statements should be sent to EPA at the addresses given in the **ADDRESSES** section of this document. If a public hearing is held, a verbatim transcript of the hearing, and written statements provided at the hearing will be available for inspection and copying during normal business hours at the EPA addresses for docket inspection given in the **ADDRESSES** section of this preamble.

B. How Does This Rule Comply With Executive Order 12866?

This is a rule of particular applicability and therefore not within the scope of EO 12866.

C. Is a Regulatory Flexibility Analysis Required?

The Regulatory Flexibility Act (RFA), 5 U.S.C. section 601 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it only affects Autoliv. Therefore, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities.

D. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?

This action applies only to Autoliv, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to the Autoliv facility in Promontory, Utah. The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

F. RCRA & Hazardous and Solid Waste Amendments of 1984

1. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified states to administer and enforce the RCRA program for hazardous waste within the state. (See 40 CFR Part 271 for the standards and requirements for authorization.) States with final authorization administer their own hazardous waste programs in lieu of the federal program. Following authorization, EPA retains enforcement authority under sections 3008, 3013 and 7003 of RCRA.

After authorization, federal rules written under RCRA (non-HSWA), no longer apply in the authorized state except for those issued pursuant to the Hazardous and Solid Waste Act Amendments of 1984 (HSWA). New federal requirements imposed by those rules do not take effect in an authorized state until the state adopts the requirements as state law.

In contrast, under section 3006(g) of RCRA, new requirements and prohibitions imposed by HSWA take effect in authorized states at the same time they take effect in non authorized states. EPA is directed to carry out HSWA requirements and prohibitions in authorized states until the state is granted authorization to do so.

2. Effect on Utah Authorization

This rule is being promulgated pursuant to non-HSWA authority, rather than HSWA. Utah has received authority to administer most of the RCRA program; thus, authorized provisions of each state's hazardous waste program are administered in lieu of the federal program. Utah has received authority to administer hazardous waste standards for generators. As a result, this rule, would not be effective in Utah until the state adopts equivalent legal mechanisms or requirements as state law. EPA may not enforce these requirements until it approves the state requirements as a revision to the authorized state program.

G. How Does This Rule Comply With Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks?

The Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant,'' as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

H. How Does This Rule Comply With 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 and 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.''

The rule does not have federalism implications. It does not have substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of powers and responsibilities among various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this proposed rule.

I. How Does This Rule Comply With Executive Order 13175: Consultation and Coordination With Indian Tribal Governments ?

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This proposed rule does not have tribal implications. It does not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. There are no communities of Indian tribal governments located in the vicinity of Autoliv. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

J. Does This Rule Comply With the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standard. This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

K. Is EPA Required to Submit a Rule Report Under the Congressional Review Act?

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 the Comptroller General of the United States. Section 804, however, exempts from Section 801 the following types of rules: rules of particular applicability, rules relating to agency management or personnel, and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under Section

801 because this is a rule of particular applicability.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Waste determination.

Dated: May 3, 2001.

Christine Todd Whitman,

Administrator.

For the reasons set forth in the preamble, part 261 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6938.

2. Section 261.4 is amended by adding paragraph (b)(18) to read as follows:

§ . 261.4 Exclusions.

* * * * *

(b) * * *

(18) By-products resulting from the production of automobile air bag gas generants at the Autoliv ASP Inc. facility in Promontory Utah, (Autoliv) are exempt from the D003 listing, for a period of five years from May 9, 2001, provided that:

(i) The by-product gas generants are processed on-site in Autoliv's Metal Recovery Furnace (MRF).

(A) By-product gas generants must only be fed to the MRF when it is operating in conformance with the State of Utah, Division of Air Quality's Approval Order DAQE–549–97.

(B) Combustion gas temperature must be maintained below 400 degrees Fahrenheit at the baghouse inlet.

(ii) Prior to processing in the MRF, the by-product gas generants are managed in accordance with the requirements specified in 40 CFR 262.34.

(iii) The Autoliv facility and the MRF are operated and managed in accordance with the requirements of 40 CFR Part 265, Subparts B, C, D, E, G, H, I, and O.

(iv) Residues derived from the processing of by-product gas generants in the MRF are managed in accordance with the requirements specified in 40 CFR Parts 262 and 268.

(v) The following testing of the MRF's stack gas emissions is conducted:

(A) An initial test shall be conducted within 30 operating days of starting feed of by-product gas generants to the MRF. EPA may extend this deadline, at the request of Autoliv, when good cause is shown. The initial test shall consist of three duplicate runs sampling for:

(*1*) Particulate matter using Method 5 as specified in 40 CFR Part 60, Appendix A.

(*2*) The metals Aluminum, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Lead, and Nickel using Method 29 as specified in 40 CFR Part 60, Appendix A.

(*3*) Polychlorinated di-benzo dioxins and furans using Method 23 0023A as specified in 40 CFR Part 60, Appendix A.

(*4*) Carbon monoxide using Method 10 as specified in 40 CFR Part 60, Appendix A.

(B) After the initial test is completed, an annual stack test (12 months from the previous initial stack test) of the MRF shall be conducted. The annual tests shall consist of three duplicate runs using Method 29 and Method 5 as specified in 40 CFR Part 60, Appendix A.

(C) Testing shall be conducted while by-product gas generants are fed to the MRF at no less than 90% of the planned maximum feed rate, and with the MRF operating parameters within normal ranges.

(D) Initial stack testing results and additional project performance data and information, including the quantity of by-product gas generants processed and the operating parameter values during the test runs, will be submitted by Autoliv to the State of Utah and EPA within 60 days of the completion of the initial stack test.

(E) Annual stack test results and additional project performance data and information, including the quantity of by-product gas generants processed and the operating parameter values during the test runs, will be submitted by Autoliv to EPA and the State of Utah within 60 days of the completion of the annual test.

(vi) Combustion gas discharged to the atmosphere from the MRF meets the following limits:

(A) Dioxin emissions do not exceed 0.4 ng per dry standard cubic meter on a toxicity equivalent quotient (TEQ) basis corrected to 7% Oxygen.

(B) Combined lead and cadmium emissions do not exceed 240 ug per dry standard cubic meter corrected to 7% Oxygen.

(C) Combined arsenic, beryllium, and chromium emissions do not exceed 97 ug per dry standard cubic meter corrected to 7% Oxygen.

(D) Particulate matter emissions do not exceed 34 mg per dry standard cubic meter corrected to 7% Oxygen.

(E) If the limits specified in paragraphs (b)(18)(vi)(A) through (D) of this section are exceeded, Autoliv shall discontinue feeding gas generants to the MRF until such time as Autoliv can demonstrate to EPA and the state of Utah satisfaction that the MRF combustion gas emissions can meet the limits specified in paragraphs (b)(18)(vi)(A) through (D) of this section

(vii) No by-product gas generants or other pyrotechnic wastes generated off-site will be received at the Autoliv facility in Promontory, Utah or processed in the MRF unless otherwise allowed by law (permit or regulation).

(viii) Autoliv will provide EPA and the state of Utah with semi-annual reports (by January 30 and July 30 of each year).

(A) The semi-annual reports will document the amounts of by-product gas generants processed during the reporting period.

(B) The semi-annual reports will provide a summary of the MRF Operating Record during the reporting period, including information on by-product gas generant composition, average feed rates, upset conditions, and spills or releases.

(ix) No significant changes are made to the operating parameter production values of Autoliv's production of air bag gas generants such that any of the constituents listed in appendix VIII of this part are introduced into the process.

(x) Autoliv reports to the EPA any noncompliance which may endanger health or the environment orally within 24 hours from the time Autoliv becomes aware of the circumstances, including:

(A) Any information of a release, discharge, fire, or explosion from the MRF, which could threaten the environment or human health.

(B) The description of the occurrence and its cause shall include:

(*1*) Name, address, and telephone number of the facility;

(*2*) Date, time, and type of incident;

(*3*) Name and quantity of material(s) involved;

(*4*) The extent of injuries, if any;

(*5*) An assessment of actual or potential hazards to the environment and human health, and

(*6*) Estimated quantity and disposition of recovered material that resulted from the incident.

(C) A written notice shall also be provided within five days of the time Autoliv becomes aware of the circumstances. The written notice shall contain a description of the non-compliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The EPA may waive the

five day written notice requirement in favor of a written report within fifteen days.

(xi) Notifications and submissions made under paragraph (b)(18) of this section shall be sent to the Regional Assistant Administrator for the Office of Partnerships and Regulatory Assistance, U.S. EPA, Region 8 and the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

[FR Doc. 01–11670 Filed 5–8–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 99–216, FCC 00–400]

2000 Biennial Regulatory Review of Adopting Technical Criteria and Approving Terminal Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission (Commission) amended its rules governing the connection of terminal equipment to the public switched telephone network to streamline the standards development and approval processes. These rules contained information collection requirements that became effective on May 9, 2001.

DATES: Effective May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Susan Magnotti, (202) 418–2320 (voice), smagnotti@fcc.gov, or Dennis Johnson, (202) 418–2320 (voice), dcjohnso@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418–0484.

SUPPLEMENTARY INFORMATION: On December 21, 2000, the Commission adopted the *Part 68 Streamlining Order* which amended the Commission's rules governing the connection of terminal equipment to the public switched telephone network in an effort to privatize and streamline the standards development and approval processes; a summary of the order was published in the **Federal Register**. 66 FR 7579 (January 24, 2001). Some of the regulations adopted in that order included information collection that required approval from the Office of Management and Budget. The order explained that ''[t]he collections of information contained within are contingent upon approval by the OMB. The Commission will publish a document at a later date establishing the effective date.'' OMB approved the amendments to 47 CFR 68.106–68.610 that establish those reporting requirements. See OMB No. 3060–0056. Accordingly, these regulations will become effective upon publication of this document in the **Federal Register**. This document constitutes publication of the effective date of the regulations. We note that the information collection requirements in § 68.105, as adopted in the *Part 68 Streamlining Order,* were originally established in a separate proceeding as part of the definition of the term ''demarcation point'' in 47 CFR 68.3 (1999). 15 FCC Rcd 22983 (2000). Therefore, that rule will become effective upon OMB approval in the *Competitive Networks* proceeding.

List of Subjects in 47 CFR Part 68

Communications common carriers, Terminal equipment, Part 68, Technical criteria.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–11589 Filed 5–8–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 010208032–1109–02; I.D.121200L]

RIN 0648–AM47

Fisheries of the Northeastern United States; Final 2001 Specifications for the Atlantic Bluefish Fishery; Regulatory Amendment

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

ACTION: Final 2001 specifications for the Atlantic bluefish fishery; regulatory amendment.

SUMMARY: NMFS issues 2001 specifications for the Atlantic bluefish fishery, including total allowable harvest levels (TAL), state-by-state commercial quotas, and recreational harvest limits and possession limits for Atlantic bluefish off the east coast of the United States. NMFS also amends the regulations implementing the Fishery Management Plan for Atlantic Bluefish (FMP) to insert an inadvertently omitted paragraph in the procedure for annually setting TAL. This action is necessary to conserve and manage the bluefish resource and is intended to provide for sustainable fisheries.

DATES: The 2001 TAL, commercial quotas, and recreational harvest limits are effective May 9, 2001 through December 31, 2001.

The amendment to § 648.160 is effective June 8, 2001.

The amendment to § 648.164 is effective May 9, 2001.

ADDRESSES: Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Pre Regulatory Economic Evaluation (EA/RIR/PREE), and the Essential Fish Habitat Assessment are available from: Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The EA/RIR/PREE are accessible via the Internet at *http:/www.nero.gov/ro/doc/nr.htm.*

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, (978) 281-9104, e-mail at Myles.A.Raizin@noaa.gov, fax at (978) 281–9135.

SUPPLEMENTARY INFORMATION: NMFS implemented the FMP through regulations at 50 CFR part 648, subparts A and J. Section 648.160 requires annual specifications. The FMP, as adopted by the Mid-Atlantic Fishery Management Council (Council) requires that the Council recommend, on an annual basis, TAL, which is composed of a commercial quota and a recreational harvest limit. NMFS published a proposed rule to establish the 2001 bluefish specifications and insert an inadvertently omitted paragraph into § 648.160 at 66 FR 10983, February 21, 2001, with a comment period ending March 23, 2001.

Final Specifications

2001 TAL

The FMP requires that the TAL for any given year be set based on the fishing mortality rate (F) resulting from the stock rebuilding schedule contained in Amendment 1 to the FMP (F=0.41 for 2001) or on the estimated F for the fishing year preceding the Council submission of the recommended specifications, whichever F is lower. The 1999 bluefish fishery data were the most recent data that were complete when the specification process began for the 2001 bluefish fishery. Because the 1999 fishery produced an F of only 0.295 (equals a 33 percent exploitation rate for the bluefish fishery), the TAL is set to maintain this F in 2001.

Therefore, the TAL for 2001 is 37.84 million lb (17.17 million kg), which equals 33 percent of the estimated biomass for 2001 (114.62 million lb (52.0 million kg). By basing the bluefish TAL for 2001 on an F value of 0.295, this action prevents overfishing of the Atlantic bluefish stock. According to the current overfishing definition fo this fish stock, F values less than 0.4 prevent overfishing.

2001 Commercial Quotas and Recreational Harvest Limits

The FMP requires that a total of 17 percent of the TAL be allocated to the commercial fishery, as a quota, with the remaining 83 percent allocated as a recreational harvest limit. This would result in a commercial allocation of 6.43 million lb (2.92 million kg) and a recreational harvest limit of 31.41 million lb (14.25 million kg). However, the FMP also specifies that if 17 percent of the TAL is less than 10.50 million lb (4.8 million kg) and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.50 million lb (4.8 million kg) as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed TAL.

Since recreational landings from 1995 through 1999 ranged between 8.3 and 14.7 million lb (3.76 and 6.67 million kg), well below the recreational harvest limit for 2001, the Council relied on the foregoing provision. This action establishes a commercial quota of 9.58 million lb (4.35 million kg) for 2001, which maintains the 2001 quota at the level specified in 2000 by the Atlantic States Marine Fisheries Commission. Under the FMP, this required transferring 3.15 million lb (1.43 million kg) from the initial 2001 recreational allocation of 31.41 million lb (14.25 million kg), leaving 28.26 million lb (12.82 million kg) for the 2001 recommended harvest limit. The 2001 commercial quotas are unchanged from the 2000 quotas implemented by the states under the Interstate Fishery Management Plan for Atlantic Bluefish, so no significant economic impacts are expected. The 2001 state commercial quotas are listed in the table below.

State	Percent of quota	2001 commercial quota (lb)	2001 commercial quota (kg)
ME	0.6685	64,062	29,066
NH	0.4145	39,701	18,023
MA	6.7167	643,661	292,042
RI	6.8081	652,420	296,016
CT	1.2663	121,350	55,059
NY	10.3851	995,204	451,544
NJ	14.8162	1,419,836	644,209
DE	1.8782	179,988	81,664
MD	3.0018	287,662	130,518
VA	11.8795	1,138,412	516,521
NC	32.0608	3,072,386	1,394,005
SC	0.0352	3,373	1,530
GA	0.0095	910	413
FL	10.0597	964,021	437,396
Total	100.000	9,583,010	4,348,008

Recreational Possession Limit for 2001

The Council made a 2-year projection of the bluefish stock biomass using an assumed F of 0.295. Results indicate that the bluefish stock will increase from an estimated biomass of 78,919,680 lb (35,840 mt) in 2000 to 114,481,980 lb (51,990 mt) in 2001, and 153,523,440 lb (69,720 mt) in the year 2002. The projection predicts the stock will increase substantially in the next 2 years, with commensurate increases in the recreational harvest limit. However, recreational landings have decreased from 14,302 mt (31,521,608 lb) in 1997 to 12,334 mt (27,184,136 lb) in 1998 and 8,253 mt (18,189,612 lb) in 1999. Therefore, NMFS is increasing the possession limit from 10 to 15 fish in 2001. NMFS expects this increase to benefit some recreational anglers without exceeding the recreational harvest limit of 28.26 million lb (12.82 million kg).

Regulatory Amendment

During rulemaking to implement Amendment 1 to the FMP, NMFS inadvertently omitted a portion of the regulatory text in § 648.160(a) necessary to specify the procedures for setting annual TAL. The regulatory text needs to reflect the FMP requirement, found in section 3.1.1.2 of Amendment 1, that the Council use the estimated F for the fishing year preceding the Council submission of the recommended specifications for setting TAL if the estimated F is less than the target F identified in the rebuilding schedule. NMFS approved the portion of Amendment 1 containing this requirement on July 29, 1999.

Changes from Proposed Rule

When publishing the proposed rule, NMFS mistakenly omitted the regulatory text in § 648.164 that specifies the bluefish possession limit. This final rule revises the regulatory text consistent with the increase in the possession limit from 10 fish per person to 15 fish per person.

Comments and Responses

No comments were received during the public comment period for the proposed rule.

Classification

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant impact on a substantial number of small entities. The factual basis for that determination was provided in the proposed rule for this action. No comments were received regarding the economic effects of this action; accordingly, the factual basis for this certification has not changed. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act was not required and none was prepared.

The Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(d)(5), finds good cause not to delay

the effective date of the 2001 fishery specifications contained in this final rule. This rule establishes only a commercial quota and recreational possession limits, which are used to control the harvest in this fishery, but establishes any requirements for which a regulatory entity must come into compliance. This fishery commenced on January 1, 2001. In addition, the increase in the recreational harvest limit from 10 to 15 fish relieves a restriction.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 3, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648, chapter VI, is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.160, paragraph (a) is revised to read as follows:

§ 648.160 Catch quotas and other restrictions.

* * * * *

(a) *Annual review*. On or before August 15 of each year, the Bluefish Monitoring Committee will meet to determine the total allowable level of landings (TAL) and other restrictions necessary to achieve the target fishing mortality rate (F) specified in the Fishery Management Plan for Atlantic Bluefish for the upcoming fishing year or the estimated F for the fishing year preceding the Council submission of the recommended specifications, whichever F is lower. In determining the TAL and other restrictions necessary to achieve the specified F, the Bluefish Monitoring Committee will review the following data, subject to availability: Commercial and recreational catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling data; impact of gear other than otter trawls and gill nets on the mortality of bluefish; and any other relevant information.

* * * * *

3. In § 648.164, the first sentence of paragraph (a) is revised to read as follows:

§ 648.164 Possession restrictions.

(a) No person shall possess more than 15 bluefish in, or harvested from, the EEZ unless that person is the owner or operator of a fishing vessel issued a bluefish commercial permit or is issued a bluefish dealer permit. * * *

* * * * *

[FR Doc. 01–11701 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 90
Wednesday, May 9, 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.

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 104, and 109

[Notice 2001–6]

Independent Expenditure Reporting

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission is seeking comment on proposed rules to implement statutory changes to the procedures for filing certain reports of independent expenditures. The proposed rules would require that reports of last minute independent expenditures (''24-hour reports'') be received by the Commission or the Secretary of the Senate's office within 24 hours of the time the expenditure was made. To assist filers in meeting this new filing deadline, the proposed rules would allow reports of last minute independent expenditures to be filed by facsimile machine or electronic mail, unless the filer participates in the Commission's electronic filing program. In addition to faxing or e-mailing 24-hour reports, persons other than political committees (who are not part of the electronic filing program) would be allowed to fax or e-mail any reports of independent expenditures filed under the regular reporting schedules. However, electronic filers must continue to file all reports of independent expenditures (24-hour reports as well as regularly scheduled reports) using the Commission's electronic filing system. Please note that the draft rules that follow do not represent a final decision by the Commission on the issues presented by this rulemaking. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before June 8, 2001.

ADDRESSES: All comments should be addressed to Ms. Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up to insure legibility. Electronic mail comments should be sent to *IndyExpRep@fec.gov* Commenters sending comments by electronic mail must include their full name, electronic mail address and postal service address within the text of their comments. Comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered. The Commission will make every effort to have public comments posted on its Web site within ten business days of the close of the comment period.

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

SUPPLEMENTARY INFORMATION: On October 23, 2000, Public Law 106–346 (Department of Transportation and Related Agencies Appropriations Act, 2001,114 Stat. 1356 (2000)) amended the Federal Election Campaign Act of 1971, 2 U.S.C. 431 *et seq.*, (''the Act'' or ''FECA'') regarding the filing of independent expenditure reports under 2 U.S.C. 434(b) and (c). Paragraphs (b) and (c) of 2 U.S.C. 434 require political committees and other persons making independent expenditures to file reports or statements if their independent expenditures exceed a certain amount of money. In addition, if independent expenditures of $1,000 or more are made less than twenty (20) days but more than twenty-four (24) hours before the day of an election, an additional statement must be filed within 24 hours. Public Law 106–346 requires, *inter alia*, that the Commission issue rules requiring that reports of independent expenditures made less than twenty (20) days but more than twenty-four (24) hours before an election (''24-hour reports'') must be received by the Commission or the Secretary of the Senate, as appropriate,[1] within 24 hours of the time the independent expenditure was made. The statutory change permits all 24-hour reports to be filed using facsimile machines or electronic mail, unless the filer is part of the Commission's electronic filing program (*see* 11 CFR 104.18). In addition to their 24-hour reports, persons other than political committees may file by fax or e-mail other reports of independent expenditures in accordance with the regular filing schedule (*see* 11 CFR 104.5). The statutory amendment also requires the Commission to provide methods of verification of documents (other than requiring a signature on the document) for all purposes, including penalties of perjury. The new law requires this system to be in place for elections occurring after January 1, 2001, subject to regulations to be promulgated by the Commission.

These new filing methods are intended to speed up disclosure and to provide political committees and other filers with more flexibility in choosing methods of compliance.

In addition to the amendments regarding independent expenditures, the new law also requires the Commission to amend its regulations to exclude from the definition of ''contribution'' loans that candidates receive from brokerage accounts, lines of credit, or other credit instruments as long as the loans were made under commercially reasonable terms and were from a source that provides such loans in the normal course of business. That topic is being addressed in a separate rulemaking.

A. Reports of Independent Expenditures Filed by Facsimile Machine or Electronic Mail (11 CFR 104.4 and 109.2)

Currently, 24-hour reports are filed by political committees using Schedule E and by persons other than political committees using either FEC Form 5, or a signed statement containing the information specified in 11 CFR 109.2(a)(1). Currently, most reports of independent expenditures are filed on paper. Note that those participating in the Commission's electronic filing program are required to send a paper copy or to submit a digitized file in addition to their electronic filing because the reports must be notarized. Under the new law and the proposed revisions to the regulations at 11 CFR 100.19(d), 104.4(b) and 109.2(a), all

[1] The Secretary of the United States Senate Office of Public Records is the proper recipient of reports of independent expenditures that either support or oppose only candidates for the Unites States Senate. 11 CFR 104.4(c)(2).

filers who are not part of the Commission's electronic filing program would be able to fax or electronically mail their 24-hour reports. Note that the new law and proposed revisions to section 109.2(a) also allow persons other than political committees (unless they submit reports under the Commission's electronic filing program—see *infra*) to file any other reports of independent expenditures (in accordance with the reporting schedule in 11 CFR 104.5) using a fax machine or e-mail.

Under current sections 104.4(b) and 109.2(a)(1)(v), Schedule E, Form 5, and the signed statement must contain a notarized certification under penalty of perjury as to whether the expenditures were ''coordinated'' with any candidate, authorized committee or agent thereof, and, if the independent expenditures were made by a corporation, that the maker is a qualified nonprofit corporation (*see* 11 CFR 114.10). The Commission is considering adding new paragraph (a)(1)(vi) to section 109.2 to require those who file a statement instead of FEC Form 5 to certify that the expenditure was not made to finance, disseminate, distribute or republish campaign materials prepared by a candidate or a candidate's agent or authorized committee. Current paragraph (a)(1)(vi) would be renumbered (a)(1)(vii). New paragraph (a)(1)(vi) is consistent with the certification signed by those who file FEC Form 5 or Schedule E. The certification stems from the legislative history of the 1976 FECA. The Conference Report to the 1976 FECA explained that ''any expenditure to finance publication of any campaign broadcast or any other campaign materials prepared by a candidate shall be considered to be a contribution to that candidate.'' H.R. Rep. No. 94–1057 at 55 (1976). Thus, the Commission's forms have required makers of independent expenditures to affirmatively state that the expenditure was not made to disseminate the campaign's own materials. On the other hand, however, the statutory certifications required by 2 U.S.C. 434(b)(6)(B)(iii) and (c)(2)(A) do not address distribution of candidate-prepared materials. Consequently, the Commission requests comments on not adding the certification statement to paragraph (a)(1)(vi) and removing that part of the certification from FEC Form 5 and Schedule E.

The Department of Transportation and Related Agencies Appropriations Act, 2001 requires the Commission to create methods of verifying the independent expenditure statement filed, other than by requiring a signature on the document, for all purposes (including penalties of perjury). The Commission is proposing to allow self-certification by the filer to verify the filed report. This means that notarization would no longer be required for Schedule E, Form 5, or signed statements. Instead, the filer would be required to simply self-certify the document using either a handwritten signature on a paper document or by typing his or her name on electronic documents. Note that no other campaign finance reports filed with the Commission or the Secretary of the Senate need to be notarized.

To implement the self-certification verification, the proposed amendments to 11 CFR 109.2(a)(1)(v) would require that a prescribed statement of certification as to the independence of the expenditure continue to be included in any statement filed by persons other than political committees. Conforming amendments to FEC Form 5 and Schedule E would be made at a later point, which would include self-certification and would remove notarization.

Proposed new paragraph (c) of 11 CFR 109.2 and proposed paragraphs (b)(1) and (2) of 11 CFR 104.4 set forth two methods for verifying reports of independent expenditures. Reports filed in paper form (*e.g.,* by hand delivery or fax machine), would be verified by the filer's signature under the certification language. For reports filed by electronic mail, the Commission proposes certification by requiring the filer to type his or her name under the certification language.

As an alternative to self-certification, the Commission seeks comments on retaining the current notarization requirement for faxed reports and requiring electronic notarizations for e-mailed reports. Given that only a handful of states have electronic notary statutes, is this feasible for filers from other states and territories? The Commission is concerned that differing standards for electronic notarizations among the many states may require the Commission to accept dozens of different electronic notaries, a process which could be cumbersome and expensive.

The Commission is also considering whether to require standard paper notarization for faxed reports and digital signatures that are verified by a ''Trusted Third Party'' for e-mailed reports. Such digital signatures are the basis for transactions in electronic commerce. Digital signatures utilize a Public Key Infrastructure. That structure uses Public and Private Keys to encode a message and to provide a method of positively identifying the sender.

The Commission requests comments on the proposed self-certification method of verification of the filed documents and also on any other methods of verification, whether mentioned above or not.

B. Reports of Independent Expenditures Filed by Registered or Certified Mail (11 CFR 100.19)

Current Commission regulations at 11 CFR 100.19(b) state that a document is timely filed when it is received by the close of the prescribed filing date or, in the case of documents filed by certified or registered mail, when it is deposited in an established U.S. Post Office and is postmarked no later than the prescribed filing date (with the exception of pre-election reports). Hence, 24-hour reports are currently considered timely filed if they are deposited at a Post Office and are postmarked for certified or registered mail within 24 hours of the time the independent expenditure was made.

Under Pub. L. 106–346 and proposed regulations at paragraph (b) and new paragraph (d) of 11 CFR 100.19, 24-hour reports would be considered timely filed only upon their receipt by the Commission or Secretary of the Senate within 24 hours of making the independent expenditure. Thus, while a filer could use registered or certified mail for their 24-hour report, the report would no longer be timely filed when postmarked. Moreover, it is unlikely that reports filed by certified or registered mail would be received by the Commission within 24 hours of the making of the expenditure. Since it appears that some of the current filing methods will not satisfy the new filing deadlines, proposed revisions to paragraph (b) of section 100.19 would make it clear that 24-hour reports are not included in those reports that are considered timely filed when postmarked for registered or certified mail. Proposed paragraph (d) of 11 CFR 100.19 would state that 24-hour reports of independent expenditures are considered timely filed upon receipt by the Commission or the Secretary, as appropriate, in accordance with 11 CFR 104.4(c).

A conforming amendment would be added to 11 CFR 100.19(a) to note that documents filed using the Commission's electronic filing program would be timely filed in accordance with paragraph (c) of that section. Additionally, the Commission proposes revising paragraph (a) to say ''close of business on the prescribed filing date'' to conform with paragraph (b) as to

when, on the filing date, the documents are due. Currently, paragraph (a) states that documents are timely filed by the ''close of the prescribed filing date,'' while paragraph (b) states that documents mailed by first class mail shall be timely filed at the ''close of business of the prescribed filing date.''

In addition, conforming amendments to 11 CFR 104.4(b), 104.5(g) and 109.2(b) would also clarify that 24-hour reports must be received by the appropriate filing authority within 24 hours after the independent expenditure is made. Further, the Commission is proposing conforming amendments to 11 CFR 104.14(a) regarding the new verification requirements for faxed or e-mailed reports of independent expenditures and to reference the signature requirements for the electronic filing program in 11 CFR 114.18(g).

C. When Is an Independent Expenditure ''Made''? (11 CFR 109.1)

The statutory amendment and the proposed regulations require 24-hour reports to be received by the Commission or the Secretary of the Senate within 24 hours of the time the independent expenditure is made. The Commission is proposing that new paragraph (f) be added to 11 CFR 109.1 to clarify when an independent expenditure is ''made''. This new definition would state that an independent expenditure is made at the earliest of three possible events: The first would be when a written contract, promise or agreement to make an independent expenditure is executed; for example, when a contract to run a newspaper ad is signed. The second possible occurrence would be the first date on which the communication is disseminated to the public; for example, the first time a radio ad is broadcast. The third event triggering the making of an independent expenditure would be when the person making the expenditure pays for it; for example, when a check is delivered to a media firm for production costs or to a television station for an ad to be run later. The Commission seeks comments on this new definition. Is it necessary? Does it accurately reflect the possible times when an independent expenditure would be deemed ''made''? Should the Commission attempt to further explain which types of written contracts, promises, or agreements would or would not constitute the making of the independent expenditure? For example, should only those covering the dissemination of a communication be included (e.g., airtime TV buys or newspaper space purchases)?

D. Proposed Changes to the Commission's Electronic Filing Program (11 CFR 104.18)

Under current regulations at 11 CFR 104.18(h), those participating in the Commission's electronic filing program (either mandatory or voluntary) must file FEC Form 5 or Schedule E electronically accompanied by a paper copy in order to file a notarized document. The new law exempts such electronic filers from filing their reports of independent expenditures by fax or electronic mail. In order to afford all electronic filers the ability to comply with the new requirement that 24-hour reports be received by the Commission within 24 hours, the Commission proposes revising 11 CFR 104.18(h) to drop Schedule E and FEC Form 5 from the list of reports for which a paper copy follow-up is required. The Commission proposes requiring those in the electronic filing program to verify all reports of independent expenditures using the same process as they would in filing any other report.

The Commission's electronic filing software, FECFile, currently creates Schedule E for electronic filing by political committees. The Commission's electronic filing system accepts FEC Form 5 if created by another entity using the Commission's specifications (available on the FEC Web site, www.fec.gov), but FECFile does not currently create Form 5. The Commission intends to make FEC Form 5 available in the FECFile software package. Note that this software is available for free from the Commission.

The Commission is proposing to reorganize paragraph (h) of section 104.18 to clarify what paper documents must accompany electronically filed reports, and when those paper copies must be filed. The Commission also proposes removing FEC Form 5 and Schedule E from the list of documents with special signature requirements. Additionally, the Commission proposes adding FEC Schedule C–P–1 to the list of documents requiring special signatures. Schedule C–P–1 is used by Presidential candidates to report loans and lines of credit from lending institutions, and, like Schedule C–1 (used by non-Presidential committees) requires the lending institution agent's signature.

E. Reports Available on the Internet Within 24 Hours

Section 502(a) of Public Law 106–346 requires that ''the Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.''

While the Commission believes that ''electronically'' means filed by electronic mail only, the Commission nevertheless proposes making available on the Commission's Web site (www.fec.gov) within 24 hours of receipt all reports of independent expenditures filed with the FEC using facsimile machine, electronic mail, or the FEC's electronic filing system. Note that reports of independent expenditures that support or oppose only Senate candidates must be filed with the Secretary of the Senate. Therefore, because they are not filed with the Commission, reports faxed or e-mailed to the Secretary may not be available on the Commission's Web site within 24 hours of receipt by the Secretary of the Senate. The Commission will, however, make every effort to get reports of independent expenditures filed with the Secretary on the FEC's Web site as soon as possible after the Commission receives the report from the Secretary.

F. Reports of Last Minute Contributions (11 CFR 100.19 and 104.5)

The Commission also proposes revising its regulations at 11 CFR 104.5(f) and adding paragraph (e) to 11 CFR 100.19 regarding reports by authorized committees receiving contributions of $1,000 or more made less than 20 days but more than 48 hours before the day of an election. These proposed changes do not stem from P.L. 106–346. The Commission has for some time allowed authorized committees to file these reports by facsimile machine in addition to other permissible filing methods. *See* Advisory Opinion 1988–32. In the fall of 2000, the Commission began allowing 48-hour reports filed with the Commission to be filed on-line through its Web site as an additional means of filing those reports. Note that 48-hour reports filed with the Secretary of the Senate cannot be filed using the on-line program at the Commission's Web site. They can, however, be filed by fax to the Secretary of the Senate. The proposed revisions to 11 CFR 100.19 and 104.5(f) would recognize those filing methods in the regulations.

Finally, the Commission welcomes comments on any other issues raised by the new statutory requirements regarding independent expenditure reporting.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

These proposed rules if promulgated, would not have a significant economic impact on a substantial number of small entities. The basis of this certification is that the Commission is providing most filers with less than $50,000 of activity with additional means of complying with the law, thereby increasing the filers' flexibility by allowing them to choose the most convenient and cost effective filing method. These additional filing methods will likely result in a decrease in costs from present.

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 104

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

11 CFR Part 109

Elections, Reporting and recordkeeping requirements.

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

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

1. The authority citation for part 100 would be revised to read as follows:

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

2. Section 100.19 would be revised to read as follows:

§ 100.19 File, filed or filing (2 U.S.C. 434(a)).

(a) Except for documents electronically filed under paragraph (c) of this section, a document is timely filed upon delivery to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463; or the Secretary of the United States Senate, Office of Public Records, 119 D Street NE., Washington, DC 20510 as required by 11 CFR part 105, by the close of business of the prescribed filing date.

(b) A document other than a 24-hour report of an independent expenditure under 11 CFR 104.4(b) or 109.2(c) is timely filed upon deposit as registered or certified mail in an established U.S. Post Office and postmarked no later than midnight of the day of the filing date, except that pre-election reports so mailed must be postmarked no later than midnight of the fifteenth day before the date of the election. Documents sent by first class mail must be received by the close of business of the prescribed filing date to be timely filed.

(c) For electronic filing purposes, a document is timely filed when it is received and validated by the Federal Election Commission at or before 11:59 p.m., Eastern Standard/Daylight Time, on the filing date.

(d) A 24-hour report of independent expenditures under 11 CFR 104.4(b) or 109.2(c) is timely filed when it is received by the appropriate filing officer as listed in 11 CFR 104.4(c) within 24 hours of the time the independent expenditure was made. In addition to other permissible means of filing, a 24-hour report may be filed using a facsimile machine or by electronic mail if the filer is not required to file electronically in accordance with 11 CFR 104.18.

(e) In addition to other permissible means of filing, authorized committees may file 48-hour notifications of contributions using facsimile machines or, if the notifications are being filed with the Commission, using the Commission Web site's on line program.

PART 104—REPORTS BY POLITICAL COMMITTEES (2 U.S.C. 434)

3. The authority citation for part 104 would continue to read as follows:

Authority: 2 U.S.C. 431(1), 431(8), 431(9), 432(i), 434, 438(a)(8) and (b) and 439a.

4. Section 104.4 would be amended by revising paragraph (b) to read as follows:

§ 104.4 Independent expenditures by political committees (2 U.S.C. 434(c)).

* * * * *

(b) *24-hour reports.* Reports of any independent expenditures aggregating $1,000 or more made after the 20th day, but more than 24 hours, before 12:01 a.m. of the day of the election, must be received by the appropriate officers listed in paragraph (c) of this section within 24 hours after such independent expenditure is made. Such report shall contain the information required by 11 CFR 104.3(b)(3)(vii) indicating whether the independent expenditure is made in support of, or in opposition to, the candidate involved. In addition to other permissible means of filing, a 24 hour report may be filed using a facsimile machine or electronic mail if the filer is not required to file electronically in accordance with 11 CFR 104.18. Such report must be verified by one of the methods stated in paragraph (b)(1) or (b)(2) of this section. Any report verified under either of these methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(1) For reports filed on paper (e.g., by hand delivery, U.S. Mail or facsimile machine), the certification required by 11 CFR 104.3(b)(3)(vii) must be immediately followed by the handwritten signature of the treasurer of the political committee that made the independent expenditure and who certifies, under penalty of perjury, its independence.

(2) For reports filed by electronic mail, the certification required by 11 CFR 104.3(b)(3)(vii) must be immediately followed by the typewritten name of the treasurer of the political committee that made the independent expenditure and who certifies, under penalty of perjury, its independence.

* * * * *

5. Section 104.5 would be amended by revising paragraphs (f) and (g) to read as follows:

§ 104.5 Filing dates (2 U.S.C. 434(a)(2)).

* * * * *

(f) *48 hour notification of contributions.* If any contribution of $1,000 or more is received by any authorized committee of a candidate after the 20th day, but more than 48 hours, before 12:01 a.m. of the day of the election, the principal campaign committee of that candidate shall notify the Commission, the Secretary of the Senate and the Secretary of State, as appropriate, within 48 hours of receipt of the contribution. The notification shall be in writing and shall include the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be filed in accordance with 11 CFR 100.19. The notification shall be in addition to the reporting of these contributions on the post-election report.

(g) *24-hour report of independent expenditures.* Statements disclosing any independent expenditures aggregating $1,000 or more made after the 20th day, but more than 24 hours, before 12:01 a.m. of the day of the election, must be received by the appropriate officers listed in 11 CFR 104.4(c) within 24 hours after such independent expenditure is made. Such statement shall contain the information required by 11 CFR 104.3(b)(3)(vii) indicating whether the independent expenditure is made in support of, or in opposition to, the candidate involved.

* * * * *

6. Section 104.14 would be amended by revising paragraph (a) to read as follows:

§ 104.14 Formal requirements regarding reports and statements.

(a) Each individual having the responsibility to file a designation, report or statement required under this subchapter shall sign the original designation, report or statement except that:

(1) Reports or statements of independent expenditures filed by facsimile machine or electronic mail under 11 CFR 104.4(b) or 11 CFR 109.2 must be verified in accordance with those sections; and

(2) Reports, designations, or statements filed electronically under 11 CFR 104.18 must follow the signature requirements of 11 CFR 104.18(g).

* * * * *

7. Section 104.18 would be amended by revising paragraph (h) to read as follows:

§ 104.18 Electronic filing of reports (2 U.S.C. 432(d) and 434(a)(11)).

* * * * *

(h) *Schedules and forms with special requirements.* (1) The following are schedules and forms that require the filing of additional documents and that have special signature requirements:

(i) Schedules C–1 and C–P–1, Loans and Lines of Credit From Lending Institutions (see 11 CFR 104.3(d)); and

(ii) Form 8, Debt Settlement Plan (see 11 CFR 116.7(e)).

(2) If a person files a report electronically by submitting a diskette to the Commission and is required to file any of the schedules or forms listed in paragraph (h)(1) of this section, the person shall file a paper copy of the required schedule or form with the electronic submission, or a digitized version as a separate file in the electronic submission, by the close of business on the prescribed filing date.

(3) If a person files a report electronically by uploading the data to the Commission's electronic filing system and is required to file any schedules or forms listed in paragraph (h)(1) of this section, the person shall file a paper copy or a digitized version of the required schedule or form by the close of business on the prescribed filing date.

* * * * *

PART 109—INDEPENDENT EXPENDITURES (2 U.S.C. 431(17), 434(c))

8. The authority citation for part 109 would continue to read as follows:

Authority: 2 U.S.C. 431(17), 434(a)(11) and (c), 438(a)(8), and 441d.

9. Section 109.1 would be amended by adding new paragraph (f) to read as follows:

§ 109.1 Definitions (2 U.S.C. 431(17)).

* * * * *

(f) An independent expenditure is made on the earliest of—

(1) The date on which a written contract, including a media contract, promise or agreement to make an independent expenditure is executed;

(2) The first date on which the communication is printed, broadcast or otherwise publicly disseminated; or

(3) The date on which the person making the independent expenditure pays for it.

10. Section 109.2 would be amended by revising the introductory text in paragraphs (a) and (a)(1) by revising paragraphs (a)(1)(v), (a)(2), and (b) by redesignating paragraph (a)(1)(vi) as paragraph (a)(1)(vii) and adding new paragraphs (a)(1)(vi) and (c) to read as follows:

§ 109.2 Reporting of independent expenditures by persons other than a political committee (2 U.S.C. 434(c)).

(a) Every person other than a political committee, who makes independent expenditures aggregating in excess of $250 in a calendar year shall file a verified statement or report on FEC Form 5 with the Commission or Secretary of the Senate in accordance with 11 CFR 104.4(c).

(1) If a verified statement is submitted, the statement shall include:

* * * * *

(v) A verified certification under penalty of perjury as to whether such expenditure was made in cooperation, consultation or concert with, or at the request or suggestion of any candidate or any authorized committee or agent thereof;

(vi) A verified certification under penalty of perjury as to whether the expenditure involved the financing, dissemination, distribution or republication of any campaign materials prepared by a candidate or a candidate's agent or authorized committee; and

* * * * *

(2) Reports or statements filed under this section shall be filed at the end of the reporting period (quarterly, pre-election, post-election, semi-annual or annual) (See 11 CFR 104.5)) during which any independent expenditure which aggregates in excess of $250 is made and in any reporting period thereafter in which additional independent expenditures are made.

(b) Reports of independent expenditures aggregating $1,000 or more made by any person after the twentieth day, but more than 24 hours before 12:01 a.m of the day of an election must be received by the appropriate officers as listed in paragraph (c) of this section within 24 hours after such independent expenditure is made. Such report or statement shall contain the information required by paragraph (a) of this section indicating whether the independent expenditure is made in support of, or in opposition to, a particular candidate.

(c) Verification of independent expenditure statements and reports: For reports filed on paper (e.g., by hand delivery, U.S. Mail or facsimile machine), the certification required by paragraphs (a)(1)(v) and (a)(1)(vi) of this section must be immediately followed by the handwritten signature of the person who made the independent expenditure and who certifies, under penalty of perjury, its independence. For reports filed by electronic mail, the certification required by paragraphs (a)(1)(v) and (a)(1)(vi) of this section must be immediately followed by the typewritten name of the person who made the independent expenditure and who certifies, under penalty of perjury, its independence.

Dated: May 3, 2001.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 01–11587 Filed 5–8–01; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–03–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS–365N3 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for Eurocopter France Model AS–365N3 helicopters. This proposal would require modifying the Full Authority Digital Engine Control (FADEC) software within 90 days after the effective date of this AD. This proposal is prompted by a design problem in the FADEC ''power loss printed circuit board'' software found during laboratory

testing. The actions specified by the proposed AD are intended to prevent loss of the FADEC one-engine-inoperative (OEI) power and subsequent loss of control of the helicopter.

DATES: The FAA must receive any comments on this proposal by July 9, 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–03–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. 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: Carroll Wright, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5120, 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 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–03–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. 2001–SW–03–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified us that an unsafe condition may exist on Eurocopter France Model AS–365N3 helicopters. The DGAC advises that the engine FADEC software and the associated existing wiring for the engine indicating system for the FADEC should be modified. The main purpose of these modifications is to transfer the ''OEI torque limit setting'' and the ''NG difference indicating'' function from the ''power loss'' card to the main computer. This modification should eliminate hung starts and loss of access to the maximum allowable emergency OEI power from the remaining engine after one engine has failed.

Eurocopter France has issued Eurocopter France Service Bulletin (SB) 71.00.13, Revision 1, dated October 17, 2000. This SB specifies modifying the engine FADEC computer software and the associated existing wiring. The DGAC classified this SB as mandatory and issued AD No. 2000–517–051(A), dated December 13, 2000, to ensure the continued airworthiness of these helicopters in France. Incorporation of the SB provides terminating action for DGAC AD Nos. 1998–517–048(A) R2, dated December 13, 2000; 1998–517–048(A) R1, dated April 5, 2000; and 1998–517–048(A), dated January 13, 1999.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions 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.

We have identified an unsafe condition that is likely to exist or develop on other Eurocopter France Model AS–365N helicopters of this same type design registered in the United States. The proposed AD would require modifying the FADEC software and wiring within 90 days after the effective date of this AD. The actions would be required to be accomplished in accordance with the SB's described previously.

Regulatory Impact

We estimate that 1 helicopter of U.S. registry would be affected by this proposed AD and that it would take approximately 17 work hours per helicopter to modify the wiring. The average labor rate is $60 per work hour. The FADEC software modification will have an estimated turbomeca labor charge of $1200. The manufacturer has stated that the wiring kits will be furnished at no cost. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2220.

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. You can get a copy of the draft regulatory evaluation prepared for this action from the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the mailing address listed under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under 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. The FAA amends § 39.13 by adding the following new airworthiness directive:

Eurocopter France: Docket No. 2001–SW–03–AD.

Applicability: Model AS–365N3 helicopters, certificated in any category.

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

Compliance: Within 90 days after the effective date of this AD, unless previously accomplished.

To prevent loss of the Full Authority Digital Engine Control (FADEC) one-engine-inoperative power and subsequent loss of control of the helicopter, accomplish the following:

(a) Modify the FADEC software in accordance with the Accomplishment Instructions of Eurocopter France Service Bulletin 71.00.13, Revision 1, dated October 17, 2000 (except this AD does not require contact with the manufacturer as specified in the caution statement in paragraph 2.B. and the Note I in paragraph 2.B.2.).

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

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

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD Nos. 2000–517–051(A) and 1998–517–048(A) R2, both dated December 13, 2000; 1998–517–048(A) R1, dated April 5, 2000; and 1998–517–048(A), dated January 13, 1999.

Issued in Fort Worth, Texas, on April 26, 2001.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate,, Aircraft Certification Service.

[FR Doc. 01–11585 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 95P–0351]

Hematology and Pathology Devices; Reclassification of Automated Differential Cell Counters

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to reclassify from class III (premarket approval) to class II (special controls) the automated differential cell counter (ADCC). The ADCC is a device intended to identify and classify one or more of the formed elements of the blood, or to flag, count, or classify immature or abnormal hematopoietic cells of the blood, bone marrow, or other body fluids. FDA is basing this reclassification on new information submitted in a reclassification petition from the International Society for Laboratory Hematology (ISLH). The agency is taking this action under the Federal Food, Drug, and Cosmetic Act (the act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments), the Safe Medical Devices Act of 1990 (the SMDA), and the Food and Drug Administration Modernization Act of 1997 (FDAMA).

DATES: Submit written comments by August 7, 2001.

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

FOR FURTHER INFORMATION CONTACT: Larry J. Brindza, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1293.

SUPPLEMENTARY INFORMATION:

I. Background (Regulatory Authorities)

The act, as amended by the 1976 amendments (Public Law 94–295), the SMDA (Public Law 101–629), and FDAMA (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), generally referred to as preamendments devices, are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendments devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: (1) The device is reclassified into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with section 513(f)(2) of the act, as amended by FDAMA; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 of the regulations (21 CFR part 807).

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Reclassification of classified preamendments devices is governed by section 513(e) of the act. This section provides that FDA may, by rulemaking, reclassify a device (in a proceeding that parallels the initial classification proceeding) based upon ''new information.'' The reclassification can be initiated by FDA or by the petition of an interested person. The term ''new information,'' as used in section 513(e) of the act, includes information developed as a result of a reevaluation of the data before the agency when the device was originally classified, as well as information not presented, not

available, or not developed at that time. (See, e.g., *Holland Rantos* v. *United States Department of Health, Education, and Welfare*, 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch*, 422 F.2d 944 (6th Cir. 1970); and *Bell* v. *Goddard*, 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the agency is an appropriate basis for subsequent regulatory action where the reevaluation is made in light of newly available regulatory authority (see *Bell* v. *Goddard*, supra, 366 F.2d at 181; *Ethicon, Inc.* v. *FDA*, 762 F.Supp. 382, 389–91 (D.D.C. 1991)), or in light of changes in ''medical science.'' (See *Upjohn* v. *Finch*, supra, 422 F.2d at 951.) Regardless of whether data before the agency are past or new data, ''new information'' to support reclassification under section 513(e) of the act must be ''valid scientific evidence,'' as defined in section 513(a)(3) of the act and 21 CFR 860.7(c)(2). (See, e.g., *General Medical Co.* v. *FDA*, 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Assoc.* v. *FDA*, 766 F.2d 592 (D.C. Cir.), cert. denied, 474 U.S. 1062 (1985).) FDA relies upon ''valid scientific evidence'' in the classification process to determine the level of regulation for devices. For the purpose of reclassification, the valid scientific evidence upon which the agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, e.g., nonpublic information in a pending PMA. (See section 520(c) of the act (21 U.S.C. 360j(c).)

II. Regulatory History of the Device

In the **Federal Register** of June 8, 1990 (55 FR 23510), FDA issued a final rule that amended 21 CFR 864.5220 to reclassify the ADCC intended to flag or identify specimens containing abnormal blood cells from class III into class II. The rule continued to classify the ADCC intended for all other uses into class III. FDA based the rule on new information in a petition from the Health Industry Manufacturers Association.

On September 22, 1995, Abbott Laboratories, Santa Clara, CA 95054, submitted a petition under sections 513(e) and 515(b) of the act to reclassify the ADCC from class III to class II for its general uses in identifying and counting blood elements and cells. On September 4, 1997, FDA received a letter from ISLH announcing that ISLH was replacing Abbott Laboratories as the petitioner. Consistent with the act and the regulations, FDA referred the petition to the Hematology and Pathology Device Panel (the Panel) for its recommendation on the change in classification requested by the petitioner. The Panel based its recommendation to reclassify the ADCC from class III to class II on the belief that special controls, including voluntary standards and guidance documents, as well as published references, and the clinical experience of the Panel, are sufficient to provide reasonable assurance of the safety and effectiveness of the ADCC. Accordingly, FDA is now proposing to reclassify the ADCC from class III (premarket approval) to class II (special controls) when the device is intended to be used to identify and classify one or more of the formed elements of the blood, or to flag, count, or classify immature or abnormal hematopoietic cells of the blood, bone marrow, or other body fluids.

III. Proposed Dates

FDA proposes that any final regulation based on this proposal become effective 30 days after its date of publication in the **Federal Register**.

IV. Device Description

An ADCC is a device used to identify one or more of the formed elements of the blood. These devices may also have the capability to flag, count, or classify immature or abnormal hematopoietic cells of the blood, bone marrow, or other body fluids. These devices may combine an electronic particle counting method, optical method, or a flow cytometric method utilizing monoclonal CD (cluster designation) markers. The device may include accessory CD markers.

V. Recommendation of the Panel

On January 20, 1999, the Panel recommended that the ADCC be reclassified from class III to class II. The Panel believed that classification in class II with the special control ''Guidance for Premarket Notification for Automated Differential Cell Counters for Immature or Abnormal Blood Cells'' would provide reasonable assurance of the safety and effectiveness of the device.

VI. Risks to Health

Failure of the device to perform satisfactorily may lead to an error in the diagnosis of a blood cell disorder. Inappropriate therapy based on inaccurate diagnostic data may place the patient at risk.

VII. Summary of Reasons for Recommendation

The Panel believes that the ADCC should be reclassified into class II because special controls, in addition to general controls, provide reasonable assurance of the safety and effectiveness of the device, and there is sufficient information to establish special controls to provide such assurance. Adherence to ''Guidance for Premarket Notification for Automated Differential Cell Counters for Immature or Abnormal Blood Cells'' can control the risk of misdiagnosis and inappropriate therapy by having the manufacturer provide appropriate data to support all claims for substantial equivalence and performance of ADCC.

VIII. Summary of Data Upon Which the Recommendation Is Based

The performance characteristics of the technology used in ADCCs over many years of experience plus the proven safety and effectiveness of the device are well documented in the medical literature (Ref. 1). FDA can evaluate performance characteristics for abnormal cell types such as nucleated red blood cells and immature reticulocyte fraction in 510(k) submissions (Refs. 2, 3, and 4). Based on the available information, FDA believes that the special control discussed below is capable of providing reasonable assurance of the safety and effectiveness of the automated differential cell counter for the identified risks to health of this device.

IX. Special Controls

In addition to general controls, FDA believes that the ''Guidance for Premarket Notification for Automated Differential Cell Counters for Immature or Abnormal Blood Cells'' is an adequate special control to address the risks to health described above.

In order to receive ''Guidance for Premarket Notification for Automated Differential Cell Counters for Immature or Abnormal Blood Cells'' via your fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At second voice prompt press 1 to order a document. Enter the document number (1184) followed by the pound sign (#). Follow the remaining voice prompts to complete your request. Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes ''Guidance for Premarket Notification for Automated Differential Cell Counters for Immature or Abnormal Blood Cells,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved

applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh.

X. FDA's Tentative Findings

FDA agrees with the recommendation of the Panel and believes ADCCs should be classified into class II because special controls, in addition to general controls, provide reasonable assurance of the safety and effectiveness of the device, and there is sufficient information to establish special controls to provide such assurance.

XI. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

XII. Analysis of Impacts

FDA has examined the impacts of this proposed rule under Executive Order 12866, and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121)), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this reclassification action is consistent with the regulatory philosophy and principles identified in the Executive order. In addition, the reclassification action is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of this device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this reclassification action, if finalized, will not have a significant economic impact on a substantial number of small entities. In addition, this reclassification action will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

XIII. Paperwork Reduction Act of 1995

The proposed rule does not contain information collection provisions that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C 3501–3520).

XIV. Request for Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this proposal by August 7, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

XV. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 am. and 4 p.m., Monday through Friday:

1. Various authors, ''The White Blood Cell Differential,'' Parts I & II, *Blood Cells* 11:1–314, 1985.

2. Dutcher, T. F., ''Leukocyte Differentials, Are They Worth The Effort?'' *Clinics in Laboratory Medicine* 4 (1): 71–87, 1984.

3. Rumke, C. L., ''The Statistically Expected Variability in Differential Leukocyte Counting,'' In: *Differential Leukocyte Counting*,'' edited by J. A. Koepke, College of American Pathologists, Skokie, IL, pp. 39–45, 1977.

4. Rumke, C. L., ''Statistical Reflections in Finding Atypical Cells,'' *Blood Cells* 11: 141–144, 1985.

List of Subjects in 21 CFR Part 864

Biologics, Blood, Laboratories, Medical devices, Packaging and containers.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, FDA proposes that 21 CFR part 864 be amended as follows:

PART 864—HEMATOLOGY AND PATHOLOGY DEVICES

1. The authority citation for 21 CFR part 864 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 864.5220 is revised to read as follows:

§ 864.5220 Automated differential cell counter.

(a) *Identification*. An automated differential cell counter is a device used to identify one or more of the formed elements of the blood. The device may also have the capability to flag, count, or classify immature or abnormal hematopoietic cells of the blood, bone marrow, or other body fluids. These devices may combine an electronic particle counting method, optical method, or a flow cytometric method utilizing monoclonal CD (cluster designation) markers. The device includes accessory CD markers.

(b) *Classification*. Class II (special controls). The special control for this device is the FDA guidance document entitled ''Guidance for Premarket Notification for Automated Differential Cell Counters for Immature or Abnormal Blood Cells.''

Dated: April 28, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–11580 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 710

[FHWA Docket No. FHWA 2001–8624]

RIN 2125–AE82

Right-of-Way and Real Estate; Program Administration

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA is proposing to amend its right-of-way regulations for federally assisted transportation projects to provide a clarification. The proposed amendment would make it clear that

Federal financial assistance, provided by the FHWA pursuant to title 23, U.S. Code, may be applied to relocation assistance benefits, provided by State and local agencies pursuant to State law, that are in addition to the relocation benefits prescribed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act).

DATES: Comments in response to this notice must be received on or before July 9, 2001.

ADDRESSES: Mail or hand deliver comments to the docket number that appears in the heading of this document to the U.S. Department of Transportation, Dockets Management Facility, Room PL–4301, 400 Seventh Street, SW., Washington, D.C. 20590, or submit electronically at *http/ddmeses.dot.gov/submit.* All comments received will be available for examination and copying at the above address 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal Holidays. Those desiring notification of receipt of comments must include a pre-addressed, stamped envelope or post card or you may print the acknowledgement page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Satorius, Office of Real Estate Services, HEPR–10, (303) 969–5772, extension 333; FHWA, 555 Zang Street, Lakewood, CO 80228, office hours are from 8 a.m. to 5 p.m., m.t., Monday through Friday, except Federal holidays; or Mr. Reid Alsop, Office of Chief Counsel, HCC–30, (202) 366–1371; FHWA, 400 Seventh Street, SW., Washington, DC 20590, office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or retrieve comments online through the Document Management System (DMS) at: *http://dms.dot.gov/submit.* Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users my also reach the Federal Register's home page at *http://www.nara.gov/fedreg* and the Government Printing Office's web page at: *http://www.access.gpo.gov/nara.*

Background

The FHWA published a final rule on Right-of-Way Program Administration on December 21, 1999 (64 FR 71284). The final rule in 23 CFR 710.203 revised the FHWA's policy on participation in costs incurred by States in the acquisition of real property for federally assisted projects, funded pursuant to title 23 U.S. Code. The reasons for this change are described in the preamble to both the final rule and the NPRM that preceded it (63 FR 71238). The final rule provides that the FHWA can participate in those acquisition costs that are required by State law, as well as in relocation assistance and payments provided pursuant to the Uniform Act to assist persons required to move by such projects.

Basically the change was based on a desire to increase State flexibility and to reduce administrative burdens. Additionally, because Federal-aid highway funds are allocated to States on the basis of a statutory formula, the FHWA participation in costs required by State law will not result in any changes in the amount of funds available to a State.

Since publication of the final rule, questions have arisen concerning the FHWA participation in relocation payments made by some States, pursuant to State law, that are beyond and in addition to those required by the Uniform Act.

The Uniform Act prescribes benefits that the State must provide as a condition of the receipt of Federal financial assistance. It provides a floor not a ceiling, and does not prevent a State, if it so chooses, from providing relocation benefits in addition to those provided by the Uniform Act. It also does not prevent a Federal agency from participating in such additional benefits if it has the programmatic authority to do so.

The FHWA believes that its participation in such relocation payments is permissible based on the broad language in § 710.203(b)(1), as well as the FHWA's general authority to participate in costs of ''construction,'' which term is defined in 23 U.S.C. 101(a)(3) to include both costs of right-of-way acquisition and relocation assistance.

Further, since acquisition and relocation are closely linked, it would be more equitable and consistent for the FHWA to participate in both the real property acquisition costs and the relocation assistance costs required by State law. It is also less administratively burdensome.

However, we recognize that the final rule may lack clarity as to this matter, and accordingly are proposing to amend § 710.203 (b)(2) to clearly state that financial assistance provided by the FHWA may participate in relocation assistance payments that are made by a State or local agency pursuant to State law. Such payments may include relocation payments that are in addition to those prescribed by the Uniform Act.

This proposal would also correct an inaccurate citation in § 710.409(a).

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination using the docket room at the above address. The FHWA will file comments received after the comment closing date in the docket and will consider late comments to the extent practicable. The FHWA may, however, issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file, in the docket, relevant information becoming available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866, nor is it a significant regulatory policy and procedure. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required. The FHWA does not consider this action to be a significant regulatory action because this proposal would clarify existing requirements relating to FHWA reimbursement for certain expenditures that are required by State law. Rather, this action would make certain State expenditures eligible for reimbursement by the Federal government under title 23.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the agency has evaluated the effects of this rule on small entities and determined that this action will not have a significant economic impact on a

substantial number of small entities. This action proposes to increase the flexibility provided to States on how they choose to spend their Federal-aid highway funds. For this reason, the FHWA certifies that this action would not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The FHWA has also analyzed this action for the purpose of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and has determined that this action would not have any effect on the quality of the human environment.

Executive Order 13132 (Federalism)

The FHWA has analyzed this action in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and determined that this action does not have sufficient federalism implications on States that would limit the policymaking discretion of the States. Nothing in this document directly preempts any State law or regulation.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Unfunded Mandates Reform Act of 1995

This rule does not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, or $100 million or more in any one year. (2 U.S.C. 1531 *et seq.*).

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has reviewed this proposal and determined that it does not contain additional collection of information requirements for the purposes of the PRA. The requirements to collect information relating to the current provisions of the right-of-way regulation are covered by a currently approved information collection entitled ''State Right-of-Way Operations Manuals.'' OMB Approval No. 2125–0586, Expires August 31, 2003. This information collection covers the burden for the States to prepare and update their right-of-way operations manuals.

Changes in this proposal would clarify the right-of-way regulations for federally assisted transportation projects and would, therefore, not affect the current information collection burden estimates.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

The FHWA has analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

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

Regulation Identification Number

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

List of Subjects in 23 CFR Part 710

Grant programs-transportation, Highways and roads, Real property acquisition, Rights-of-way.

In consideration of the foregoing, the FHWA proposes to amend title 23, Code of Federal Regulations, Chapter 1, by amending Part 710 as set forth below.

Issued on: May 2, 2001.

Vincent F. Schimmoller,

Deputy Executive Director, Federal Highway Administration.

PART 710—[AMENDED]

1. The authority citation for part 710 continues to read as follows:

Authority: 23 U.S.C. 101(a), 107, 108, 111, 114, 133, 142(f), 145, 156, 204, 210, 308, 315, 317, and 323; 42 U.S.C. 2000d et seq., 4633, 4651–4655; 49 CFR 1.48(b) and (cc), 18.31, and parts 21 and 24; 23 CFR 1.32.

2. Revise § 710.203(b)(2) to read as follows:

§ 710.203 Funding and reimbursement.

* * * * *

(b) * * *

(2) *Relocation assistance and payments.* Usual cost and disbursements associated with relocation assistance and payments required under 49 CFR part 24 and under the laws of the State, including payments under State law that may exceed the requirements of 49 CFR part 24.

* * * * *

§ 710.409 [Amended]

3. Amend § 710.409(a) by revising the reference ''§ 710.403(c)'' to read ''§ 710.403(d).''

[FR Doc. 01–11710 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–038]

RIN 2115–AE47

Drawbridge Operation Regulations; West Bay, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the drawbridge operating regulations for the West Bay Bridge, at mile 1.2, across West Bay in Osterville, Massachusetts. This proposed rule would allow the bridge owner to increase the advance notice requirement for April and extend the evening operating hours at the bridge during the boating season. This action is expected to better meet the present needs of navigation.

DATES: Comments must reach the Coast Guard on or before July 9, 2001.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard

District, Bridge Branch, at 408 Atlantic Avenue, Boston, MA. 02110–3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except, Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–01–038), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The West Bay Bridge has a vertical clearance of 15 feet at mean high water and 17 feet at mean low water.

The existing regulations for the bridge listed at 33 CFR 117.622, require the bridge to open on signal, April 1 through October 31, as follows:

(1) April 1 through June 14 and October 12 through October 31; 8 a.m. to 4 p.m.

(2) June 15 through June 30; 8 a.m. to 6 p.m.

(3) July 1 through Labor Day; 8 a.m. to 8 p.m.

(4) Labor Day through October 11; 8 a.m. to 5 p.m.

At all other times from April 1 through October 31, the draw opens on signal if at least four hours advance notice is given. From November 1 through March 31, the draw opens on signal if at least twenty-four hours advance notice is given.

The bridge owner, the Town of Barnstable, asked the Coast Guard to change the drawbridge operation regulations to allow the bridge to open on signal, from April 1 through April 30 if at least a twenty-four hours advance notice is given by calling the number posted at the bridge.

The bridge was authorized to remain closed for repairs in April for the last two years. The number of bridge openings in April for the last five years are as follows:

1995	1996	1997	1998	1999	2000
54	46	45	70	0	0

In return for the advance notice requirement at all times in April, the bridge owner would crew the bridge two to three hours later at night during the boating season.

The bridge owner voluntarily expanded on signal service during the summer of 1999 and 2000, by extending the operating hours at the bridge at night. This was possible as a result of the cost savings derived from not crewing the bridge, 8 a.m. to 4 p.m., during the month of April while it was closed for repairs.

The bridge owner held a town meeting on January 25, 2001, in Osterville, Massachusetts, to receive verbal and written comment regarding this proposed change to the drawbridge operation regulations. The bridge has essentially operated for the past two years in accordance with the operating hours included in this proposed rule. The proposed changes were fully supported by the local attendees at the special town meeting. Attendees at the meeting included the local marina operators, mariners and citizens of Osterville. Mariners can reach open water when the West Bay Bridge is not crewed by navigating through Cotuit.

Discussion of Proposal

This proposed rule would require the West Bay Bridge, mile 1.2, across West Bay in Osterville, Massachusetts, to operate as follows:

(1) From November 1 through April 30, the draw would open on signal if at least a twenty-four hours advance notice is given.

(2) From May 1 through June 15, the draw would open on signal from 8 a.m. to 6 p.m.

(3) From June 16 through September 30, the draw would open on signal from 7 a.m. to 9 p.m.

(4) From October 1 through October 31, the draw would open on signal from 8 a.m. to 6 p.m.

(5) At all other times from May 1 through October 31, the draw would open on signal if at least a four-hour advance notice is given by calling the number posted at the bridge.

The increase in the advance notice requirement from four-hours to twenty-four hours during April should assist the bridge owner in cost savings while the additional hours the bridge is crewed May through September should benefit the mariners and better meet the needs of navigation. The Coast Guard believes this proposed rule is reasonable and will meet the present needs of navigation.

Paragraph (c) in the existing regulations would be removed by this proposed rule because it is now listed at 33 CFR 117.31.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge will open at all times for the passage of vessel traffic.

Small Entities

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

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the bridge will open at all times for the passage of vessel traffic.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.622 is revised to read as follows:

§ 117.622 West Bay.

The draw of the West Bay Bridge, mile 1.2, at Osterville, shall operate as follows:

(a) From November 1 through April 30, the draw shall open on signal if at least a twenty-four hours advance notice is given.

(b)(1) From May 1 through June 15, the draw shall open on signal from 8 a.m. to 6 p.m.

(2) From June 16 through September 30, the draw shall open on signal from 7 a.m. to 9 p.m.

(3) From October 1 through October 31, the draw shall open on signal from 8 a.m. to 6 p.m.

(4) At all other times from May 1 through October 31, the draw shall open on signal if at least a four-hours advance notice is given by calling the number posted at the bridge.

Dated: April 26, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–11716 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–009]

RIN 2115–AE47

Drawbridge Operation Regulation; Massalina Bayou, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulation governing the operation of the Tarpon Dock bascule span drawbridge across Massalina Bayou, mile 0.0, at Panama City, Bay County, Florida. The proposed rule would allow the draw of the bridge to remain closed to navigation from 9 p.m. until 11 p.m. on July 4 of each year. This rule will facilitate movement of vehicular traffic associated with a fireworks display which is conducted annually on July 4. Presently the draw opens on signal at all times.

DATES: Comments and related material must reach the Coast Guard on or before May 22, 2001.

ADDRESSES: You may mail comments to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, or deliver them to room 1313 at the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Administration Branch, Eighth Coast Guard District between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, 504–589–2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD08–01–009), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Commander, Eighth Coast Guard District, Bridge Administration Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The City of Panama City, Florida requested a change in the drawbridge operating regulation, governing the operation of the Tarpon Dock bascule span drawbridge. The rule is needed to accommodate the additional volume of vehicular traffic that the fireworks display normally generates. This bridge closure has become an annual event in conjunction with the 4th of July fireworks celebration. The closure is for two hours and does not significantly affect marine traffic. The Tarpon Dock bascule span drawbridge across Massalina Bayou has a vertical clearance of 7 feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position. Navigation on the waterway consists primarily of commercial fishing vessels, sailing vessels and other recreational craft.

Discussion of Proposed Rule

This proposed rule would allow the bridge to remain closed to navigation from 9 p.m. until 11 p.m. on July 4 of each year. The closure of the bridge would affect vessel traffic for a two-hour period on one evening per year. This closure is necessary to accommodate an increase in volume of vehicular traffic, crossing the bridge resulting from the annual fireworks display, an event of public interest. The rule would allow the bridge to open during this period for a vessel in distress.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The small entities concerned with this proposed rule are the local commercial fishermen who transit the bridge. This proposed rule will only delay transiting the bridge for two hours on one evening per year.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Eighth Coast Guard District at the address above.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Eexecutive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.lC, this proposed rule is categorically excluded from

further environmental documentation. This proposal will change an existing special drawbridge operating regulation promulgated by a Coast Guard Bridge Administration Program action. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.301 is added to read as follows:

§ 117.301 Massalina Bayou.

The draw of the Tarpon Dock bascule span bridge, Massalina Bayou, mile 0.0 at Panama City, shall open on signal; except that from 9 p.m. until 11 p.m. on July 4, each year, the draw need not open for the passage of vessels. The draw will open at any time for a vessel in distress.

Dated: April 13, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 01–11714 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 991105297–1085–02]

RIN 0651–AB01

Revision of Patent and Trademark Fees for Fiscal Year 2002

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Patent and Trademark Office (referred to as ''we'', ''us'', or ''our'' in this document) is proposing to adjust certain patent fee amounts and a trademark fee amount to reflect fluctuations in the Consumer Price Index (CPI). Also, we are proposing to adjust, by a corresponding amount, a few patent fees that track the affected fees. Our Director is authorized to adjust these fees annually by the CPI to recover the higher costs associated with doing business. In addition, we are proposing to change the maintenance fee correspondence address to better serve our customers, and amend a fee to reflect current business practice. These proposed amendments would keep our fees aligned with the CPI and streamline administrative matters.

DATES: Comments must be submitted on or before June 12, 2001.

ADDRESSES: Comments may be submitted by e-mail addressed to matthew.lee@uspto.gov. Comments may also be submitted by mail addressed to: Office of Finance, Crystal Park One, Suite 802, Washington, DC, 20231, or by fax to (703) 305–8007, marked to the attention of Matthew Lee.

FOR FURTHER INFORMATION CONTACT: Matthew Lee by e-mail at matthew.lee@uspto.gov, by telephone at (703) 305–8051, or by fax at (703) 305–8007.

SUPPLEMENTARY INFORMATION: This proposed rule would adjust our fees in accordance with the applicable provisions of title 35, United States Code, as amended by the Consolidated Appropriations Act, Fiscal Year 2000 (which incorporated the Intellectual Property and Communications Omnibus Reform Act of 1999) (Public Law 106–113); and section 1113 of title 15, United States Code. This proposed rule would also adjust, by a corresponding amount, a few patent fees (37 CFR 1.17(e), (r), (s), and (t)) that track statutory fees (either 37 CFR 1.16(a) or 1.17(m)).

In addition, this proposed rule would change the maintenance fee correspondence address. The address change for maintenance fee payments would benefit our customers by allowing the payments to be processed within 24 hours of receipt, rather than the current time frame of three to five days. Likewise, the funds would be deposited more quickly with the United States Treasury. The address change for other communications related to maintenance fees would permit us to respond in a timelier manner. Maintenance fee correspondence received at the Box M Fee'' address would be forwarded to the appropriate address in § 1.1(d) for an indefinite period of time.

Background

Statutory Provisions

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376. For fees paid under 35 U.S.C. 41 (a) and (b), independent inventors, small business concerns, and nonprofit organizations who meet the requirements of 35 U.S.C. 41(h)(1) are entitled to a fifty-percent reduction.

Subsection 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41 (a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months.

Subsection 41(d) of title 35, United States Code, authorizes the Director to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, for each black and white copy of a patent, and for library services.

Section 376 of title 35, United States Code, authorizes the Director to set fees for patent applications filed under the Patent Cooperation Treaty (PCT).

Subsection 41(g) of title 35, United States Code, provides that new fee amounts established by the Director under section 41 may take effect thirty days after notice in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office.*

Section 1113 of title 15, United States Code, authorizes the Director to establish fees for the filing and processing of an application for the registration of a trademark or other mark, and for all other services and materials relating to trademarks and other marks.

Subsection 1113(a) of title 15, United States Code, allows trademark fees to be adjusted once each year to reflect, in the aggregate, any fluctuations during the preceding twelve months in the CPI.

Subsection 1113(a) also allows new trademark fee amounts to take effect thirty days after notice in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office.*

Fee Adjustment Level

The patent statutory fees established by 35 U.S.C. 41 (a) and (b) are proposed to be adjusted on October 1, 2001, to reflect any fluctuations occurring during the previous twelve months in the Consumer Price Index for all urban consumers (CPI–U). In calculating these fluctuations, the Office of Management and Budget (OMB) has determined that we should use CPI–U data as determined by the Secretary of Labor. In accordance with previous fee-setting methodology, we use the Administration's projected CPI–U for

the twelve-month period ending September 30, 2001, which is 3.6 percent. Based on this projection, patent statutory fees are proposed to be adjusted by 3.6 percent. Before the final fee amounts are published, the fees may be adjusted slightly based on updated data available from the Secretary of Labor.

Certain patent processing fees established under 35 U.S.C. 41(d), 119, 120, 132(b), 376, and Public Law 103–465 (the Uruguay Round Agreements Act) are proposed to be adjusted to reflect fluctuations in the CPI.

A trademark processing fee established under 15 U.S.C. 1113 is proposed to be adjusted to reflect fluctuations in the CPI.

The fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded would be convenient to the user. Fees for other than a small entity of $100 or more were rounded to the nearest $10. Fees of less than $100 were rounded to an even number so that any comparable small entity fee would be a whole number.

General Procedures

Any fee amount that is paid on or after the effective date of the proposed fee increase would be subject to the new fees then in effect. The amount of the fee to be paid will be determined by the time of filing. The time of filing will be determined either according to the date of receipt in our office or the date reflected on a proper Certificate of Mailing or Transmission, where such a certificate is authorized under 37 CFR 1.8. Use of a Certificate of Mailing or Transmission is not authorized for items that are specifically excluded from the provisions of § 1.8. Items for which a Certificate of Mailing or Transmission under § 1.8 are not authorized include, for example, for filing of Continued Prosecution Applications (CPAs) under § 1.53(d) and other national and international applications for patents. See 37 CFR 1.8(a)(2).

Under 37 CFR 1.10(a), any correspondence delivered by the ''Express Mail Post Office to Addressee'' service of the United States Postal Service (USPS) is considered filed or received in our office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the ''date-in'' on the ''Express Mail'' mailing label or other official USPS notation.

To ensure clarity in the implementation of the new fees, a discussion of specific sections is set forth below.

Discussion of Specific Rules

37 CFR 1.1 Addresses for Correspondence With the United States Patent and Trademark Office

Section 1.1, paragraphs (a) and (d), if revised as proposed, would change the maintenance fee correspondence address.

37 CFR 1.16 National Application Filing Fees

Section 1.16, paragraphs (a), (b), (d), (f) through (i), and (k), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.17 Patent Application and Reexamination Processing Fees

Section 1.17, paragraphs (a)(2) through (a)(5), (b) through (e), (m), and (r) through (t), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.18 Patent Post Allowance (Including Issue) Fees

Section 1.18, paragraphs (a) through (c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post Issuance Fees

Section 1.20, paragraphs (e) through (g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.21 Miscellaneous Fees and Charges

Section 1.21, paragraph (o), if revised as proposed, would be removed and reserved to reflect current business practice. We no longer use or provide access to the Automated Patent System.

37 CFR 1.492 National Stage Fees

Section 1.492, paragraphs (a)(1) through (a)(3), (a)(5), (b), and (d), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 2.6 Trademark Fees

Section 2.6, paragraph (a)(1), if revised as proposed, would adjust the fee established therein to reflect fluctuations in the CPI.

Other Considerations

This proposed rule contains no information collection requirements within the meaning of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule change would not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The proposed rule change increases fees to reflect the change in the CPI as authorized by 35 U.S.C. 41(f). Further, the principal impact of the major patent fees has already been taken into account in 35 U.S.C. 41(h)(1), which provides small entities with a fifty-percent reduction in the major patent fees. The USPTO received approximately 92,000 patent applications last year from small entities. Since the average small entity fee would increase by less than $14.00, with a minimum increase of $2.00 and a maximum increase of $55.00, there will not be a significant economic impact on a substantial number of small entities due to this proposed rule change.

A comparison of existing and proposed fee amounts is included as an appendix to this notice of proposed rulemaking.

Lists of Subjects

37 CFR Part 1

Administrative practice and procedure, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

For the reasons set forth in the preamble, we are proposing to amend title 37 of the Code of Federal Regulations, Parts 1 and 2, as set forth below.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 would continue to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

2. Section 1.1 is proposed to be amended by revising paragraphs (a) introductory text and (d) to read as follows:

§ 1.1 Addresses for correspondence with the Patent and Trademark Office.

(a) Except for paragraph (a)(3)(i) and (ii), and (d)(1) of this section, all

correspondence intended for the United States Patent and Trademark Office must be addressed to either ''Commissioner of Patents and Trademarks, Washington, DC 20231'' or to specific areas within the Office as set out in paragraphs (a)(1), (2) and (3)(iii) of this section. When appropriate, correspondence should also be marked for the attention of a particular office or individual.

* * * * *

(d) *Maintenance fee correspondence.* (1) Payments of maintenance fees in patents shall be mailed to: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250–1611.

(2) Other communications related to maintenance fees should be additionally marked ''Box M Correspondence.''

* * * * *

3. Section 1.16 is proposed to be amended by revising paragraphs (a), (b), (d), (f) through (i), and (k) to read as follows:

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design, or plant applications:

By a small entity (§ 1.27(a)): $370.00
By other than a small entity: $740.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a)): $42.00
By other than a small entity: $84.00

* * * * *

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a)): $140.00
By other than a small entity: $280.00

* * * * *

(f) Basic fee for filing each design application:

By a small entity (§ 1.27(a)): $165.00
By other than a small entity: $330.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.27(a)): $255.00
By other than a small entity: $510.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.27(a)): $370.00
By other than a small entity: $740.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.27(a)): $42.00
By other than a small entity: $84.00

* * * * *

(k) Basic fee for filing each provisional application:

By a small entity (§ 1.27(a)): $80.00
By other than a small entity: $160.00

* * * * *

4. Section 1.17 is proposed to be amended by revising paragraphs (a)(2) through (a)(5), (b) through (e), (m), and (r) through (t) to read as follows:

§ 1.17 Patent application and reexamination processing fees.

(a) * * *

(1) * * *

(2) For reply within second month:

By a small entity (§ 1.27(a)): $200.00
By other than a small entity: $400.00

(3) For reply within third month:

By a small entity (§ 1.27(a)): $460.00
By other than a small entity: $920.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a)): $720.00
By other than a small entity: $1,440.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a)): $980.00
By other than a small entity: $1,960.00

(b) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:

By a small entity (§ 1.27(a)): $160.00
By other than a small entity: $320.00

(c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a)): $160.00
By other than a small entity: $320.00

(d) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a)): $140.00
By other than a small entity: $280.00

(e) To request continued examination pursuant to § 1.114:

By a small entity (§ 1.27(a)): $370.00
By other than a small entity: $740.00

* * * * *

(m) For filing a petition for revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a)): $640.00
By other than a small entity: $1,280.00

* * * * *

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.27(a)): $370.00
By other than a small entity: $740.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.27(a)): $370.00
By other than a small entity: $740.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c) (§§ 1.55 and 1.78): $1,280.00

5. Section 1.18 is proposed to be amended by revising paragraphs (a) through (c) to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.27(a)): $640.00
By other than a small entity: $1,280.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.27(a)): $230.00
By other than a small entity: $460.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.27(a)): $310.00
By other than a small entity: $620.00

* * * * *

6. Section 1.20 is proposed to be amended by revising paragraphs (e) through (g) to read as follows:

§ 1.20 Post issuance fees.

* * * * *

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:

By a small entity (§ 1.27(a)): $440.00
By other than a small entity: $880.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§ 1.27(a)): $1,010.00
By other than a small entity: $2,020.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by

eleven years and six months after the original grant:

By a small entity (§ 1.27(a)): $1,550.00
By other than a small entity: $3,100.00

* * * * *

§ 1.21 [Amended]

7. Section 1.21 is proposed to be amended by removing and reserving paragraph (o).

8. Section 1.492 is proposed to be amended by revising paragraphs (a)(1) through (a)(3), (a)(5), (b), and (d) to read as follows:

§ 1.492 National stage fees.

* * * * *

(a) The basic national fee:

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a)): $355.00
By other than a small entity: $710.00

(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a)): $370.00
By other than a small entity: $740.00

(3)Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a)): $520.00
By other than a small entity: $1,040.00

(4) * * *

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office:

By a small entity (§ 1.27(a)): $445.00
By other than a small entity: $890.00

(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a)): $42.00
By other than a small entity: $84.00

* * * * *

(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a)): $140.00
By other than a small entity: $280.00

* * * * *

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR Part 2 would continue to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, unless otherwise noted.

2. Section 2.6 is proposed to be amended by revising paragraph (a)(1) to read as follows:

§ 2.6 Trademark fees.

* * * * *

(a) * * *

(1) For filing an application, per class: $340.00

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Dated: April 27, 2001.

Nicholas P. Godici.

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 01–11591 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–112–9933(b); FRL–6975–6]

Approval and Promulgation of Air Quality Implementation Plans; Kentucky: Approval of American Greetings Corporation Source-Specific State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On March 30, 1999, the Commonwealth of Kentucky submitted, through the Natural Resources and Environmental Protection Cabinet, a source specific revision to the Kentucky State Implementation Plan (SIP). This source specific SIP revision allows American Greetings Corporation to have an alternative averaging period of 30 days for compliance determination. In the final rules section of this **Federal Register**, the EPA is approving the revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision 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 that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting should do so at this time.

DATES: To be considered, comments must be received by June 8, 2001.

ADDRESSES: Written comments on this action should be addressed to Randy Terry at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day and reference file KY 112–01–9933. The Region 4 office may have additional background documents not available at the other locations.

U.S. Environmental Protection Agency; Region 4 Air Planning Branch; 61 Forsyth Street, SW; Atlanta, Georgia 30303–8960

Commonwealth of Kentucky; Division for Air Quality; 803 Schenkel Lane; Frankfort, KY 40601–1403.

FOR FURTHER INFORMATION CONTACT: Randy Terry, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9032.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: April 20, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–11525 Filed 5–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC049–2026b; FRL–6973–6]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a State Implementation Plan (SIP) revision submitted by the District of Columbia. The revision makes the oxygenated gasoline program a contingency measure for the District of Columbia (the District), which means that the oxygenated gasoline program would only be required to be implemented in the District if there is a violation of the carbon monoxide (CO) national ambient air quality standard (NAAQS). The District's revision also makes technical amendments to its oxygenated gasoline regulations which correct the deficiencies previously identified by EPA in a January 26, 1995 final rule granting limited approval/limited disapproval of those regulations. Therefore, the limited approval/limited disapproval is being converted to a full approval. In the ''Rules and Regulations'' section of this **Federal Register**, 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 and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by June 8, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch , Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the District of Columbia Department of Public Health, Air Quality Division, 51 N Street, NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 814–2177, at the EPA Region III address above, or by e-mail at bunker.kelly@epa.gov.

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

Dated: April 24, 2001.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 01–10987 Filed 5–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL–6975–9]

Clean Air Act Reclassification and Notice of Potential Eligibility for Extension of Attainment Date, Louisiana; Baton Rouge Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to find that the Baton Rouge serious ozone nonattainment area (hereinafter referred to as the Baton Rouge area) has failed to attain the one-hour ozone National Ambient Air Quality Standard (NAAQS) by November 15, 1999, the date set forth in the Clean Air Act (CAA or Act) for serious nonattainment areas. If EPA takes final action on this proposed finding, the area would be reclassified as a severe ozone nonattainment area.

Alternatively, EPA is also issuing a notice of the Baton Rouge area's potential eligibility for an attainment date extension, pursuant to EPA's ''Guidance on Extension of Attainment Dates for Downwind Transport Areas'' (hereinafter referred to as the extension policy) (Richard D. Wilson, Acting Assistant Administrator for Air and Radiation) issued July 16, 1998. The extension policy provides that a nonattainment area, such as the Baton Rouge area, may be eligible for an attainment date extension if it meets certain conditions. The extension policy applies where pollution from upwind areas interferes with the ability of a downwind area to demonstrate attainment with the one-hour ozone standard by the dates prescribed in the Act. Louisiana is working to comply with the conditions for receiving an extension. If Louisiana makes a submittal in response to the extension policy, we will address the adequacy of the submittal in a subsequent supplemental proposal. If the submittal meets the criteria for an extension, the attainment date for the Baton Rouge area will be extended, and the area will not be reclassified. We do not intend to take final action on reclassification of the Baton Rouge area prior to allowing Louisiana an opportunity to qualify for an attainment date extension under the extension policy.

DATES: Comments must be received on or before June 8, 2001.

ADDRESSES: All comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Copies of the Baton Rouge area monitored air quality data analyses, guidance on extension of attainment dates in downwind transport areas, State submittal requesting consideration for an attainment date extension, and other relevant documents used in support of this proposal are contained in the docket file, which is available at the following addresses for inspection during normal business hours: U.S. Environmental Protection Agency Region 6, Air Planning Section, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202; Louisiana Department of Environmental Quality, 7920 Bluebonnet Boulevard, Baton Rouge, Louisiana 70884. Please contact the appropriate office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanne Schulze, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7254.

SUPPLEMENTARY INFORMATION: The use of ''we,'' ''us,'' or ''our'' in this document refers to EPA.

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I. What Action Are We Taking Today?

We are proposing to find that the Baton Rouge area has failed to attain the one-hour ozone NAAQS by the November 15, 1999, attainment deadline prescribed under the CAA for serious ozone nonattainment areas. EPA's authority to make this finding is discussed under section 181(b)(2) of the CAA. Section 181(b)(2) explains the process for determining whether an area has attained the one-hour ozone standard and reclassification of the area if necessary. If we finalize this finding, the Baton Rouge area will be reclassified by operation of law from serious nonattainment to severe nonattainment.

Alternatively, we are considering an extension of the Baton Rouge area's attainment date, provided that Louisiana submits, by August 31, 2001, a State Implementation Plan (SIP) that qualifies for an extension pursuant to EPA's extension policy. If the State meets the extension policy criteria and we propose to approve the State's submittal, then a specific extended attainment date will be proposed in the same notice. We will take final action on the new attainment date at the time we take final action on the submittal. However, if Louisiana's SIP submittal fails to meet the criteria of the extension policy, we will finalize this proposed finding of failure to attain, and the Baton Rouge area will be reclassified to a severe ozone nonattainment area.[1]

II. What Are the National Ambient Air Quality Standards?

Since the CAA's inception in 1970, EPA has set NAAQS for six common pollutants: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. For most of these common air pollutants, there are two types of pollution limits referred to as the primary and secondary standards.[2] The primary standard is based on health effects; the secondary standard is based on environmental effects such as damage to property, plants, and visibility. The CAA requires these standards to be set at levels that protect public health and welfare with an adequate margin of safety. These standards present state and local governments with the air quality levels they must meet to achieve clean air. Also, these standards allow the American people to assess whether the air quality in their communities is healthful.

III. What Is the NAAQS for Ozone?

The NAAQS for ozone is expressed in two forms which are referred to as the one-hour and eight-hour standards. Table 1 summarizes the ozone standards.

TABLE 1.—SUMMARY OF OZONE STANDARDS

Standard	Value (parts per million)	Type	Method of compliance
1-hour	0.12	Primary and secondary	Must not be exceeded, on average, more than one day per year over any 3-year period.
8-hour	0.08	Primary and secondary	The 3-year average of the annual fourth-highest maxima 8-hour average ozone concentrations measured at secondary each monitor within an area.

The 1-hour ozone standard of 0.12 ppm has existed since 1979. On July 18, 1997, EPA adopted the 8-hour ozone standard, which was intended to replace the one-hour standard in areas that were attaining the one-hour standard, (62 FR 38856).[3] The one-hour ozone standard continues to apply to all areas, notwithstanding promulgation of the 8-hour standard (40 CFR § 50.9(b)). This document addresses the classification of the Baton Rouge area relative to the one-hour ozone standard.

IV. What Is the Baton Rouge Ozone Nonattainment Area?

The Baton Rouge serious ozone nonattainment area, located in southern Louisiana, consists of East Baton Rouge, West Baton Rouge, Ascension, Iberville, and Livingston Parishes.

V. Why Is the Baton Rouge Area Currently Classified as a Serious Nonattainment Area?

Under section 107(d)(1)(C) of the CAA, each ozone area designated nonattainment for the one-hour standard prior to enactment of the 1990 CAA amendments, such as the Baton Rouge area, was designated nonattainment by operation of law upon enactment of the amendments. Under section 181(a) of the Act, each ozone area designated nonattainment under section 107(d) was also classified by operation of law as ''marginal,'' ''moderate,'' ''serious,'' ''severe,'' or ''extreme,'' depending on the severity of the area's air quality problem. The design value for an area, which characterizes the severity of the air quality problem, is represented by the highest design value at any individual

[1] On November 22, 2000, the Louisiana Environmental Action Network (LEAN) filed a complaint in the United States District Court for the Middle District of Louisiana regarding the attainment status and classification of the Baton Rouge area. If EPA needs to take any action as a result of this litigation, we will publish further notice in the **Federal Register**.

[2] EPA has established only a primary standard for carbon monoxide.

[3] EPA revoked the one-hour standard in areas that were attaining the standard on June 5, 1998 (63 FR 31051). However, on May 14, 1999, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the 8-hour ozone standard could not be enforced by EPA. Although the Court of Appeals determined that the 8-hour standard could not be enforced, it did not vacate the standard. Hence, the 8-hour standard remained in effect. While appealing this decision to the United States Supreme Court, EPA reinstated the one-hour standard in areas where it had been revoked. (65 FR 45181, dated July 20, 2000). On February 27, 2001, the Supreme Court upheld the 8-hour standard and instructed EPA to develop an implementation plan for the 8 hour standard that is consistent with the Supreme Court's opinion. *Whitman* v. *American Trucking Assoc., Inc.,* 531 U.S. ____ (2001), Nos. 99–1257 and 99–1426.

ozone monitoring site (i.e., the highest of the fourth highest one-hour daily maximum monitored ozone levels in a given three-year period with complete monitoring data). Table 2 provides the design value ranges for each nonattainment classification. Ozone nonattainment areas with design values between 0.160 and 0.180 ppm, such as the Baton Rouge area (which had a design value of 0.164 ppm in 1989), were classified as serious. These nonattainment designations and classifications were codified in 40 CFR Part 81 (see 56 FR 56694, November 6, 1991).

TABLE 2.—OZONE NONATTAINMENT CLASSIFICATIONS

Area class	Design value (ppm)	Attainment date
Marginal	0.121 up to 0.138	November 15, 1993.
Moderate	0.138 up to 0.160	November 15, 1996.
Serious	0.160 up to 0.180	November 15, 1999.
Severe	0.180 up to 0.280	November 15, 2005.
Extreme	0.280 and above	November 15, 2010.

In addition, states containing areas that were classified as serious nonattainment were required to submit SIPs to provide for certain controls, to show progress toward attainment, and to provide for attainment as expeditiously as practicable, but not later than November 15, 1999. Serious area SIP requirements are found primarily in section 182(c) of the CAA.

VI. Why Are We Proposing To Reclassify the Baton Rouge Area?

Regarding reclassification for failure to attain, section 181(b)(2)(A) of the Act provides that:

Within 6 months following the applicable attainment date (including any extension thereof) for an ozone nonattainment area, the Administrator shall determine, based on the area's design value (as of the attainment date) whether the area attained the standard by that date. Except for any Severe or Extreme area, any area that the Administrator finds has not attained the standard by that date shall be reclassified by operation of law in accordance with table 1 of subsection (a) to the higher of—

(i) The next higher classification for the area, or

(ii) The classification applicable to the area's design value as determined at the time of the notice required under subparagraph (B).

No area shall be reclassified as Extreme under clause (ii).

Furthermore, section 181(b)(2)(B) of the Act provides that:

The Administrator shall publish a notice in the **Federal Register** no later than 6 months following the attainment date, identifying each area that the Administrator has determined under subparagraph (A) as having failed to attain and identifying the reclassification, if any, described under subparagraph (A).

Table 3 lists the average number of days when ambient ozone concentrations exceeded the one-hour ozone standard at each monitoring site in the Baton Rouge area for the period 1997–1999. The ozone design value for each monitor is also listed for the same period. A complete listing of the ozone exceedances for each monitoring site, as well as EPA's calculations of the design values, can be found in the docket file. The data in Table 3 show that, for 1997–1999, two monitoring sites in the Baton Rouge area averaged more than one exceedance day per year. Therefore, pursuant to section 181(b)(2)(B) of the CAA, we propose to find that the Baton Rouge area did not attain the one-hour standard by the November 15, 1999, deadline.

TABLE 3.—AIR QUALITY DATA FOR THE BATON ROUGE AREA (1997–1999)

Site	Number of days over standard (1997–1999)	Number of expected days over standard (1997–1999)	Average number of expected exceedance days per year	Site design value (ppm)
Site (Parish):				
Pride (East Baton Rouge)	1	1.1	0.4	0.116
Baker (East Baton Rouge)	3	3.0	1.0	0.123
Capitol (East Baton Rouge)	3	3.1	1.0	0.122
LSU (East Baton Rouge)	4	[a] 4.1	[a] 1.4	[b] 0.126
Carville (Iberville)	2	2.0	0.7	0.120
Plaquemine (Iberville)	2	2.0	0.7	0.120
Grosse Tete (Iberville)	5	[a] 5.3	[a] 1.8	[b] 0.126
Port Allen (West Baton Rouge)	3	3.0	1.0	0.119
Dutchtown (Ascension)	3	3.0	1.0	0.123
French Settlement (Livingston)	3	3.0	1.0	0.123

[a] A violation occurs when the number of expected exceedances is greater than 3.1 over a 3-year (rolling) period (or a 3-year (rolling) average greater than 1.04). The statistical term ''expected exceedances'' is an arithmetic average explained at 40 CFR Part 50, Appendix H.
[b] Represents the 1997–1999 design value for the Baton Rouge area.
Raw data source: U.S. EPA Aerometric Information Retrieval System (AIRS) database.

As discussed later in this document, because the EPA interprets the CAA to allow for an extension of the attainment date based on EPA's findings on the effects of ozone transport, we believe it is fair to allow Louisiana an opportunity to apply and qualify for an attainment date extension before we finalize our finding and the area is reclassified.

This proposal details the following reasons which support our decision to proceed in this manner:

1. EPA has concluded that this is the best way to reconcile the Act's

requirements under section 110(a)(2)(D)(i)(I) as applied to ozone transport with the attainment dates and graduated control scheme in sections 181 and 182 of the Act. EPA's extension policy represents a reasonable effort to avoid thwarting Congressional intent that upwind areas be responsible for preventing interference with timely downwind attainment and that downwind areas not be unfairly burdened. The Act shows Congressional intent that transport be considered when EPA acts to reclassify an area and a reluctance to subject an area to more burdensome controls than necessary to bring local sources into compliance.

2. Louisiana has submitted analyses indicating that Baton Rouge may be affected by ozone transport from an upwind area.

3. Based on current monitored air quality, if the Baton Rouge area was newly designated ozone nonattainment today, it would be classified as a marginal nonattainment area. However, if the area were to be reclassified, it would be required to impose the controls which are normally demanded only for an area with severe levels of air pollution.

4. By a letter from the Governor, dated May 10, 2000, Louisiana has committed to submit by August 31, 2001, a SIP that meets the criteria of the extension policy.

Furthermore, in this proposal, our recognition that the area should be given an opportunity to qualify for an extension is balanced by our action in moving forward with the process of reclassification in the event that the state is unsuccessful in demonstrating that it can satisfy the criteria for an extension.

VII. Has Air Quality Improved in the Baton Rouge Area in Recent Years?

The air quality in the Baton Rouge area has improved significantly since the area was designated nonattainment following enactment of the 1990 CAA amendments, when the area's (1987–1989) ozone design value was 0.164 ppm. The most recent (i.e. 1997–1999) areawide ozone design values had shown a continued downward trend measuring 0.139, 0.127, and 0.126 ppm, respectively [4]—very closely approaching the one-hour NAAQS design value of 0.124 ppm. However, based on exceedances registered in the Baton Rouge area in 2000, the area's preliminary (1998–2000) ozone design value has now risen to 0.135 ppm.[5]

VIII. What Would a Reclassification Mean for the Baton Rouge Area?

If reclassified, the Baton Rouge area would need to attain the one-hour ozone NAAQS as expeditiously as practicable, but no later than November 15, 2005. Louisiana would also need to submit SIP revisions addressing the severe area requirements for the one-hour standard in section 182(d) of the Act. The requirements for severe ozone nonattainment areas include, but are not limited to, the following:

1. Attainment and reasonable further progress demonstrations.

2. A 25 ton-per-year major source threshold for volatile organic compounds.

3. More stringent new source review requirements.

4. Enforceable transportation control strategies and measures to offset projected growth in vehicle miles traveled or number of vehicle trips.

5. Contingency provisions.

6. A plan for assessing fees to major stationary sources in the event the Baton Rouge area fails to meet the severe attainment date.

7. On-road mobile emissions budget for transportation conformity purposes.

IX. Can an Extension of the Serious Area Attainment Date Be Granted for the Baton Rouge Area?

The attainment date specified in the Act for serious nonattainment areas, such as Baton Rouge, is November 15, 1999. Two separate mechanisms exist for an area to obtain an extension of this date. First, pursuant to section 181(a)(5) of the CAA, the state may request, and EPA may grant, up to two one-year attainment date extensions. EPA may grant an extension if: (1) The state has complied with the requirements and commitments pertaining to the applicable implementation plan for the area, and (2) the area has measured no more than one exceedance of the ozone standard at any monitoring site in the nonattainment area in the year in which attainment is required.

As indicated in Table 4, one or fewer actual exceedances occurred at any given monitoring site in the area in 1999. However, because a significant amount of air quality data was invalidated due to malfunctioning equipment at the Grosse Tete site in 1999,[6] the number of expected exceedances for that monitor in 1999 was greater than 1.04 (i.e., 1.3). Louisiana did not submit a request for a one-year extension of the attainment date under section 181(a)(5) of the CAA based on these 1999 monitoring results.

TABLE 4.—OZONE EXCEEDANCES IN THE BATON ROUGE AREA (1999)

Site	Number of days over standard (1999)	Number of expected days over standard (1999)
Site (Parish):		
Pride (East Baton Rouge)	0	0.0
Baker (East Baton Rouge)	1	1.0
Capitol (East Baton Rouge)	0	0.0
LSU (East Baton Rouge)	0	0.0
Carville (Iberville)	0	0.0
Plaquemine (Iberville)	1	1.0
Grosse Tete (Iberville)	1	1.3
Port Allen (West Baton Rouge)	1	1.0
Dutchtown (Ascension)	0	0.0
French Settlement (Livingston)	0	0.0

Raw data source: U.S. EPA Aerometric Information Retrieval System (AIRS) database.

[4] A listing of the ozone exceedances (1995–1999) and 3-year design values (95–97, 96–98, 98–00) by monitoring site can be found in the docket file for this proposed rulemaking.

[5] A listing of the preliminary ozone exceedances and design values can be found in the docket file for this proposed rulemaking.

[6] ''Review of the Grosse Tete Ozone Monitor and Data in Iberville Parish: May 12, 1999—August 6, 1999,'' U.S. EPA Region 6, Multimedia Planning and Permitting Division, final report dated June 29, 2000.

Instead, Louisiana is seeking an extension of its attainment date under the second mechanism for obtaining an extension of the attainment date: EPA's extension policy for areas which are affected by downwind transport of ozone and ozone precursors. This extension policy reconciles section 181(b)(2) with other provisions of the CAA to authorize attainment date extensions for downwind transport areas that can make appropriate showings. The section that follows discusses the extension policy in detail.

X. What Is EPA's Policy Regarding Extension of Attainment Dates for Downwind Transport Areas?

A number of areas in the country that have been classified as ''moderate'' or ''serious'' are affected by pollutants that have traveled downwind from other areas. For these downwind areas, transport of pollutants from upwind areas has interfered with their ability to meet the ozone standard by the dates prescribed by the Act. As a result, many of these areas, such as Baton Rouge, find themselves facing the prospect of being reclassified, or ''bumped up'' to a higher classification for failing to meet the ozone standard by the specified date.

In consideration of these factors and the realization that many areas are unable to meet the mandated attainment dates due to transport [7], on July 16, 1998, EPA issued a policy memorandum entitled, ''Guidance on Extension of Air Quality Attainment Dates for Downwind Transport Areas.'' This policy outlines the criteria by which the attainment date for an area may be extended.

The extension policy offers an opportunity for Louisiana to request an extension of the attainment date for the Baton Rouge area. This policy draws on other provisions of the Act (beyond CAA section 181(a)(5)) to authorize attainment date extensions for downwind transport areas.

Under the policy, EPA may extend the attainment date for an area that: (1) Has been identified as a downwind area affected by transport from either an upwind area in the same state with a later attainment date or an upwind area in another state that significantly contributes to downwind nonattainment (by ''affected by transport,'' EPA means an area whose air quality is affected by transport from an upwind area to a degree that affects the area's ability to attain); (2) has submitted an approvable attainment demonstration with any necessary, adopted local measures and with an attainment date that shows that it will attain the one-hour standard no later than the date that the reductions are expected from upwind areas under the final NO_X SIP call and/or the statutory attainment date for upwind nonattainment areas, i.e., assuming the boundary conditions reflecting those upwind reductions; (3) has adopted all applicable local measures required under the area's current classification and any additional measures necessary to demonstrate attainment, assuming the reductions occur as required in the upwind areas; and (4) has provided that it will implement all adopted measures as expeditiously as practicable, but not later than the date by which the upwind reductions needed for attainment will be achieved.

XI. Is the Baton Rouge Area Eligible for an Attainment Date Extension Under the Extension Policy?

It is premature to say whether or not the Baton Rouge area will qualify for an attainment date extension under the extension policy. We believe that the area may be affected by upwind transport. However, before the Baton Rouge area can qualify for an attainment date extension under the extension policy, all the criteria specified in the policy must be met.

On May 10, 2000, the Governor of Louisiana submitted a letter to EPA committing to meet the requirements of the extension policy by August 31, 2001.[8] (The Governor's commitment letter and EPA's response to the letter are included in the docket for this proposed rulemaking.) The steps we believe Louisiana will need to take in order for us to consider extending the Baton Rouge area attainment date under the extension policy include:

1. Demonstrate that the Baton Rouge area's air quality is affected by transport from (a) an upwind area in Louisiana with a later attainment date, or (b) an upwind area in another State, which significantly contributes to Baton Rouge's continued ozone nonattainment.

2. Submit to EPA an approvable attainment demonstration by August 31, 2001. This demonstration must show that the Baton Rouge area will attain as expeditiously as practicable, but no later than the attainment date of the upwind area.

3. Submit any additional local control measures needed for expeditious attainment. Any additional measures must be adopted prior to August 31, 2001.

4. Submit proof that all applicable local control measures required under the serious classification have been adopted. As part of this demonstration, Louisiana's August 31, 2001 SIP submittal must include at least the following:

(a) Any changes to Louisiana's Nonattainment New Source Review program necessary to ensure that the State's rules meet EPA's nonattainment new source review requirements.

(b) Contingency measures that meet the requirements of section 182(c)(9) of the Act.[9]

(c) Any revisions to the vehicle inspection and maintenance (I/M) program necessary to meet the applicable federal I/M program requirements. Any such changes must be adopted prior to August 31, 2001.

[7] Through a two-year effort known as the Ozone Transport Assessment Group (OTAG), the EPA worked in partnership with the 37 easternmost states and the District of Columbia, industry representatives, academia, and environmental groups to develop recommended strategies to address transport of ozone-forming pollutants across state boundaries.

On November 7, 1997, the EPA acted on OTAG's recommendations and issued a proposal (the proposed NO_X SIP call, 62 FR 60318) requiring 22 states and the District of Columbia to submit SIPs addressing the regional transport of ozone. These SIPs will decrease the transport of ozone across state boundaries in the eastern half of the United States by reducing emissions of nitrogen oxides (a precursor to ozone formation known as NO_X). The EPA took final action on the NO_X SIP call on October 27, 1998 (63 FR 57356). The EPA expects the final NO_X SIP call will assist many areas in attaining the one-hour ozone standard. Louisiana was a member of the OTAG, but was not included in the NO_X SIP call.

[8] To support the Governor's request that EPA consider an attainment date extension for the Baton Rouge area based on transported air pollution, the Louisiana Department of Environmental Quality (LDEQ) submitted to EPA a report entitled, ''Assessment of the Contribution of Emissions from the Houston Area to Ozone Concentrations in the Five-Parish Baton Rouge Nonattainment Area,'' dated May 3, 2000, indicating that pollution transported from Texas may have impeded attainment of the 1-hour ozone standard in Baton Rouge. A copy of this report can be found in the docket for this proposed rulemaking.

[9] On July 2, 1999, EPA issued final approval of Louisiana's revised SIP for the Baton Rouge area, which contained a contingency measures plan using Emission Reductions Credits (''ERCs'') held in escrow in Louisiana's ERC ''bank'' (64 FR 35930). On August 30, 1999, LEAN, the North Baton Rouge Environmental Association, Save Our Lakes and Ducks, and the Southern University Environmental Law Society filed a petition for review in the United States Court of Appeals for the Fifth Circuit challenging EPA's July 2, 1999 SIP approval. In response to the litigation, EPA performed a preliminary investigation and became concerned that Louisiana's application of its ERC banking rule might not be consistent with EPA regulations and guidance. As a result, EPA requested a partial voluntary remand to reconsider its July 2, 1999 final approval of Louisiana's contingency measures plan for the Baton Rouge area. On October 19, 2000, the Fifth Circuit Court of Appeals granted a Joint Motion for a Partial Voluntary Remand in *Louisiana Environmental Action Network, et al.* v. *United States Environmental Protection Agency,* No. 99–60570 (5th Cir.). EPA expects to propose further action and/or rulemaking to address Louisiana's contingency measures plan before taking further action on this notice.

5. Provide that all newly adopted control measures will be implemented as expeditiously as practicable. All measures must be implemented no later than the date that the upwind reductions needed for attainment will be achieved.

We contemplate that, when we act to approve such an area's attainment demonstration, we will, as necessary, extend that area's attainment date to the date appropriate for that area in light of the schedule for achieving the necessary upwind reductions. The area would no longer be subject to reclassification or ''bump-up'' for failure to attain by its original attainment date under section 181(b)(2).

XII. What Progress Has Louisiana Made To Meet the Extension Policy So That an Attainment Date Extension Can Be Granted?

A local task force comprised of stakeholders has been formed and is working closely with the LDEQ to develop a submittal that meets the requirements of the extension policy. Modeling efforts are well underway, and the State has solicited public input on numerous potential control measures.

XIII. What Actions Has Louisiana Taken To Improve Air Quality in the Baton Rouge Area?

EPA has approved, and Louisiana has implemented, VOC emission reductions as part of the State's 15 Percent Rate-of-Progress Plan (see 61 FR 54737, dated October 22, 1996), and Post-1996 Rate-of-Progress Plan (see 64 FR 35390, dated July 2, 1999). In addition, Louisiana is in the process of implementing a low enhanced vehicle inspection and maintenance program in the Baton Rouge area, which should further reduce VOC emissions. EPA has proposed to conditionally approve the I/M program (see 63 FR 71807, dated December 30, 1998).

XIV. If We Finalize Our Proposed Rulemaking Reclassifying the Baton Rouge Area, What Would Be the Area's New Classification?

As stated previously, section 181(b)(2)(A) of the Act requires that, when an area is reclassified for failure to attain, its reclassification must be the higher of the next higher classification or the classification applicable to the area's ozone design value at the time the notice of reclassification is published in the **Federal Register**. The official design value of the Baton Rouge area at the time of the proposed finding of failure to attain is based on quality-assured ozone monitoring data from 1997–1999. This design value is 0.126 ppm, and the classification of ''marginal'' nonattainment would be applicable to it. By contrast, the next higher classification for the Baton Rouge area is ''severe'' nonattainment. Since ''severe'' is a higher nonattainment classification than ''marginal,'' under the statutory scheme, the area would be reclassified to severe nonattainment. Refer to Table 3 above.

XV. If the Baton Rouge Area Is Reclassified to Severe, What Would Its New Schedule Be?

If the Baton Rouge area is reclassified, Louisiana would be required to submit a SIP that adopts the severe area requirements. Under section 181(a)(1) of the Act, the new attainment deadline for serious areas reclassified to severe under section 181(b)(2) would be as expeditious as practicable, but no later than the date applicable to the new classification, i.e., November 15, 2005.

If we reclassify the Baton Rouge area, we must also address the schedule by which Louisiana will be required to submit a SIP revision meeting the severe area requirements. We propose to have Louisiana submit this SIP within one year after a final action on the reclassification is taken. If the submission shows that the area can attain the one-hour ozone NAAQS sooner than the attainment date established in the final reclassification notice, we would adjust the attainment date to reflect the earlier date, consistent with the requirement in section 181(a)(1) that the NAAQS be attained as expeditiously as practicable. We solicit comments on this proposed schedule.

XVI. When Will We Make a Final Decision Whether To Reclassify or Grant an Extension to the Baton Rouge Area?

We will review Louisiana's proposed SIP submittal during the State's public comment period. We expect to receive the SIP submittal by August 31, 2001 and will publish thereafter a document in the **Federal Register** to address the approvability of the SIP submittal and the Baton Rouge area's eligibility for a extension of its attainment date pursuant to the extension policy. If we propose approval, we would also propose to extend the attainment date for the Baton Rouge area to an appropriate expeditious date. However, if Louisiana fails to meet the requirements of the extension policy by August 31, 2001, we will finalize the finding of failure to attain, and the Baton Rouge area will be reclassified to severe ozone nonattainment.

XVII. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed 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 proposed 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 proposes to approve 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). This proposed 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 (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 proposed 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. The proposed rule does not include environmental justice related issues that require consideration under Executive Order 12898 (59 FR 7629, February 16, 1994). As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed 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. The 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 proposed 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.*).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: April 19, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 01–11563 Filed 5–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 258

[FRL–6976–7]

RIN 2090–AA18

Project XL Site-specific Rulemaking for Yolo County Landfill, Davis, Yolo County, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for comment on proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing a site-specific rule to implement a project under the Project XL program, an EPA initiative to allow regulated entities to achieve better environmental results at decreased costs. Today's proposal would provide regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), as amended, for the Yolo County Landfill, Davis, Yolo County, California.

Yolo County has proposed a project under EPA's Project XL to use certain bioreactor techniques at its municipal solid waste landfill (MSWLF), specifically the addition of bulk or non-containerized liquid wastes into the landfill to accelerate the biodegradation of landfill waste and decrease the time it takes for the waste to stabilize in the landfill. The principal objective of this bioreactor XL project is to evaluate waste decomposition rates when leachate is supplemented with other liquid additions. In order to carry out this project, Yolo County would need relief from certain requirements in EPA regulations which set forth operating criteria for MSWLFs and preclude the addition of bulk or non-containerized liquid wastes. To achieve the objectives of the project, today's proposed rule would provide regulatory flexibility from Liquid Restrictions, which precludes the addition of bulk or non-containerized liquid wastes. The Yolo County bioreactor project is one of several bioreactor XL projects currently being considered by EPA.

DATES: *Public Comments:* Comments on the proposed rule must be received on or before June 8, 2001.

Public Hearing: Commentors may request a public hearing by May 23, 2001 during the public comment period. Commentors must state the basis for requesting the public hearing. If EPA determines there is sufficient reason to hold a public hearing, it will do so no later than May 30, 2001, during the last week of the public comment period. Requests for a public hearing should be submitted to the address listed below. If a public hearing is scheduled, the date, time, and location will be made available through a **Federal Register** notice or by contacting Sherri Walker at the EPA Headquarters office (see **ADDRESSES** section).

ADDRESSES: *Request to Speak at Hearing:* Requests to speak at a hearing should be mailed to the RCRA Information Center Docket Clerk (5303G), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please send an original and two copies of all comments and refer to Docket Number F–2000–YCLP–FFFFF. A copy should also be sent to Ms. Sherri Walker at the U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. N.W. (1802), Washington DC 20460.

Comments: Written comments should be mailed to the RCRA Information Center Docket Clerk (5305W), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please submit an original and 3 copies of written comments as well as an original and 3 copies of any attachments, enclosures, or other documents referenced in the comments and refer to Docket Number F–2000–YCLP–FFFFF. A copy should also be sent to Ms. Sherri Walker at the U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (1802) Washington DC 20460.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: *walker.sherri@epa.gov.* Electronic comments must be submitted as an ASCII, WordPerfect 5.1/6.1/8 format file and avoid the use of special characters or any form of encryption. Electronic comments will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission.

Viewing Project Materials: A docket containing the proposed rule, supporting materials, and public comments is available for public inspection and copying at the RCRA Information Center (RIC) located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603–9230. Refer to RCRA Docket Number F–2000–YCLP–FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies are $0.15 per page. Project materials are also available for review for today's action on the world wide web at http://www.epa.gov/projectxl/.

A duplicate copy of the docket is available for inspection and copying at the regional office in which the landfill project is located.

FOR FURTHER INFORMATION, CONTACT: Ms. Sherri Walker at the U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. N.W. (1802), Washington DC 20460, (202) 260–4295, walker.sherri@epa.gov.

SUPPLEMENTARY INFORMATION: The proposed rulemaking would amend 40 CFR 258.28(a) by adding a new 40 CFR 258.28(a)(3) and will create a new section, 40 CFR 258.41. Section 258.28(a) currently prohibits application of bulk or noncontainerized liquid waste into a municipal solid waste landfill unit unless: (1) The waste is household waste other than septic waste; or (2) leachate or gas condensate derived from the landfill unit and the

unit is designed with a specific composite liner meeting the requirements of 40 CFR 258.40(b), as incorporated by 40 CFR 258.40(a)(2). The proposed rulemaking would create a third exception to the prohibition pertaining to the application of bulk or noncontainerized liquid waste by referring to the new section 40 CFR 258.41, pertaining to Project XL Bioreactor Landfills.

This proposed rule will add new section 40 CFR 258.41. Section 258.41(b) will apply only to Module D of the Yolo County Landfill in Davis, California. Currently, Module D of the Yolo County Landfill, which otherwise conforms to the requirements of 40 CFR 258.40(a)(2), has a composite liner which not only meets, but exceeds the requirements set forth at 40 CFR 258.40(b). Thus, Module D of this Landfill can, under federal law, not only currently add household liquid waste, other than septic waste, but can also recirculate leachate or condensate gas derived from the landfill unit. Today's proposed rule would allow the owner/operator of the Yolo County Landfill to also add other types of liquid waste to Module D of the Landfill. The proposed rule will become effective only after promulgation of the final rule in the **Federal Register**.

This proposed rulemaking allowing for addition of other types of liquid waste into Module D of the Yolo County Landfill requires compliance with each of the design, monitoring, recordkeeping, reporting, and operational requirements proposed under this rulemaking. It is also ''conditional'' on the issuance of a permit executed by the local air quality management district under the Clean Air Act, 42 U.S.C. 7401 *et seq.*, as set forth in the proposed rule. Upon completion of the rulemaking, these requirements and conditions are enforceable in the same way that current RCRA standards for solid waste landfills are enforceable to ensure that management of nonhazardous solid waste is performed in a manner that is protective of human health and the environment.

EPA is proposing to allow Yolo County to undertake this XL Project with the requested regulatory flexibility to determine if the addition of other types of liquid wastes will result in superior environmental performance and significant costs savings while remaining protective of human health and the environment.

Today's proposed rulemaking will not affect the provisions or applicability of any other existing or future regulations.

EPA is soliciting comment on this rulemaking. EPA will publish responses to comments in a subsequent final rule. The individual XL projects considered under future rulemakings will enter the implementation phase only when each of the rules addressing these other landfills have been promulgated. No addition or recirculation of other types of liquid waste beyond those currently allowed in accordance with 40 CFR 258.28(a) will occur at any proposed Project XL landfill until such time as a final rule relating to such landfill has been duly promulgated and all other appropriate federal, state and/or local permits and other applicable conditions have been fully satisfied.

Outline of Today's Document

The information presented in this preamble is arranged as follows:

I. What is EPA's Legal Authority for today's proposed rule?
II. Background
A. What is Project XL?
B. What are Bioreactor Landfills?
III. Overview of the Yolo County XL Project Pilot
A. What kind of liner is required by current federal regulations?
B. What Solutions are Proposed by the Yolo County XL Project?
C. What Regulatory Changes will be Necessary to Implement this Project?
1. Liquid Restrictions for MSWLFs (40 CFR 258.28)
2. Proposed Site-Specific Rule
D. How Have Various Stakeholders Been Involved in this Project?
E. How Will this Project Result in Cost Savings and Paperwork Reduction?
F. How Long Will this Project Last and When Will it be Complete?
IV. Additional Information
A. How to Request a Public Hearing
B. How Does this Rule Comply With Executive Order 12866: Regulatory Planning and Review?
C. Is a Regulatory Flexibility Analysis Required?
D. Is an Information Collection Request Required for this Project Under the Paperwork Reduction Act?
E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?
F. How Does this Rule Comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks?
G. Execute Order 13132: Federalism
H. How Does this Rule Comply with Executive Order 13175: Consultation and Coordination with Indian Tribal Governments ?
I. Does this Rule Comply with the National Technology Transfer and Advancement Act?

I. What Is EPA's Authority For Today's Proposed Rule?

This rule is proposed under the authority of sections 1008, 2002, 4004, and 4010 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6907, 6912, 6945, and 6949).

II. Background

A. What is Project XL?

Project XL is an EPA initiative to allow regulated entities to achieve better environmental results at less cost. Project XL—''eXcellence and Leadership''—was announced on March 16, 1995 as a central part of the National Performance Review and EPA's efforts to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Specifically, Project XL gives a limited number of regulated entities the opportunity to develop their own pilot projects and alternative strategies to achieve environmental performance that is superior to what would be achieved through compliance with current and reasonably anticipated future regulations. These efforts are crucial to the Agency's ability to test new regulatory strategies that reduce regulatory burden and promote economic growth while achieving better environmental and public health protection. The Agency intends to evaluate the results of this and other XL projects to determine which specific elements of the projects, if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

Project XL is intended to allow EPA to experiment with untried, potentially promising regulatory approaches, both to assess whether they provide benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. EPA may modify rules, on a site- or state-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute.

Adoption of such alternative approaches or interpretations in the context of a given XL project is not an indication that EPA plans to adopt that interpretation as a general matter or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative

approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful for the particular projects that embody them. These pilot projects are not intended to be a means for piecemeal revision of entire programs.

EPA believes that adopting alternative policy approaches and/or interpretations, on a limited, site- or state-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (so long as EPA acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing reevaluation of environmental programs, is reflected in a variety of statutory provisions, *e.g.,* Section 8001 of RCRA, (42 U.S.C. 6981).

Under Project XL, participants in four categories (facilities, industry sectors, governmental agencies, and communities) are offered the opportunity to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements on the condition that they produce and demonstrate superior environmental performance. To participate in Project XL, applicants must develop alternative pollution reduction strategies pursuant to eight criteria: (1) Superior environmental performance; (2) cost savings and paperwork reduction; (3) stakeholder involvement and support; (4) test of an innovative strategy; (5) transferability; (6) feasibility; (7) identification of monitoring, reporting, and evaluation methods; and (8) avoidance of shifting risk burden. The project must have full support of affected federal, state, and tribal agencies to be selected. For more information about the XL criteria, readers should refer to two descriptive documents published in the **Federal Register** (60 FR 27282, published May 23, 1995 and 62 FR 19872, published April 23, 1997) and the document entitled ''Principles for Development of Project XL Final Project Agreements,'' dated December 1, 1995.

Development of a Project has four basic phases: the initial pre-proposal phase where the project sponsor comes up with an innovative concept that it would like EPA to consider as an XL pilot; the second phase where the project sponsor works with EPA and interested stakeholders in developing its XL proposal; the third phase where EPA, local regulatory agencies, and other interested stakeholders review the XL proposal; and the fourth phase where the project sponsor works with EPA, local regulatory agencies, and interested stakeholders in developing the Final Project Agreement and legal mechanisms. The XL pilot proceeds into the implementation phase and evaluation phase after promulgation of the required federal, state and local legal mechanisms and after the designated participants sign the FPA.

The FPA is a non-binding written agreement between the project sponsor and regulatory agencies. The FPA contains a detailed description of the proposed pilot project. It addresses the eight Project XL criteria and discusses how EPA expects the project to meet that criteria. The FPA identifies performance goals and indicators which will enable the project sponsor to demonstrate superior environmental benefits. The FPA also discusses administration of the agreement, including dispute resolution and conditions for termination of the agreement. On August 29, 2000, EPA published a notice in the **Federal Register** requesting comments on the FPA for the Yolo County bioreactor landfill XL Project. EPA received no comments on the FPA during the 14 day public comment period. In the event that Yolo County, EPA Region 9's Regional Administrator and the state of California agree to extend this proposed rule beyond Phase I of Module D, another Final Project Agreement will be entered into.

B. What are Bioreactor Landfills?

A bioreactor landfill is generally defined as a landfill operated to transform and stabilize the readily and moderately decomposable organic constituents of the waste stream by purposeful control to enhance microbiological processes. Bioreactor landfills often employ liquid addition including leachate recirculation. A byproduct of the decomposition process is landfill gas, which includes methane, carbon dioxide, and volatile organic compounds (VOC's). Landfill gases are produced sooner in a bioreactor than in a conventional landfill. Therefore, bioreactors often incorporate state-of-the-art landfill gas collection systems.

On April 6, 2000, EPA published a notice in the **Federal Register** requesting information on bioreactor landfills, because the Agency is considering whether and to what extent the Criteria for Municipal Solid Waste Landfills, 40 CFR Part 258, should be revised to allow for leachate recirculation over alternative liners in MSWLFs. (65 FR 18015). EPA is seeking information about liquid additions and leachate recirculation in MSWLFs to the extent currently allowed, i.e., in MSWLFs designed and constructed with a composite liner as specified in 40 CFR 258.40(a)(2).

Proponents of bioreactor technology note that operation of MSWLFs as bioreactors provide a number of environmental benefits, including (1) Increasing the rate of waste decomposition, which in turn would extend the operating life of the landfill and lessen the need for additional landfill space or other disposal options, (2) decreasing, or even eliminating, the quantity, and increasing the quality, of leachate requiring treatment and offsite disposal, leading to decreased risks and costs associated with leachate management, treatment and disposal, (3) reduced post-closure care costs and risks, due to the accelerated, controlled settlement of the solid waste during landfill operation, (4) lower long term potential for leachate migration into the subsurface environment, and (5) opportunity for recovery of methane gas for energy production.

EPA is also considering several XL pilot projects involving operation of landfills as bioreactors throughout the country. These landfill projects will enable EPA to evaluate benefits of different alternative liners and leachate recirculation systems under various terrains and operating conditions. As expressed in the above-referenced April 2000 **Federal Register** notice, EPA is interested in assessing the performance of landfills operated as bioreactors, and these XL projects could contribute valuable data.

The Yolo Country XL project and other XL projects would provide additional information on the performance of MSWLFs when liquids are added to the landfill. The Agency is also interested in determining whether and which types of alternative liners are capable of meeting the design performance standard including maintaining a hydraulic head at acceptable levels.

The terms of the Yolo County bioreactor project are contained in a Final Project Agreement (FPA). EPA sought public comment on the draft FPA on August 29, 2000. The Final Project Agreement is available to the public at the EPA Docket in Washington, DC., in the EPA Region 9 library, and on the world wide web at http://www.epa.gv/projectxl/.

III. Overview of the Yolo County Landfill XL Project

The Yolo County Central Landfill (YCCL) is an existing non-hazardous municipal waste landfill with two surface impoundments for disposal of

selected non-hazardous liquid wastes. This site encompasses 722 acres and is owned and operated by Yolo County. It is located at the intersection of Road 104 and Road 28H, 2 miles northeast of the City of Davis, California. The YCCL was opened in 1975 for the disposal of non-hazardous solid waste, construction debris, and non-hazardous liquid waste. Existing on-site operations include an eleven-year old landfill methane gas recovery and energy generation facility, a drop-off area for recyclables, a metal recovery facility, wood and yard waste recovery and processing area, and a concrete recycling area.

Adjacent land uses include the City of Davis Wastewater Treatment Plant lagoons located immediately east and south of the landfill and the Willow Slough By-pass which runs parallel to the southern boundary of the site. The remainder of land uses adjacent to the site are agricultural (row crops).

Groundwater levels at the facility fluctuate 8 to 10 feet during the year, rising from the lowest in September to the highest around March. Water level data indicate that the water level table is typically 4 to 10 feet below ground surface during the winter and spring months. During the summer and fall months, the water table is typically 5 to 15 feet below ground surface. In January 1989, the County of Yolo constructed a soil/bentonite slurry cutoff wall to retard groundwater flow to the landfill site from the north. The cutoff wall was constructed along portions of the northern and western boundaries of the site to a maximum depth of 44 feet and has a total length of 3,680 feet, 2,880 feet along the north side and 800 feet along the west. In the fall of 1990, irrigation practices to the north of the landfill site were altered to minimize the infiltration of water. Additionally, sixteen groundwater extraction wells were installed south of the cutoff wall in order to lower the water table south and east of the wall. The purpose was to depress the water table to provide vertical separation between the base of the landfill and the groundwater.

Yolo County proposes to operate the next phase of its landfill module (Module D) as both an anaerobic and aerobic bioreactor. Twelve acres of the 20-acre module have been constructed (Phase I). Ten acres would be operated as a full scale anaerobic bioreactor, while the remaining two acres would be operated as an aerobic pilot demonstration cell.

A. What Kind of Liner is Required by Current Federal Regulations?

Currently, the federal regulations outline two methods for complying with liner requirements for municipal solid waste landfills. The first method is a performance standard set out under 40 CFR 258.40(a)(1). This standard allows installation of any liner configuration provided the liner design is approved by an EPA approved state and the design ensures that certain constituent concentrations are not exceeded in the uppermost aquifer underlying the landfill facility at the point of compliance.

The second method is set out in 40 CFR 258.40(a)(2) and (b). Section 258.40(b) specifies a specific liner design which consists of two components: (1) An upper component comprising a minimum of 30 mil flexible membrane liner (60 mil if High Density Polyethylene (HDPE) is used); and (2) a lower component comprising at least two feet of compacted soil with a hydraulic conductivity no greater than 1×10^{-7} cm/sec.

B. What Solutions are Proposed by the Yolo County XL Project?

The bottom liner system of Module D was designed to exceed the requirements of Subtitle D of the Federal guidelines and was upgraded from other liner systems used previously at the site. The County believes that, given the constructed configuration and the stringent monitoring and operational requirements proposed for Module D, the proposed liner system will be suitable for use in the bioreactor operations.

The Module D liner and leachate collection system consists, from top to bottom, of a 2 foot thick chipped tire operations/drainage layer (k> 1 cm/sec), a blanket geocomposite drainage layer, a 60-milliliter (mil) High Density Polyethylene (HDPE) liner, 2 feet of compacted clay ($k<6\times10^{-9}$ cm/sec), 3 feet of compacted earth fill ($k< 1\times10^{-8}$ cm/sec), and a 40 mil HDPE vapor barrier layer.[1]

The permeability (k) of the clay liner, as constructed, is on the average about 6×10^{-9} cm/sec and the earth fill averaged about 1×10^{-8} cm/sec. These two layers in effect provide a 5 foot thick composite liner. It is anticipated that this liner system, coupled with the lower permeability, will result in a significantly more effective barrier to leachate migration than the prescriptive liner system.

The liner system within the collection trenches and sump areas was upgraded further to a double composite liner to account for infringement on the 5 foot groundwater offset and to minimize potential leakage in these critical collection areas where head on the primary liner will be at its greatest. Specifically, the liner and leachate collection system in the collection trenches and sumps consists, from top to bottom, of a minimum of 2 feet of gravel drainage material, a protective geotextile layer, a blanket geocomposite drainage layer, a primary 60-mil HDPE liner, a geosynthetic clay liner (GCL) ($k< 5\times10^{-9}$ cm/sec), a secondary 60-mil HDPE liner, 2 feet of compacted clay ($k< 6\times10^{-9}$ cm/sec), a minimum of 0.5 feet of compacted earth fill ($k< 1\times10^{-8}$ cm/sec), and a 40-mil HDPE vapor barrier layer. The thickness of the compacted earth fill actually varies from a minimum at the south end of the trench of 0.5 feet to a maximum of about 2.5 feet at the upper, north end of the leachate collection trench. Leachate collection pipes were also placed in the collection trench and at other locations on top of the primary liner to transport leachate immediately to the sumps for recovery, removal, and recirculation, as needed.

As described above, the more rigorous Module D leachate collection and recovery system (LCRS) and liner system is expected to outperform the Subtitle D liner design requirements. The LCRS has been designed and constructed to be free-draining throughout the life of the module and will maintain less head over the primary liner system than the type of liner prescribed by Subtitle D.

For the anaerobic operation, it is estimated that during peak liquid additions, up to 10 gallons per minute (gpm) of liquid per 10,000 square feet (.1 gpm per 100 square feet) of disposal area will typically be delivered to the waste once the module has reached its design height. Based on a previous smaller scale demonstration cell, the amount of liquid added would be in the range of 30 to 50 gallons per ton of waste. According to results of the bioreactor demonstration project by Moore et al.,[2] the average leachate generated during liquid introduction peaked at about 47% of the liquid delivery rate, which would equate to approximately 20 gpm per acre for the proposed program. Given a 10 acre drainage area, the total anticipated flow into any given sump would be

[1] Golder Associates, ''Final Report, Construction Quality Assurance, Yolo County Central Landfill, WMU 6, Module D, Phase 1 Expansion'', December 1999.

[2] Moore et al., ''Hydraulic Characteristics of Municipal Solid Waste Findings of the Yolo County Bioreactor Landfill Project'', Thirteenth International Conference on Solid Waste Technology and Management, Philadelphia, PA, November 1997.

approximately 200 gpm (288,000 gallons per day) assuming there will be no preferred pathways within the waste mass.

For the aerobic operation, liquid will be added to waste at a faster rate since the aerobic reaction causes much of the water to evaporate. It is estimated that the range of water used will be 200 to 400 gallons of water per ton of waste.

Liquid will be applied during strategic periods to temporarily raise the moisture content of the waste to provide optimum conditions for rapid degradation and improved gas production. This liquid will initially consist of a mixture of leachate and condensate from other Waste Management Units and ground water (from the extraction wells) delivered through a series of pipes, drip irrigation, or other application systems either after the landfill reaches its design height or after an interim cover and gas collection system has been constructed to control the landfill gases generated. The water will continually be introduced (as needed) to raise the moisture content within the waste to near its field capacity. The liquid application system will be constructed such that the solution can be applied or discontinued at designated locations to raise and lower the moisture within the waste.

Yolo County will monitor moisture content throughout the life of the module through the use of a network of moisture sensors to be installed during waste placement. A moisture sensor system used during a bioreactor demonstration project in Module B proved to be very effective and will be the basis for the layout in Module D. Specifically, the moisture sensors will be installed at 20-foot increments of depth at a spacing of about 100 feet on center. Using these sensors, the County can determine where liquid application can be increased or decreased to optimize the effectiveness of the system and to prevent build-up of head over the liner.

The County will measure the quantity of leachate and applied liquid throughout the life of the module. Once leachate is produced, it will supplement the system and be re-circulated, thereby reducing the amount of clean water used. Liquid will be quantified using flow sensors installed on the leachate discharge line, re-circulation line, and liquid application line. These sensors will provide direct flow readout for determining flow rates in the pipelines and the total flow of all the liquid used and leachate produced.

The County will also monitor the head over the liner after waste placement using a network of pressure transducers and sensors. These devices will be installed on the primary liner, immediately before waste placement, to provide measurements of the leachate depth. Several of these transducers were installed in the LCRS during the Module D construction.

In the event that the transducers indicate that the head is going to exceed the allowable value, the system will automatically start pumps to reduce the liquid level and shut-off valves to reduce the liquid application rate. These measures would be used to reduce the liquid application rate across the entire module or specifically, in the area of head build-up. Generally, the County will only continue to apply the liquid until the gas generation phase of the unit is complete, at which time leachate production is anticipated to continually decrease until conclusion of the post-closure period. The County will also closely monitor the quality of the leachate to evaluate the system, determine the methods for future leachate treatment, and provide a basis for future use of similar bioreactors at the site or elsewhere.

Finally, the degradation and gas production of the waste is also related to the temperature within the decomposing waste. The effectiveness of both aerobic and anaerobic bioreactors is dependent on keeping within an optimum temperature range; therefore, the County will install temperature gauges to aid in the operation of the system. The temperature gauge network will be placed in a similar pattern to the moisture sensors at designated intervals throughout the waste mass.

For the Yolo County bioreactor landfill proposal, the superior environmental benefits include: (a) Maximizing landfill gas control and minimizing fugitive methane and VOC emissions; (b) greater recovery of landfill methane; (c) landfill life extension and/or reduced landfill use; and (d) minimizing leachate-associated concerns.

a. *Maximizing landfill gas control and minimizing fugitive methane and VOC emissions.* Landfill gas contains roughly 50% methane, a potent greenhouse gas. In terms of climate effects, methane is second in importance only to carbon dioxide. Landfill gas also contains volatile organic compounds (VOC's) that are air pollutants of local concern. Yolo County will immediately begin collecting landfill gas by installing a gas collection system consisting of a surface permeable gas collection layer overlain by a cover of soil with an embedded membrane. Gas will be withdrawn such that this permeable layer beneath surface containment will be at a slight vacuum. This system will minimize the amount of landfill gas emitted to the environment.

b. *Expedited methane generation/recovery.* In the Yolo bioreactor, the majority of the methane will be generated over a much earlier and shorter time period than a conventional landfill. This is expected to minimize the long-term low-rate methane generation often lost in conventional landfill practices.

c. *Landfill life extension and/or reduced landfill use.* The more rapid conversion of greater quantities of solid waste to gas reduces the volume of the waste. Settlement in the Yolo test cell is already over 18% in three years. Volume reduction translates into either landfill life extension and/or less landfill use. Thus, this bioreactor landfill will be able to accept more waste over its working lifetime. Additionally, fewer landfills may be needed to accommodate the same inflows of waste from a given population.

d. *Minimizing leachate-associated concerns.* The bioreactor processes, both anaerobic and aerobic, have been shown in studies at many scales to reduce the concentration of many leachate pollutants. These include organic acids and other soluble organic pollutants. Since a bioreactor operation brings pH to near-neutral conditions, metals of concern are largely precipitated and immobilized in the waste.

C. What Regulatory Changes will be Necessary to Implement this Project?

1. Liquids Restriction for MSWLFs (40 CFR 258.28)

EPA is proposing a site-specific rule to grant regulatory flexibility from 40 CFR 258.28 Liquid Restrictions, which precludes the addition of bulk or noncontainerized liquid waste. In its XL project, the County is proposing to add ground water from its extraction wells as a liquid amendment, as well as other liquids such as gray-water from the local waste water treatment plant, septic waste, and food-processing waste that is currently being land applied. Liquid wastes such as these, which normally have no beneficial use, may beneficially enhance the biodegradation of solid waste in the landfill which is the subject of this project.

2. Proposed Site-Specific Rule

Today's proposal would amend 258.28(a) by adding a new paragraph 258.28(a)(3) to refer to a new section of the rules, section 258.41. The new section 258.41(b) would specifically apply to the Yolo County Landfill in

Davis, California only and would allow Module D of that landfill to receive bulk or non-containerized liquid wastes as long as that module met the design criteria set forth in Section 258.41(b). Additionally, the proposed rule would impose certain minimum monitoring and reporting requirements on Yolo County, which, among other things, will facilitate EPA's evaluation of the project.

The reason that the existing regulation requires a leachate collection system and a composite liner design as specified section 258.40(a)(2) is to ensure that contaminant migration to the aquifer is controlled. (56 FR 50978, 51056 (Oct. 9, 1991)). The proposed rule would not change the requirement in section 258.28(a)(2) that a leachate collection system as described in U.S.C. 258.40(a)(2) be in place in order for leachate to be recirculated in the landfill unit. These requirements would be requirements of new section 258.41(b) and Yolo County's proposed Module D would still be required to have leachate collection systems designed to maintain leachate over the liner at a depth of less than 30 cm. In addition, since Yolo County's design of its liner goes beyond the requirements of Subtitle D of the Federal Regulations, EPA believes that adding additional liquid wastes into Module D would not result in any increased leakage to groundwater from the bioreactor cells.

D. How Have Various Stakeholders Been Involved in this Project?

Stakeholder involvement and support for this concept has already been demonstrated by previous federal, state, and local support of this bioreactor concept. For example, in 1994, the Yolo County Planning and Public Works Department, initiated a demonstration project (Module B) to evaluate the Bioreactor Landfill concept for its Central Landfill near Davis, California. The construction phase of the project was funded by Yolo and Sacramento Counties ($125,000 each), the California Energy Commission ($250,000), and the California Integrated Waste Management Board ($63,000). More recent grant funding for the monitoring phase of the project has been received from the U. S. Department of Energy through the Urban Consortium Energy Task Force ($110,000), and the Western Regional Biomass Energy Program ($50,000). Greenhouse gas and emission abatement cost-effectiveness studies have recently been completed with $48,000 in support from the Federal Energy Technology Center/National Energy Technology Laboratory (hereafter, NETL). Further support, $462,000 recently committed by NETL, is enabling operation of the test cells for approximately 2 more years as well as helping prepare for the larger module operation. Furthermore, on January 26, 2000, the California Integrated Waste Management Board granted Yolo County $400,000 for the construction and testing of this full-scale bioreactor demonstration project.

Concerning local involvement for this XL project, Yolo County held a stakeholder meeting on June 5th, 2000 for the full-scale demonstration project. Other informational meetings have been held during the regular Waste Advisory Committee meetings to keep the community informed on the project. The County will also convene periodic meetings of the stakeholder group to provide updates on the project's progress during the duration of the XL agreement. A public file on this XL project has been maintained at the website throughout project development, and the EPA will continue to update it as the project is implemented. Additional information is available at EPA's website at *http://www.epa.gov/projectxl.*

A detailed description of this program and the stakeholder support for this project is included in the Final Project Agreement, which is available through the docket or through EPA's Project XL site on the Internet (see **ADDRESSES** section of this preamble).

Yolo County has preliminarily identified the following stakeholders:

Direct Participants

- U. S. Environmental Protection Agency
- Solid Waste Association of North America (SWANA)
- Institute for Environmental Management (IEM)
- California State Regional Water Quality Control Board, Central Valley Region 5
- Yolo County Department of Environmental Health
- Yolo-Solano Air Quality Management District

Commentors

- California Integrated Waste Management Board
- California State Water Resources Control Board
- California Air Resources Board
- National Energy Technology Laboratory (NETL, previously FETC), U.S. Department of Energy
- SWANA—California Gold Rush Chapter and Southern California Chapter
- Yolo County Waste Advisory Committee
- University of California at Davis
- Geosynthetic Institute, Drexel University

Members of the General Public

- Yolo County Citizens
- Natural Resources Commission
- Sacramento County Public Works Department, Solid Waste Management Division
- California Energy Commission

E. How Will this Project Result in Cost Savings and Paperwork Reduction?

As stated earlier, this project is expected to result in cost savings by virtue of assisting in an increased rate of decomposition of the waste placed in Module D of the landfill. The increased decomposition rate is, in turn, expected to extend the life of the landfill, and, potentially, result in direct cost savings to Yolo County. In addition, the methane generation and recovery operations are expected to yield increased methane recovery over a shorter time period, thereby resulting in increased energy generation for Yolo County beyond what would otherwise occur in a conventional landfill. Finally, no appreciable reduction in paperwork is anticipated.

F. How Long Will this Project Last and When Will it be Complete?

As with all XL projects testing alternative environmental protection strategies, the term of this XL Project is one of limited duration. Today's proposed rule would be in effect for five years. In the event that EPA determines that this project should be terminated before the end of the five year period and that the site-specific rule should be rescinded, the Agency would withdraw this rule through a subsequent rulemaking. This will afford all interested persons and entities the opportunity to comment on the proposed early termination and withdrawal of regulatory authority, and the proposed termination would also include any proposal for an interim compliance period while Yolo County returned to full compliance with the existing requirements of 40 CFR part 258.

The FPA allows any party to the agreement to withdraw from the agreement at any time before the end of the five year period. It also sets forth several conditions that could trigger an early termination of the project, as well as procedures to follow in the event that EPA, the State or local agency seeks to terminate the project.

For example, an early conclusion would be warranted if the project's environmental benefits do not meet the Project XL requirement for the

achievement of superior environmental results. In addition, new laws or regulations may become applicable during the project term which might render the project impractical, or might contain regulatory requirements that supersede the superior environmental benefits that are being achieved under this XL Project. Or, during the project duration, EPA may decide to change the federal rule allowing recirculation over alternative liners and the addition of outside bulk liquids for all Subtitle D landfills. In that event, the FPA and site-specific rule for this project would no longer be needed.

IV. Additional Information

A. How to Request a Public Hearing

A public hearing will be held, if requested, to provide opportunity for interested persons to make oral presentations regarding this proposed rulemaking, in accordance with 40 CFR Part 25. Persons wishing to make an oral presentation on the proposed site specific rule at the Yolo County Landfill should contact Sherri Walker at the address given in the **ADDRESSES** section of this document. Any member of the public may file a written statement before the hearing or after the hearing to be received by EPA no later than fourteen days after publication of this proposed rulemaking. Written statements should be sent to EPA at the addresses given in the **ADDRESSES** section of this document. If a public hearing is held, a verbatim transcript of the hearing and written statements provided at the hearing will be available for inspection and copying during normal business hours at the EPA addresses for docket inspection given in the **ADDRESSES** section of this preamble.

B. How Does this Rule Comply With Executive Order 12866: Regulatory Planning and Review?

Because this rule affects only one facility, it is not a rule of general applicability and therefore not subject to OMB review and Executive Order 12866. In addition, OMB has agreed that review of site specific rules under Project XL is not necessary.

C. Is a Regulatory Flexibility Analysis Required?

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and public comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. Only the definition of ''small governmental jurisdiction'' is relevant here. 5 U.S.C. 601(5) defines ''small governmental jurisdiction'' to mean governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand. According to Yolo County officials, the county population in 1990 exceeded 150,000; thus, Yolo County does not qualify as ''small governmental jurisdiction'' within the meaning of 5 U.S.C. 601(5). Therefore, I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities.

D. Is an Information Collection Request Required for this Project Under the Paperwork Reduction Act?

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq*. It is exempt from OMB review under the Paperwork Reduction Act because it is a site specific rule, directed to fewer than ten persons. 44 U.S.C. 3502(3), (10); 5 CFR 1320.3(c), 1320.4 and 1320.5.

E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under Section 202 of the UMRA, EPA generally must prepare a written statement, including cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments in the aggregate or to the private sector of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, Section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under Section 203 of the UMRA a small government agency plan. The plan must provide for notifying affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposal with significant Federal mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. As used here, ''small government'' has the same meaning as that contained under 5 U.S.C. 601(5), that is, governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.

As discussed above, this proposed rule would have limited application. It applies only to the Yolo County landfill. If adopted, this proposed rule would result in a cost savings for Yolo County when compared with the costs it would have had to incur if required to adhere to the requirements contained in the current rule. EPA has determined that this proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for state, local, or tribal governments, in the aggregate, or the private sector in any one year. Thus, today's, proposal is not subject to the requirements of section 202 and 205 of the UMRA. EPA has also determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments.

F. How Does this Rule Comply with 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 in Executive Order 12886; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to potentially effective and feasible alternatives considered by the Agency.

This proposed rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This proposed rule would allow for the addition of bulk or non-containerized liquid amendments over a liner that not only meets but exceeds the design requirements in 40 CFR 258.40(b). Modeling results predict that this liner is more protective than the prescribed composite liner. Therefore, no additional risk to public health, including children's health, is expected to result from this proposed rule.

G. 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.'' The phrase, ''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.''

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposal would only affect one local governmental entity and state, and would provide regulatory flexibility for the state and local governmental entity concerned. Thus, Executive Order 13132 does not apply to this rule.

H. How does this Proposed Rule Comply with Executive Order 13175: Consultation and Coordination with Indian Tribal Governments?

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This proposed rule does not have tribal implications within the meaning of Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. The proposed rule would impose no new requirements or costs on tribal governments, nor does it alter the relationship or distribution of power or responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule.

However, EPA identified two Native American communities in the vicinity of the Yolo County Landfill, the Rumsey and Cortina Rancherias. EPA notified the governments of both tribes of this project and proposed site-specific rule, and both tribes expressed interest in being kept informed of the project as it progresses.

In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

I. Does this Rule Comply with the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless such practice is inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (for example, material specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking however, does not involve any voluntary consensus standards.

List of Subjects in 40 CFR Part 258

Environmental protection, Landfill, Solid waste.

Dated: May 3, 2001.

Christine Todd Whitman,

Administrator.

For the reasons set forth, part 258 of title 40 Chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 258—[AMENDED]

1. The authority citation for Part 258 continues to read as follows:

Authority: 33U.S.C. 1345(d) and (e); 42 U.S.C. 6902(a), 6907, 6912(a), 6944, 6945(c) and 6949a(c).

Subpart C—Operating Criteria

2. Amend § 258.28 to remove the period and add ''; or'' in its place at the end of paragraph (a)(2) and to add paragraph (a)(3) to read as follows:

§ 258.28 Liquid restrictions.

* * * * *

(a) * * *

(3) The MSWLF unit is a Project XL MSWLF and meets the applicable requirements of § 258.41. The owner or operator must place documentation of the landfill design in the operating record and notify the State Director that it has been placed in the operating record.

* * * * *

Subpart D—Design Criteria

3. Subpart D is amended by adding a new § 258.41 to read as follows:

§ 258.41 Project XL Bioreactor Landfill Projects.

(a) [Reserved]

(b) This section applies solely to Module D of the Yolo County Central Landfill owned and operated by the County of Yolo, California, or its successors. It allows the Yolo County Central Landfill to add bulk or noncontainerized liquid wastes to Module D under the following conditions:

(1) Module D shall be designed and constructed with a composite liner as defined in § 258.40(b) and a leachate collection system that functions and continuously monitors to ensure that less than 30 centimeters depth of leachate is maintained over the liner.

(2) The owner or operator of the Yolo County Central Landfill must ensure that the concentration values listed in Table 1 of § 258.40 are not exceeded in the uppermost aquifer at the relevant point of compliance for the landfill as

specified by the State Director under § 258.40(d).

(3) The owner or operator of the Yolo County Central Landfill shall demonstrate that the addition of any liquids to Module D does not result in an increased leakage rate, and does not result in liner slippage, or otherwise compromise the integrity of the landfill and its liner system, as determined by the State Director.

(4) The owner or operator of the Yolo County Central Landfill must ensure that Module D is operated in such a manner so as to prevent any landfill fires from occurring.

(5) The owner or operator of the Yolo County Central Landfill shall submit an annual report to the EPA Regional Administrator and the State Director. The first report is due within 18 months after the effective date of this rule. The report shall state what progress the Project XL is making towards the superior environmental performance as stated in the Final Project Agreement. The data in paragraphs (b)(5)(i) through (xvi) of this section may be summarized, but, at a minimum, shall contain the minimum, maximum, median, and average data points as well as the frequency of monitoring, as applicable. These reporting provisions shall remain in effect for as long as the owner or operator of the Yolo County Central Landfill continues to add liquid waste to Module D. Additional monitoring, recordkeeping and reporting requirements related to landfill gas will be contained in a permit executed by the local air quality management district pursuant to the Clean Air Act, 42 U.S.C. 7401 *et seq.* Application of this site-specific rule to the Yolo County Central Landfill is conditioned upon the issuance of such permit. The annual report will include, at a minimum, the following data:

(i) Amount of landfill gas generated;

(ii) Percent capture of landfill gas;

(iii) Quality of the landfill gas;

(iv) Amount and type of liquids applied to the landfill;

(v) Method of liquids application to the landfill;

(vi) Quantity of waste placed in the landfill;

(vii) Quantity and quality of leachate collected, including at least the following parameters, monitored, at a minimum, on an annual basis:

(A) pH;

(B) Conductivity;

(C) Dissolved oxygen;

(D) Dissolved solids;

(E) Biochemical oxygen demand;

(F) Chemical oxygen demand;

(G) Organic carbon;

(H) Nutrients, (including ammonia [''NH_3''], total kjeldahl nitrogen [''TKN''], and total phosphorus [''TP'']);

(I) Common ions;

(J) Heavy metals;

(K) Organic priority pollutants; and

(L) Flow rate;

(viii) Quantity of leachate recirculated back into the landfill;

(ix) Information on the pretreatment of solid and liquid waste applied to the landfill;

(x) Landfill temperature;

(xi) Landfill moisture content;

(xii) Data on the leachate pressure (head) on the liner;

(xiii) The amount of aeration of the waste;

(xiv) Data on landfill settlement;

(xv) Any information on the performance of the landfill cover; and

(xvi) Observations, information, or studies made on the physical stability of the landfill.

(6) This section will remain in effect until [five years after the effective date of the final rule]. By [insert 5 years from the date of publication of the final rule], Yolo County Central Landfill shall return to compliance with the regulatory requirements which would have been in effect absent the flexibility provided through this Project XL site-specific rule. This section applies to Phase I of Module D. This Section also will apply to any phase of Module D beyond Phase I only if a second Final Project Agreement that describes the additional phase has been signed by representatives of EPA Region 9, Yolo County, and the State of California. Phase I of Module D is defined as the operation of twelve acres of the twenty acre Module D.

[FR Doc. 01–11672 Filed 5–8–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 050101D]

RIN 0648–AI50

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 14

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Pacific Fishery Management Council (Council) has submitted Amendment 14 to the Pacific Coast Groundfish Fishery Management Plan (FMP) for Secretarial review. Amendment 14 would implement a permit stacking program for limited entry permits with sablefish endorsements. This permit stacking program would lengthen the limited entry, fixed gear primary sablefish fishery. It is intended to increase safety in that fishery and provide flexibility to participants. The permit stacking program would also associate sablefish cumulative limits with permits, rather than with vessels, so that a single vessel could carry multiple permits and harvest multiple sablefish cumulative limits during the primary sablefish fishery.

DATES: Comments on Amendment 14 must be received on or before July 9, 2001.

ADDRESSES: Comments on Amendment 14 or supporting documents should be sent to Donna Darm, Acting Administrator, Northwest Region, NMFS, Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or to Rebecca Lent, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213.

Copies of Amendment 14 and the environmental assessment/ regulatory impact review (EA/RIR) are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Ave., Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; e-mail: *yvonne.dereynier@noaa.gov, becky.renko@noaa.gov* or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; e-mail: *svein.fougner@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at the website of the Office of the Federal Register: <<http://www.access.gpo.gov/su-docs/aces/aces140.html.≤≤

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment,

immediately publish a notification in the **Federal Register** that the FMP or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period described here in determining whether to approve the FMP or amendment. Amendment 14 would expand on Amendment 9 to the FMP, which restricted participation in the limited entry, regular fixed gear fishery to permits that met historical landings qualifications. Permit holders who met the landings qualifications were issued sablefish endorsements. The regulations that implemented Amendment 9 require that vessels hold permits with sablefish endorsements to participate in the regular sablefish fishery. Under a 1998 rulemaking following Amendment 9, permits with sablefish endorsements were assigned to one of three tiers based on their landings histories. During the regular fishery, a vessel is allowed to fish up to the cumulative limit associated with its particular tier. Cumulative limits are graduated so that permits associated with higher historic landings are in tiers that receive higher cumulative landings limits for current fisheries.

Under the current FMP, cumulative limits are associated with vessels, which means that a vessel may land no more of a particular species than its cumulative limit for a given period. Amendment 14 would allow sablefish cumulative limits in the regular fishery to be associated with permits rather than vessels, and would allow a single vessel to carry multiple permits. As a result, a single vessel could land multiple cumulative limits of sablefish during the period of the regular fishery. Allowing vessels to ''stack'' permits to harvest multiple cumulative limits of sablefish is expected to improve fleet efficiency by reducing the number of vessels participating in the fishery. Pub. L. 106–554 has also granted this fishery exemption from the ongoing Magnuson-Stevens Act moratorium on implementing new individual quota programs to allow the Council to set a season of several months duration. For the past several years, the regular fishery has been brief, 5–10 days duration. Amendment 14 is intended to take advantage of this new exemption from Congress to improve the safety of this derby fishery by giving participants sufficient time to fully harvest their cumulative limits.

Public comments on Amendment 14 must be received by July 9, 2001, to be considered by NMFS in the decision whether to approve Amendment 14. A proposed rule to implement Amendment 14 has been submitted for Secretarial review and approval. NMFS expects to publish and request public comment on the proposed regulations to implement Amendment 14 in the near future.

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

Dated: May 3, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–11700 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 90

Wednesday, May 9, 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

Agricultural Marketing Service

[FV–01–331]

United States Standards for Grades of Dried Figs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on its proposal to revise the United States Standards for Grades of Dried Figs. USDA has received a petition from a trade association to revise the current grade standards for dried figs by eliminating the present Grade ''A'' quality level and changing the present Grade ''B'' quality level to the new Grade ''A''. This proposal also would elevate the present Grade ''C'' quality level to a new Grade ''B'' level thus eliminating the Grade ''C'' designation from the United States Standards for Grades of Dried Figs. The existing grade level Substandard would remain the same. These changes have been requested by the industry in order to bring the standards for dried figs in line with the present quality levels being marketed today and provide guidance in the effective utilization of dried figs.

DATES: Comments may be submitted on or before July 9, 2001.

ADDRESSES: Written comments may be submitted to: Lydia E. Berry, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247,1400 Independence Avenue SW., Washington, DC 20250–0247; fax (202) 690–1087; or e-mail *lydia.berry@usda.gov.*

Comments should reference the date and page of this issue of the **Federal Register**. All comments received will be made available for public inspection at the address listed above during regular business hours and on the Internet.

The current United States Standards for Grades of Dried Figs, along with the proposed changes, are available either through the address cited above or by accessing AMS's Home Page on the Internet at: www.ams.usda.gov/standards/. Any comments received, regarding this proposed standard will also be posted on that site.

FOR FURTHER INFORMATION CONTACT: Lydia E. Berry at (202) 720–5021 or e-mail at *lydia.berry@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * * '' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to revise the U.S. Standards for Grades of Dried Figs using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

The California Fig Advisory Board requested that USDA should revise the United States Standards for Grades of Dried Figs. The Board provided information on style, sample size and descriptions to AMS to revise the standard. A series of meetings were held between representatives of the fig industry and AMS staff. The industry representatives arrived at a consensus and submitted a letter to AMS with the revisions they desired to be incorporated into the standard.

Based on the submitted information, AMS is proposing to revise the standard for dried figs following the standard format for U.S. grade Standards. AMS is proposing to eliminate the present Grade ''A'' quality level and to change the present Grade ''B'' to the new Grade ''A''. This proposal also will elevate the present Grade ''C'' quality level to a new Grade ''B'' quality level and thereby eliminate the present Grade ''C'' quality level. The existing grade level ''Substandard'' will remain the same. This proposal would establish grade levels ''A'', ''B'' and ''Substandard'' and with corresponding score points assigned for each level. A proposed tolerance for each quality factor for each grade level would be established. These changes are proposed to bring the standard for dried figs in line with present quality levels being marketed today and provide guidance in the effective utilization of dried figs. The grade of a sample unit of dried figs is ascertained by considering the factors of varietal characteristics, size, moisture, and flavor and odor which are not scored; the ratings for the factors of color, uniformity of size, defects, and maturity and development, which are scored; the total score; and the limiting rules which apply. The grade of a lot of dried figs covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Foods Products (§ 52.1 to § 52.83).

This notice provides for a 60 day comment period for interested parties to comment on changes to the standards.

Authority: 7 U.S.C. 1621–1627.

Dated: May 3, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–11688 Filed 5–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Notice of Request for Approval of a New Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Farm Service Agency (FSA) to request approval to collect information for use in the Land Use Pilot Project. The purpose of this pilot project is to determine the feasibility of offering an alternative method of reporting commodity data. Producers will make

required commodity reports by using the Land Use pilot project.

DATES: Comments on this notice must be received on or before June 8, 2001.

FOR FURTHER INFORMATION CONTACT: Contact Rebecca Davis, Production, Emergencies, and Compliance Division, USDA, FSA, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517, telephone number (202) 720–9882.

SUPPLEMENTARY INFORMATION:

Title: Land Use Pilot Project.

OMB Control Number: 0560–NEW

Type of Request: Approval of a new information collection.

Abstract: This pilot was developed in response to OMB requests to lessen commodity reporting burden on producers. The Land Use Pilot Project modernizes and streamlines the commodity reporting function by lessening customer/producer and Service Center reporting burden while improving efficiency. The reporting method is customer/producer-based and focuses on collecting and maintaining information needed for Service Center program determinations, to serve as a customer/producer resource, and facilitate data sharing partnerships with other governmental and non-governmental entities. The collection process will be accomplished through the use of personal computers at the Service Center, customer/producer's home or at other remote sites. Currently the land use information that is used as a basis for many USDA programs is acquired independently by the various agencies. Data sharing between agencies is often informal and there is little, if any, use of alternative acquisition sources outside of the partner agencies, with the exception of the Risk Management Agency (RMA) obtaining production totals from reinsurance companies. This leads to duplicative measures to obtain and manage information, use of out-dated information and unawareness of existing determination and appeal status. The Land Use Pilot Project provides a national commodity reporting database that can be queried by the Service Center agencies and other USDA agencies and their partners. In addition, this allows greater land use information sharing with agencies such as RMA and Animal and Plant Health Inspection Service (APHIS), that are not part of the USDA Service Centers. The information can also be shared with State and local Governments that need farm or customer/producer-level information.

Additionally, the current system was designed primarily for the original program crops of wheat, corn, grain sorghum, barley and oats. The growth of alternative crops and aquaculture have produced reporting needs that are not met by the attributes associated with these acreage-based crops. The Land Use Project will provide a reliable source of shared land use data that will be flexible enough to capture a wide range of commodity and farming practice variations. Some farming practices performed on the land will be identified but may not be collected without a specific partnership or program requirement necessitating them. Standardizing information will facilitate its use by USDA programs and will provide the capability for the information to be acquired from and used by partners. The user chooses program(s) for which a report is intended. The program selection determines the required commodity attributes to be reported, thus resulting in time savings for both the Service Center and the customer/producer. The process allows commodity reporting through the selection of customer/producer with their associated link(s) to land. Land (farm, tract and common land units (CLUs), formerly known as ''fields'') is displayed allowing users to designate, by a ''point and click'' method, reported commodity locations directly onto a digital map's CLUs. Digital maps may be printed for the producer which will show commodity(ies) reported with associated commodity location. When a commodity is selected which applies to all fields, a ''select all'' CLU function may be used to eliminate designating individual CLU selection(s). Historical commodity reports (previous year's reports) may be selected to populate CLUs when minimal change is needed (i.e., different commodity report date). In addition to historical commodity selection options, when accessing the current commodity reporting function and selecting a commodity that had been reported during the most recent report, that commodity will automatically populate the previously reported CLUs. Built into this package is an acreage reduction calculator which automatically calculates any deductions as designated by the user which eliminates the need to hand calculate acreage deductions such as sod waterways. Revised and updated commodity tables have been incorporated as an integrated part of the Land Use Pilot Project which has simplified the commodity selection options.

Land Use Project objectives are to:

(1) Provide a reliable source of land use data usable by multiple entities to;

(a) eliminate redundancy capturing and storing data and

(b) develop data standards for Land Use information that allows input and verification of data from multiple sources.

(2) Minimize public and Service Center burden by;

(a) eliminating redundant reporting requirements,

(b) reducing processing time for program applications by automatically populating application fields with previously reported land use data and

(c) selecting the program for which a report is being made. The program selection allows only required commodities to be reported.

(3) Maximize use of geo-spatial and partnership data to reduce producer's acreage and production reporting requirements by;

(a) enabling customers/producers to report land use data for all of their farming interests at any Service Center or alternative reporting site and

(b) re-engineering reporting procedures.

(4) Enhance the reporting process of customer/producer and Service Center personnel by developing alternative customer/producer reporting methods such as web-based and mail-in reporting.

The Land Use Pilot Project requires the customer/producer only to report commodity, acres or units, owner, operator and shares, and planting date and is a drastic departure from the Farm Service Agency's (FSA) historical collection of commodity and land use data.

FSA's approach to collecting this information is to collect only the information needed to support program eligibility and compliance requirements. Three pilot sites chosen for the Land Use Pilot Project are: Okeechobee, Florida; Miami, Kansas; and, The Dalles, Oregon.

Estimate of Burden: Public reporting burden for the Land Use Pilot Project is estimated to average 3.75 minutes per response reflecting a 75 percent decrease in reporting time.

Respondents: Individual customers/producers.

Estimated Number of Respondents: 2340 × 3.75 minutes per response time.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 146.25 burden hours times $12.00 per hour = $1755.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or techniques or other forms of information technology.

Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Rebecca Davis, Production, Emergencies, and Compliance Division, USDA, FSA, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517, (202) 720–9882. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed at Washington, DC, on May 2, 2001.

James R. Little,

Acting Administrator, Farm Service Agency.

[FR Doc. 01–11687 Filed 5–8–01; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed collection; comment request -The Integrity Profile (TIP)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Nutrition Service's intention to request OMB review of The Integrity Profile data collection and reporting system.

DATES: Comments on this notice must be received or postmarked by July 9, 2001.

ADDRESSES: Send comments and requests for copies of this information collection to: Patricia Daniels, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), 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 will have practical utility; (b) 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; (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.

All responses to this notice will be summarized and included in the request for OMB approval, and will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Patricia Daniels, (703) 305–2746.

SUPPLEMENTARY INFORMATION:

Title: The Integrity Profile (TIP).

OMB Number: 0584–0401.

Expiration Date: 6–30–01.

Type of Request: Extention of a Currently Approved Collection .

Abstract: State agencies administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) are required by 7 CFR 246.12(i)(3) to submit to the Food and Nutrition Service (FNS) an annual summary of the results of their vendor monitoring efforts in order to provide Congress, senior FNS officials, as well as the general public, assurance that every reasonable effort is being made to ensure integrity in the WIC Program.

Since 1989, integrity data has been required to be submitted annually for analysis and the The Integrity Profile (TIP) report has been traditionally produced by FNS which shows the level of monitoring and investigation conducted by WIC State agencies to detect and eliminate, or substantially reduce, vendor fraud and abuse. Most State agencies downloaded the data from State systems and transmit it electronically to FNS.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 20.8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: The Program Director of each WIC State agency, which is generally a State Health Department or an Indian Tribal Organization.

Estimated Number of Respondents: 88 respondents.

Estimated Number of Responses Per Respondent: One.

Estimated Total Annual Burden on Respondents: 1,830.4 hours.

Dated: April 27, 2001.

George A. Braley,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 01–11622 Filed 5–8–01; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Agricultural Policy Advisory Committee for Trade and the Agricultural Technical Advisory Committees for Trade; Reestablishment and Nominations.

AGENCY: Foreign Agricultural Service, USDA.

SUMMARY: Notice is hereby given that the Secretary of Agriculture, after consultation with the United States Trade Representative, has reestablished the Agricultural Policy Advisory Committee for Trade (APAC) and the Agricultural Technical Advisory Committees for Trade (ATACs). FAS also announces that nominations are being sought for persons to serve on the APAC and the ATACs.

DATES: Written nominations must be received by the Foreign Agricultural Service before or close of business June 8, 2001.

ADDRESSES: Send all nominating materials to Ms Sharon McClure, Foreign Agricultural Service, USDA, Room 5065–S, STOP 1001, 1400 Independence Avenue, SW., Washington, DC 20250–1001. The forms may also be submitted by fax to (202) 720–8097.

FOR FURTHER INFORMATION CONTACT: Comments regarding the reestablishment of these committees should be addressed to Ms. Sharon McClure, Acting Executive Secretary, Foreign Agricultural Service, USDA, 1400 Independence Avenue, SW., Room 5065–S, Stop 1001, Washington, DC 20250–1001, or Ms. Denise Bell at the same address. Persons interested in serving on the APAC or an ATAC, or in nominating individuals to serve, should contact FAS by telephone (202)–720–6829), fax (202–720–8097), by mail (Ms. Sharon McClure, Foreign Agricultural Service, USDA, 1400 Independence Avenue, SW., Room 5065–S, Stop 1001, Washington, DC 20250–1001) or electronic mail (*belld@fas.usda.gov*) and request Form AD–755 and Form SF–181. These forms are also available on the Internet at the FAS homepage. For Form AD–755, go to *http://www.fas.usda.gov/ad755.pdf*. For Form SF–181, go to *http://www.fas.usda.gov/admin/ad 1086*.

SUPPLEMENTARY INFORMATION: The Agricultural Policy Advisory Committee for Trade (APAC) and the Agricultural Technical Advisory Committees for Trade (ATACs) are authorized by sections 135(c)(1) and (2) of the Trade Act of 1974, as amended (Pub. L. No. 93–618, 19 U.S.C. 2155). The purpose of the committees is to provide advice to the Secretary and the U.S. Trade Representative concerning agricultural trade policy and are intended to ensure that representative elements of the private sector have an opportunity to make known their views to the U.S. Government.

Rechartering

Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix), the Foreign Agricultural Service gives notice that the Secretary of Agriculture and the U.S. Trade Representative have reestablished the Agricultural Policy Advisory Committee for Trade (APAC) and the Agricultural Technical Advisory Committees for Trade (ATACs). In 1974, Congress established a private sector advisory committee system to ensure that U.S. trade policy and negotiation objectives adequately reflect U.S. commercial and economic interests. The private sector advisory system now consists of almost 40 committees, arranged in three tiers:

- The President's Advisory Committee on Trade and Policy Negotiations (ACTPN);
- Seven advisory committees, including the APAC, and;
- Over 30 technical advisory committees, including the ATACs. The renewal of such committees is in the public interest in connection with the duties of the U.S. Department of Agriculture (USDA) imposed by the Trade Act of 1974, as amended.

General Committee Information

All APAC and ATAC committee members are appointed by the Secretary of Agriculture and the U.S. Trade Representative (USTR), and serve at the directions of the Secretary and the USTR. To serve and attend committee meetings, members must be U.S. citizens, and have successfully completed a confidential security clearance. Committee members serve without compensation; they are not reimburbsed for their travel expense.

Committee meetings will be open to the public, unless the U.S. Trade Representative determines that the committees will be discussing issues the disclosure of which justify closing a meeting or portions of the meeting, in accordance with 5 U.S.C. 552(c).

All committee appointments expire on May 1, 2003; by the Secretary and USTR may renew an appointment for one or more additional terms.

Each committee has a chairperson, who is elected from the membership of that committee. In addition to their individual responsibilities, all communities are required to meet at the conclusion of negotiations for each trade agreement, and to provide a report on each agreement to the President, Congress, and to the u.S. Trade Representative.

[All meetings will be held in Washington, D.C.]

Agricultural Policy Advisory Committee for Trade (APAC)

The APAC has approximately 50 members, and is composed of a broad spectrum of agricultural interests. It provides advice concerning:

- Negotiating objectives and bargaining positions before the United States enters into a trade agreement;
- The operation of various U.S. trade agreements; and
- Other matters arising from the administration of U.S. trade policy.

Agricultural Technical Advisory Committees for Trade (ATACs)

The ATACs provide advice and information regarding trade issues which affect both domestic and foreign production in the commodities, drawing upon the technical competence and experience of its members. There are five ATACs, one for each of the following sectors:

- Grains, Feed, and Oilseeds;
- Animals and Animal Products;
- Fruits and Vegetables;
- Sweetners and Sweetner Products; and
- Tobacco, Cotton, and Peanuts.

Each ATAC has approximately 25 members, for a total of approximately 125 members.

Nominations and Selection of Members

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status or sexual orientation. To ensure that the recommendations of the committees take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Members are slected primarily for their expertise and knowledge of agriculture trade as it relates to policy and commodity specific products. No person, company, producer, farm organization, trade association, or other entity has a right to representation on a committee. All members serve at the discretion of the Secretary of Agriculture and the U.S. Trade Representative. In making selections, every effort will be made tomaintain balanced representation on the committees: representation from producers, farm and commodity organizations, processors, traders, consumers, as well as geographical balance.

Issued at Washington, D.C. this 1st day of May, 2001.

Dated: May 1, 2001.

Paul W. Fiddick,

Assistant Secretary for Administration.

[FR Doc. 01–11593 Filed 5–8–01; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers to be Used for Publication of Legal Notice of Appealable Decisions and Publication of Notice of Proposed Actions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Southern Region will publish notice of decisions subject to administrative appeal under 36 CFR parts 215 and 217 in the legal notice section of the newspapers listed in the **SUPPLEMENTARY INFORMATION** section of this notice. As provided in 36 CFR part 215.5(a) and 36 CFR part 217.5(d), the public shall be advised through **Federal Register** notice, of the principal newspaper to be utilized for publishing legal notices of decisions. Newspaper publication of notice of decisions is in addition to direct notice of decisions to those who have requested notice in writing and to those known to be interested in or affected by a specific decision. Responsible Officials in the Southern Region will also publish notice of proposed actions under 36 CFR 215 in the newspapers that are listed in the **SUPPLEMENTARY INFORMATION** section of this notice. As provided in 36 CFR part 215.5(a), the public shall be advised, through **Federal Register** notice, of the principal newspapers to be utilized for publishing notices on proposed actions.

DATES: Use of these newspapers for purposes of publishing legal notice of decisions subject to appeal under 36 CFR parts 215 and 217, and notices of proposed actions under 36 CFR part 215 shall begin on or after the date of this publication.

FOR FURTHER INFORMATION CONTACT: Norm Heintz, Acting Regional Appeals Coordinator, Southern Region, Planning, 1720 Peachtree Road, NW., Atlanta, Georgia 30309, Phone: 404–347–5235.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 and the Responsible Officials in the Southern Region will give notice of decisions subject to appeal under 36 CFR 215 in the following newspapers which are listed by Forest Service administrative unit. Responsible Officials in the Southern Region will also give notice of proposed actions under 36 CFR part 215 in the following principal newspapers which are listed by Forest Service administrative unit. The timeframe for comment on a proposed action shall be based on the date of publication of the notice of the proposed action in the principal newspaper. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper for both 36 CFR parts 215 and 217.

Where more than one newspaper is listed for any unit, the first newspaper listed is the principal newspaper that will be utilized for publishing the legal notices of decisions. Additional newspapers listed for a particular unit are those newspapers the Deciding Officer expects to use for purposes of providing additional notice. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper.

The following newspapers will be used to provide notice.

Southern Region

Regional Forester Decisions

Affecting National Forest System lands in more than one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico *Atlanta Journal,* published daily in Atlanta, GA.

Affecting National Forest System lands in only one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico or only one Ranger District will appear in the principal newspaper elected by the National Forest of that state or Ranger District.

National Forests in Alabama, Alabama

Forest Supervisor Decisions

Montgomery Advertiser, published daily in Montgomery, AL

District Ranger Decisions

Bankhead Ranger District: Northwest Alabamian, published weekly (Monday & Thursday) in Haleyville, AL

Conecuh Ranger District: The Andalusia Star News, published daily (Tuesday through Saturday) in Andalusia, AL

Oakmulgee Ranger District: The Tuscaloosa News, published daily in Tuscaloosa, AL

Shal Creek Ranger District: The Anniston Star, published daily in Anniston, AL

Talladega Ranger District: The Daily Home, published daily in Talladega, AL

Tuskegee Ranger District: Tuskegee News, published weekly (Thursday) in Tuskegee, AL

Caribbean National Forest, Puerto Rico

Forest Supervisor Decisions

El Nuevo Dia, published daily in Spanish in San Juan, PR

San Juan Star, published daily in English in San Juan, PR

Chattahoochee-Oconee National Forest, Georgia

Forest Supervisor Decisions

The Times, published daily in Gainesville, GA

District Ranger Decisions

Armuchee Ranger District: Walker County Messenger, published bi-weekly (Wednesday & Friday) in LaFayette, GA

Toccoa Ranger District: The News Observer published weekly bi-weekly (Tuesday & Friday) in Blue Ridge, GA

Brasstown Ranger District: North Georgia News, published weekly (Wednesday) in Blairsville, GA

Tallulah Ranger District: Clayton Tribune, published weekly (Thursday) in Clayton, GA

Chattooga Ranger District: Northeast Georgian, published twice weekly (Tuesday & Friday) in Cornelia, GA

Chieftain & Toccoa Record, published twice weekly (Tuesday & Friday) in Toccoa, GA

White County News Telegraph, published weekly (Thursday) in Cleveland, GA

The Dahlonega Nuggett, published weekly (Thursday) in Dahlonega, GA

Cohutta Ranger District: Chatsworth Times, published weekly (Wednesday) in Chatsworth, GA

Oconee Ranger District: Eatonton Messenger, published weekly (Thursday) in Eatonton, GA

Cherokee National Forest, Tennessee

Forest Supervisor Decisions

Knoxville News Sentinel, published daily in Knoxville, TN (covering McMinn, Monroe, and Polk Counties)

Johnson City Press, published daily in Johnson City, TN (covering Carter, Cocke, Greene, Johnson, Sullivan, Unicoi and Washington Counties)

District Ranger Decisions

Ocoee-Hiwassee Ranger District: Polk County News, published weekly (Wednesday) in Benton, TN

Tellico-Hiwassee Ranger District: Monroe County Advocate, published weekly (Thursday) in Sweetwater, TN

Nolichucky-Unaka Ranger District: Johnson City Press, published daily in Johnson City, TN

Watauga Ranger District: Johnson City Press, published daily in Johnson City, TN

Daniel Boone National Forest, Kentucky

Forest Supervisor Decisions

Lexington Herald-Leader, published daily in Lexington, KY

District Ranger Decisions

Morehead Ranger District: Morehead News, published bi-weekly (Tuesday and Friday) in Morehead, KY

Stanton Ranger District: The Clay City Times, published weekly (Thursday) in Stanton, KY

London Ranger District: The Sentinel-Echo, published tri-weekly (Monday, Wednesday, and Friday) in London, KY

Somerset Ranger District: Commonwealth-Journal, published daily (Sunday through Friday) in Somerset, KY

Stearns Ranger District: McCreary County Record, published weekly (Tuesday) in Whitley City, KY

Redbird Ranger District: Manchester Enterprise, published weekly (Thursday) in Manchester, KY

National Forests in Florida, Florida

Forest Supervisor Decisions

The Tallahassee Democrat, published daily in Tallahassee, FL

District Ranger Decisions

Apalachicola Ranger District: The Liberty Journal, published weekly (Wednesday) in Bristol, FL

Lake George Ranger District: The Ocala Star Banner, published daily in Ocala, FL

Osceola Ranger District: The Lake City Reporter, published daily (Monday–Saturday) in Lake City, FL

Seminole Ranger District: The Daily Commercial, published daily in Leesburg, FL

Wakulla Ranger District: The Tallahassee Democrat, published daily in Tallahassee, FL

Francis Marion & Sumter National Forest, South Carolina

Forest Supervisor Decisions

The State, published daily in Columbia, SC

District Ranger Decisions

Enoree Ranger District: Newberry Observer, published tri-weekly (Monday, Wednesday, and Friday) Newberry, SC

Andrew Pickens Ranger District: The Daily Journal, published daily in Seneca, SC

Long Cane Ranger District: The Augusta Chronicle, published daily in Augusta, GA

Wambaw Ranger District: Post and Courier, published daily in Charleston, SC

Witherbee Ranger District: Post and Courier, published daily in Charleston, SC

George Washington and Jefferson National Forests, Virginia

Forest Supervisor Decisions

Roanoke Times, published daily in Roanoke, VA

District Ranger Decisions

Lee Ranger District: Shenandoah Valley Herald, published weekly (Wednesday) in Woodstock, VA

Warm Springs Ranger District: The Recorder, published weekly (Thursday) in Monterey, VA

James River Ranger District: Virginian Review, published daily (except Sunday) in Covington, VA

Deerfield Ranger District: Daily News Leader, published daily in Staunton, VA

Dry River Ranger District: Daily News Record, published daily (except Sunday) in Harrisonburg, VA

New River Ranger District: Roanoke Times, published daily in Roanoke, VA

Glenwood/Pedlar Ranger District: Roanoke Times, published daily in Roanoke, VA

New Castle Ranger District: Roanoke Times, published daily in Roanoke, VA

Mount Rogers National Recreation Area: Bristol Herald Courier, published daily in Bristol, VA

Clinch Ranger District: Kingsport-Times News, published daily in Kingsport, TN

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions

The Town Talk, pupblished daily in Alexandria, LA

District Ranger Decisions

Caney Ranger District: Minden Press Herald, published daily in Minden, LA Homer Guardian Journal, published weekly (Wednesday) in Homer, LA

Catahoula Ranger District: The Town Talk, published daily in Alexandria, LA

Calcasieu Ranger District: The Town Talk, published daily in Alexandria, LA

Kisatchie Ranger District: Natchitoches Times, published daily (Tuesday–Friday and on Sunday) in Natchitoches, LA

Winn Ranger District: Winn Parish Enterprise, published weekly (Wednesday) in Winnfield, LA

Land Between the Lakes National Recreation Area, Kentucky and Tennessee: The Paducah Sun, published daily in Paducah, KY

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions

Clarion-Ledger, published daily in Jackson, MS

District Ranger Decisions

Bienville Ranger District: Clarion-Ledger, published daily in Jackson, MS

Chickasawhay Ranger District: Clarion-Ledger, published daily in Jackson, MS

Delta Ranger District: Clarion-Ledger, published daily in Jackson, MS

De Soto Ranger District: Clarion-Ledger, published daily in Jackson, MS

Holly Springs Ranger District: Clarion-Ledger, published daily in Jackson, MS

Homochitto Ranger District: Clarion-Ledger, published daily in Jackson, MS

Tombigbee Ranger District: Clarion-Ledger, published daily in Jackson, MS

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions

The Asheville Citizen-Times, published daily in Asheville, NC

District Ranger Decisions

Appalachian Ranger District: The Asheville Citizen-Times, published daily in Asheville, NC

Cheoah Ranger District: Graham Star, published weekly (Thursday) in Robbinsville, NC

Croatan Ranger District: The Sun Journal, published weekly (Sunday through Friday) in New Bern, NC

Grandfather Ranger District: McDowell News, published daily in Marion, NC

Highlands Ranger District: The Highlander, published weekly (mid May-mid Nov Tues & Fri; mid Nov-mid May Tues only) in Highlands, NC

Pisgah Ranger District: The Asheville Citizen-Times, published daily in Asheville, NC

Tusquitee Ranger District: Cherokee Scout, published weekly (Wednesday) in Murphy, NC

Uwharrie Ranger District: Montgomery Herald, published weekly (Wednesday) in Troy, NC

Wayah Ranger District: The Franklin Press, published bi-weekly (Wednesday and Friday) in Franklin, NC

Ouachita National Forest, Arkansas, Oklahoma

Forest Supervisor Decisions

Arkansas Democrat-Gazette, published daily in Little Rock, AR

District Ranger Decisions

Caddo Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR

Fourche Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR

Jessieville/Winona Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR

Mena/Oden Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR

Poteau/Cold Springs Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR

Womble Ranger District: Arkansas Democrat-Gazette, published daily in Little Rock, AR

Choctaw Ranger District: Tulsa World, published daily in Tulsa, OK

Kiamichi Ranger District: Tulsa World, published daily in Tulsa, OK

Tiak Ranger District: Tulsa World, published daily in Tulsa, OK

Ozark-St. Francis National Forest: Arkansas

Forest Supervisor Decisions

The Courier, published daily (Tuesday through Sunday) in Russellville, AR

District Ranger Decisions

Sylamore Ranger District: Stone County Leader, published weekly (Tuesday) in Mountain View, AR

Buffalo Ranger District: Newton County Times, published weekly in Jasper, AR

Bayou Ranger District: The Courier, published daily (Tuesday through Sunday) in Russellville, AR

Pleasant Hill Ranger District: Johnson County Graphic, published weekly (Wednesday) in Clarksville, AR

Boston Mountain Ranger District: Southwest Times Record, published daily in Fort Smith, AR

Magazine Ranger District: Southwest Times Record, published daily in Fort Smith, AR

St. Francis Ranger District: The Daily World, published daily (Sunday through Friday) in Helena, AR

National Forests and Grasslands in Texas, Texas

Forest Supervisor Decisions

The Lufkin Daily News, published daily in Lufkin, TX

District Ranger Decisions

Angelina National Forest: The Lufkin Daily News, published daily in Lufkin, TX

Davy Crockett National Forest: The Lufkin Daily News, published daily in Lufkin, TX

Sabine National Forest: The Lufkin Daily News, published daily in Lufkin, TX

Sam Houston National Forest: The Courier, published daily in Conroe, TX

Caddo & LBJ National Grasslands: Denton Record-Chronicle, published daily in Denton, TX

Dated: May 1, 2001.

David G. Holland,

Deputy Regional Forester.

[FR Doc. 01–11612 Filed 5–8–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, Wasatch-Cache National Forest, Utah

AGENCY: Forest Service, USDA.

ACTION: Notice of preliminary availability to release a draft environmental impact statement in conjunction with revision of the Land and Resource Management Plan for the Wasatch-Cache National Forest located in Box Elder, Cache, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Tooele, Wasatch, and Weber counties, Utah; and Uinta County, Wyoming.

SUMMARY: The Department of Agriculture, Forest Service will release a Draft Environmental Impact Statement in conjunction with a revision of the Land and Resource Management Plan (hereinafter referred to as Proposed Forest Plan) for the Wasatch-Cache National Forest. Documents will be transmitted to the public on or before May 9, 2001. With publication of this notice, the Forest will meet the requirements of the NFMA planning regulations issued in November, 2000 to allow completion of the Proposed Forest Plan under the 1982 Planning Regulations (36 CFR part 219). An electronic version of the documents is being posted on the forest website, www.fs.fed.us/wcnf/, and will be available on or before May 4, 2001.

DATES: Comments concerning the Draft Environmental Impact Statement and Proposed Forest Plan should be received in writing 120 days from the date the Environmental Protection Agency publishes the Notice of Availability in the **Federal Register** (estimated to be May 18, 2001).

ADDRESSES: Send written comments to: Tom Tidwell, Forest Supervisor, Wasatch-Cache National Forest, 8236 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138.

FOR FURTHER INFORMATION CONTACT: Melissa Blackwell, Planning Team Leader, Wasatch-Cache National Forest (801) 524–3908.

Responsible official: Jack Blackwell, Intermountain Regional Forester, at 324 25th Street, Ogden, UT 84401.

Dated: May 3, 2001.

Jack G. Troyer,

Deputy Regional Forester.

[FR Doc. 01–11613 Filed 5–8–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: 2002 Economic Census Covering The Wholesale Trade Sector.

Form Number(s): Too numerous to list here.

Agency Approval Number: none.

Type of Request: New collection.

Burden: 720,000 hours in FY 2003.

Number of Respondents: 480,000.

Avg Hours Per Response: 1.5 hours.

Needs and Uses: The U.S. Census Bureau requests Office of Management and Budget approval of the information collection forms it will use in conducting the 2002 Economic Census covering the Wholesale Trade Sector. The wholesale trade sector comprises establishments primarily engaged in the selling or arranging the purchase or sale of durable nonconsumer goods, selling goods for resale, and the sale of other goods from establishments that operate from a warehouse or office and do not normally advertise directly to the general public. The census will use a mail canvass, supplemented by data from Federal administrative records, to measure the economic activity of more than 480,000 wholesale establishments classified in the North American Industry Classification System (NAICS).

The economic census will produce basic statistics by kind of business on number of establishments, sales, payroll, employment, inventories, and operating expenses. It also will yield a variety of subject statistics, including sales by commodity line; e-commerce sales; sales by class of customer; employment by principal activity; measures of gross margin and gross profit; and other industry-specific measures, such as bulk storage capacity by type of facility for petroleum bulk stations and terminals. Basic statistics will be summarized for the United States, states, and metropolitan areas, and counties and places having 2,500 inhabitants or more. Tabulations of subject statistics also will present data for the United States and, in some cases, for states and metropolitan areas.

The economic census is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. The Federal Government uses information from the economic census as an important part of the framework for the national income and product accounts, input-output tables, economic indexes, and other composite measures that serve as the factual basis for economic policy-making, planning, and program administration. Further, the census provides sampling frames and benchmarks for current surveys of business which track short-term economic trends, serve as economic indicators, and contribute critical source data for current estimates of gross domestic product. State and local governments rely on the economic census as a unique source of comprehensive economic statistics for small geographic areas for use in policy-making, planning, and program administration. Finally, industry, business, academe, and the general public use information from the economic census for evaluating markets, preparing business plans, making business decisions, developing economic models and forecasts, conducting economic research, and

establishing benchmarks for their own sample surveys.

Affected Public: Businesses or other for-profit organizations; individuals or households; not-for-profit institutions; state, local, or tribal government.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 USC, Sections 131 and 224.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

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 Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: May 3, 2001.

Madeleine Clayton,

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

[FR Doc. 01–11605 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: 2002 Economic Census Covering Retail Trade and Accommodation and Food Services Sectors.

Form Number(s): Too numerous to list here.

Agency Approval Number: none.

Type of Request: new collection.

Burden: 1,282,100 hours in FY 2003.

Number of Respondents: 1,615,029.

Avg Hours Per Response: 48 minutes.

Needs and Uses: The U.S. Census Bureau requests Office of Management and Budget approval of the information collection forms it will use in conducting the 2002 Economic Census covering the Retail Trade and Accommodation and Food Services Sectors. The retail trade sector comprises establishments primarily engaged in selling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. The accommodation and food services sector comprises establishments providing customers with lodging and/or preparing meals, snacks, and beverages for immediate consumption. The census will use a mail canvass, supplemented by data from Federal administrative records, to measure the economic activity of more than 1.8 million establishments classified in the North American Industry Classification System (NAICS).

The economic census will produce basic statistics by kind of business on number of establishments, sales, payroll, and employment. It also will yield a variety of subject statistics, including sales by merchandise line; sales by class of customer; and other industry-specific measures, such as gallon sales of automotive fuels by gasoline service stations, number of prescriptions filled by drug stores, and number of guestrooms provided by hotels. Basic statistics will be summarized for the United States, states, metropolitan areas, counties, places having 2,500 inhabitants or more, and for zip code areas. Tabulations of subject statistics also will present data for the United States and, in some cases, for states and metropolitan areas.

The economic census is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. The Federal Government uses information from the economic census as an important part of the framework for the national income and product accounts, input-output tables, economic indexes, and other composite measures that serve as the factual basis for economic policy-making, planning, and program administration. Further, the census provides sampling frames and benchmarks for current surveys of business which track short-term economic trends, serve as economic indicators, and contribute critical source data for current estimates of gross domestic product. State and local governments rely on the economic census as a unique source of comprehensive economic statistics for small geographic areas for use in policy-making, planning, and program administration. Finally, industry, business, academe, and the general public use information from the economic census for evaluating markets, preparing business plans, making business decisions, developing economic models and forecasts, conducting economic research, and establishing benchmarks for their own sample surveys.

Affected Public: Businesses or other for-profit organizations; individuals or households; not-for-profit institutions; state, local, or tribal governments.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 USC, Sections 131 & 224.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

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 Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: May 3, 2001.

Madeleine Clayton,

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

[FR Doc. 01–11606 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–815]

Pure Magnesium and Alloy Magnesium from Canada: Preliminary Results of Countervailing Duty Administrative Reviews

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

ACTION: Notice of preliminary results of countervailing duty administrative reviews.

SUMMARY: The Department of Commerce is conducting administrative reviews of the countervailing duty orders on pure magnesium and alloy magnesium from Canada for the period January 1 through December 31, 1999. We have preliminarily determined that certain producers/exporters have received net subsidies during the period of review. If the final results remain the same as these preliminary results, we will instruct the Customs Service to assess countervailing duties as detailed in the Preliminary Results of Reviews section

of this notice. Interested Parties are invited to comment on these preliminary results (*see* the Public Comment section of this notice).

EFFECTIVE DATE: May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Sally Hastings or Craig Matney, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3464 or (202) 482–1778, respectively.

Case History

On August 31, 1992, the Department of Commerce (''the Department'') published in the **Federal Register** the countervailing duty orders on pure magnesium and alloy magnesium from Canada (57 FR 39392). On August 16, 2000, the Department published a notice of ''Opportunity to Request Administrative Review'' of these countervailing duty orders (65 FR 49962). We received a timely request for review from Norsk Hydro Canada Inc. (''NHCI''). We initiated these reviews, covering calendar year 1999, on October 2, 2000 (65 FR 58733). In accordance with 19 CFR 351.213(b), these reviews cover NHCI, the only producer or exporter of the subject merchandise for which a review was specifically requested. These reviews cover 16 subsidy programs.

On December 5, 2000, we issued countervailing duty questionnaires to NHCI, the Government of Quebec (''GOQ''), and the Government of Canada (''GOC''). We received questionnaire responses from the GOC on January 10, 2001, and from NHCI and the GOQ on January 11, 2001.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of section 751(a) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA''), effective January 1, 1995 (''the Act''). Unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (2001).

Scope of the Reviews

The products covered by these reviews are shipments of pure and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes.

The pure and alloy magnesium subject to review is currently classifiable under items 8104.11.0000 and 8104.19.0000, respectively, of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written descriptions of the merchandise subject to the orders are dispositive.

Secondary and granular magnesium are not included in the scope of these orders. Our reasons for excluding granular magnesium are summarized in *Preliminary Determination of Sales at Less Than Fair Value: Pure and Alloy Magnesium From Canada,* 57 FR 6094 (February 20, 1992).

Period of Review

The period of review (''POR'') for which we are measuring subsidies is from January 1 through December 31, 1999.

Subsidies Valuation Information

Discount rate: As noted below, the Department preliminarily finds that NHCI benefitted from one countervailable subsidy program during the POR: Article 7 grants from the Québec Industrial Development Corporation. As in the investigations and previous administrative reviews of this case, we have used the company's cost of long-term, fixed-rate debt in the year in which this grant was approved as the discount rate for purposes of calculating the benefit pertaining to the POR.

Allocation period: In the investigations and previous administrative reviews of this case, the Department used, as the allocation period for non-recurring subsidies, the average useful life (''AUL'') of renewable physical assets in the magnesium industry as recorded in the Internal Revenue Service's 1977 Class Life Asset Depreciation Range System (''the IRS tables''), *i.e.*, 14 years. Pursuant to section 351.524(d)(2) of the countervailing duty regulations, the Department will use the AUL in the IRS tables as the allocation period unless a party can show that the IRS tables do not reasonably reflect the company-specific AUL or the country-wide AUL for the industry. If a party can show that either of these time periods differs from the AUL in the IRS tables by one year or more, the Department will use the company-specific AUL or the country-wide AUL for the industry as the allocation period.

Neither NHCI nor the petitioner has contested using the AUL reported for the magnesium industry in the IRS tables. We are, therefore, continuing to allocate non-recurring benefits over 14 years.

Analysis of Programs

I. Program Preliminarily Determined to Confer Countervailable Subsidies

A. Article 7 Grant from the Québec Industrial Development Corporation (''SDI'')

SDI (Société de Développement Industriel du Québec) administers development programs on behalf of the GOQ. SDI provides assistance under Article 7 of the SDI Act in the form of loans, loan guarantees, grants, assumptions of costs associated with loans, and equity investments. This assistance involves projects capable of having a major impact upon the economy of Québec. Article 7 assistance greater than 2.5 million dollars must be approved by the Council of Ministers and assistance over 5 million dollars becomes a separate budget item under Article 7. Assistance provided in such amounts must be of ''special economic importance and value to the province.'' (*See Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada,* 57 FR 30946, 30948 (July 13, 1992) (''*Magnesium Investigation*'').)

In 1988, NHCI was awarded a grant under Article 7 to cover a large percentage of the cost of certain environmental protection equipment. In the *Magnesium Investigation,* the Department determined that NHCI received a disproportionately large share of assistance under Article 7. On this basis, we determined that the Article 7 grant was limited to a specific enterprise or industry, or group of enterprises or industries, and, therefore, countervailable. In these reviews, neither the GOQ nor NHCI has provided new information which would warrant reconsideration of this determination.

In the *Magnesium Investigation,* the Department found that the Article 7 assistance received by NHCI constituted a non-recurring grant because it represented a one-time provision of funds. In the *Preliminary Results of First Countervailing Duty Administrative Reviews: Pure Magnesium and Alloy Magnesium From Canada,* 61 FR 11186, 11187 (March 19, 1996), we found this determination to be consistent with the principles enunciated in the Allocation section of the *General Issues Appendix* (''*GIA*'') appended to the *Final Countervailing Duty Determination; Certain Steel Products from Austria,* 58 FR 37225, 37226 (July 9, 1993). In the current review, no new information has

been placed on the record that would cause us to depart from this treatment. Therefore, in accordance with section 351.524(b)(2) of our regulations, we have continued to allocate the benefit of this grant over time. We used our standard grant methodology as described in section 351.524(d) of the regulations to calculate the countervailable subsidy. We divided the benefit attributable to the POR by NHCI's total sales of Canadian-manufactured products in the POR. On this basis, we preliminarily determine the countervailable subsidy from the Article 7 SDI grant to be 1.21 percent ad valorem for NHCI.

II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine that NHCI did not apply for or receive benefits under these programs during the POR:

- St. Lawrence River Environment Technology Development Program
- Program for Export Market Development
- The Export Development Corporation
- Canada-Québec Subsidiary Agreement on the Economic Development of the Regions of Québec
- Opportunities to Stimulate Technology Programs
- Development Assistance Program
- Industrial Feasibility Study Assistance Program
- Export Promotion Assistance Program
- Creation of Scientific Jobs in Industries
- Business Investment Assistance Program
- Business Financing Program
- Research and Innovation Activities Program
- Export Assistance Program
- Energy Technologies Development Program
- Transportation Research and Development Assistance Program

III. Program From Which NHCI No Longer Receives a Countervailable Benefit

- Exemption from Payment of Water Bills

In the administrative reviews covering calendar year 1997 the Department found that NHCI's benefits from this program had been exhausted and NHCI's participation in this program had ended. We also found that no residual benefits were being provided or received and no substitute program had been implemented. In our final results, we stated that we, therefore, did not intend to continue to examine this program in the future (*see Pure Magnesium and Alloy Magnesium from Canada: Final Results of Countervailing Duty Administrative Reviews,* 64 FR 48805, 48806 (September 8, 1999)). Consistent with this determination and in the absence of any new allegation, we did not examine this program in these reviews.

Preliminary Results of Reviews

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a subsidy rate for NHCI, the sole producer/exporter subject to these administrative reviews. For the period January 1 through December 31, 1999, we preliminarily determine the net subsidy rate for NHCI to be 1.21 percent *ad valorem.* We will disclose our calculations to the interested parties upon request pursuant to section 351.224(b) of the regulations.

If the final results of these reviews remain the same as these preliminary results, the Department intends to instruct the Customs Service (''Customs'') to assess countervailing duties at the net subsidy rate. The Department also intends to instruct Customs to collect cash deposits of estimated countervailing duties at the rate of 1.21 percent on the f.o.b. value of all shipments of the subject merchandise from NHCI entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these administrative reviews.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested reviews will normally cover only those companies specifically named. *See* 19 CFR 351.213(b)(2). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States*, 822 F. Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States*, 822 F. Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 355.22(g), the predecessor to 19 CFR 351.212(c)). Therefore, the cash deposit rates for all companies except the company covered by these reviews, will be unchanged by the results of these reviews.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies, (except Timminco Limited which was excluded from the orders during the investigations) at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rate that will be applied to non-reviewed companies covered by these orders is that established in *Pure and Alloy Magnesium From Canada; Final Results of the Second (1993) Countervailing Duty Administrative Reviews,* 62 FR 48607 (September 16, 1997) or the company-specific rate published in the most recent final results of an administrative review in which a company participated. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1 through December 31, 1999, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry, except for Timminco Limited which was excluded from the orders in the original investigations.

Public Comment

Interested parties may request a hearing within 30 days of the date of publication of this notice. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs (*see* below). Interested parties may submit written arguments in case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the date of filing the case briefs. Parties who submit briefs in these proceedings should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(1)(ii), are due.

The Department will publish a notice of the final results of these administrative reviews within 120 days from the publication of these preliminary results.

These preliminary results are published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: May 2, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary Import Administration.

[FR Doc. 01–11729 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 010412090–1090–01; I.D. 022301C]

RIN 0648–ZB06

Financial Assistance for Cooperative Research Projects to Strengthen and Develop the Northeast U.S. Groundfish Fishing Industry

AGENCY: National Marine Fisheries Service (NMFS), Northeast Region (NER) Northeast Cooperative Research Programs Initiative (NECRPI), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: This notice is to advise the public that the National Marine Fisheries Service (NMFS) Northeast Region (NER) is requesting proposals in support of cooperative research and management activities by encouraging the development of partnerships among the commercial fishing industry, scientists, fishery managers and the academic community. By this notice, NMFS describes the conditions under which applications will be accepted and selected for funding. The goals of such research are to improve data upon which fishery management decisions are based and to improve communication, collaboration, and mutual understanding among all concerned with the Northeast groundfish fishery.

DATES: Preliminary proposals (cooperative research concept papers) will be accepted between May 9, 2001 and 5 p.m. eastern Daylight time June 25, 2001.

Comments on those preliminary proposals that will be invited to submit full proposals will be made available by July 23, 2001. Full proposals must be postmarked no later than August 22, 2001. No facsimile applications will be accepted.

ADDRESSES: Send preliminary proposals to Northeast Regional Office, NMFS, Northeast Cooperative Research Programs Initiative (NECRPI) Attn: Nick Anderson, One Blackburn Drive, Gloucester, MA 01930–2298.

You can obtain application forms from *www.rdc.noaa.gov/grants/index.html*and *www.whitehouse.gov/omb/grants/*and Code of Federal Regulations (CFR) citations from *www.access.gpo.gov/nara/cfr/* . Forms can also be obtained by contacting Nick Anderson or Earl Meredith at the previous address.

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

FOR FURTHER INFORMATION CONTACT: Earl Meredith (978–281–9276) or Nick Anderson (978–281–9383); or FAX (978–281-9161); or E-mail *earl.meredith@noaa.gov or nick.anderson@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Congressional funding for the Cooperative Research Initiative was appropriated pursuant to Pub. L. 106-78 to provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 with respect to Northeast multispecies fisheries. Approximately $15 million is available to support cooperative research and management activities administered by the National Marine Fisheries Service and based on recommendations by the New England Fishery Management Council. These funds will be available beginning FY2001 until expended. Several cooperative research programs (industry-based surveys/study fleets, groundfish tagging studies, and bycatch/discard conservation engineering) as well as short-term research projects (1–2 years) are currently under development. In support of the short-term research projects, NMFS anticipates that between 5 and 10 projects, will be issued grants ranging in size from $10,000 to $500,000, through this request for proposals. There are no matching/cost sharing requirements. This solicitation is limited to applications for short-term cooperative research projects only (1–2 years) and not for long-term programs. Grants issued under the Cooperative Research Initiative will be included among the programs funded by NOAA under Catalog of Federal Domestic Assistance No. 11.472 (Unallied Science Program).

II. Program Priorities and Objectives

In order to encourage research ideas and to prevent the expenditure of effort that may not be successful, NMFS is requesting preliminary proposals to determine the appropriateness of the ideas according to the list of research priorities for further development in a full proposal.

Each tier below contains priorities that fall within the areas of resource dynamics, fisheries management, habitat and socio-economics. Tier I addresses the most pressing fisheries management information needs. Tier II and Tier III list other areas of investigation that are also valued highly. Habitat issues in particular have been identified as extremely important and are listed in all three tiers, either directly or indirectly. During the consideration of preliminary proposals a greater regard may be given to applications that are specific to higher priority levels, but, foremost, each application will be judged primarily on the strength of the idea presented and the means it will employ to address the research topic.

A. Tier I

Obtain better fine-scale information on resource status in inshore and offshore areas.

Provide enhanced port and sea sampling information using the fishing industry (including documenting the quantity and composition of discards).

Monitor and evaluate effectiveness of area closures as a management tool to protect and build stocks.

Evaluate discard, bycatch, and non-catch mortality rates; initiate special studies under experimental design protocols to calculate gear interaction or discard rates. Bycatch encompasses all species, including marine mammals such as the harbor porpoise.Develop methods of enhanced collection of biological data through fishery participants.

B. Tier II

Obtain life history and spawning information: identify time and areas of spawning and other life history information as determined from fishing activities and information collected from the fishing industry.

Obtain detailed information on ''fishing power'' (related to capacity and catchability issues).

Investigate the conditions and benthos (sea floor characteristics) that contribute to post-settlement groundfish survivability. Identify the major groundfish nursery areas and their characteristics.

Conduct fishing industry-supported, high-resolution sediment mapping in specific areas of the Gulf of Maine and/or Georges Bank. Identify biological communities associated with mapped areas and determine relationships among sediment types and these communities. Identify and compare or contrast impacts to a variety of habitat types (mud, sand, gravel, cobble, rock, boulder) associated with roller and rockhopper trawl gear of the various sizes used in New England fisheries.

Identify issues associated with the social and economic components of fishing households and communities, such as family dependence on fishing; community dependence on fishing; changes in dependence across time and space; fishing crew issues, such as working conditions, safety, and views of the future; and spatial considerations, such as where people fish and why. Elucidate fishing communities and social relations associated with the fishing way of life, paying particular attention to area and/or sector-based management and community impacts.

Determine methods to integrate fishermen's knowledge into the management of fisheries. This includes articulating fishing business practices, examining the number of fisheries in which they participate, seasonality of participation, training needs or other business practices that impact efficiency.

Investigate possible fishery institutions of the future, with particular attention given to such issues as capacity management, fishing permit flexibility, alternative organizations for management and for ITQ design and implementation. This research should concentrate on issues and structures surrounding possible organizations oriented on ecosystem, co-management, cooperatives, communities or zones.

C. Tier III

Conduct research designed to improve our understanding of predatory/prey interactions and examine food habits through stomach content analysis, stable isotopes, otolith analysis or other reliable methods.

Evaluate the use of Marine Protected Areas.

Develop methods to collect and integrate ecosystem information into fisheries management decisions.

Examine and compare the critical life history processes of commercially important species in a variety of habitats (which have been identified through fine-scale mapping) in both heavily and lightly fished reference areas.

Develop and demonstrate the practical use of otter trawl, scallop dredge, and other fishing gear designs that have significantly less contact or impact on the sea bottom (benthos) than gear in current use by New England fishermen.

Identify areas in the Gulf of Maine and Georges Bank that have not been subject to fishing activity, focusing primarily on areas with high relief geologic structure or on areas in close proximity to wrecks or other areas that have been left undisturbed. Identify flora and fauna assemblages associated with these areas.

Conduct surveys that investigate the expenditure impacts of the fishing industry in New England, with a particular focus on locations of expenditures and localized input/output analysis.

Conduct studies that focus on management and enforcement, such as compliance, at-sea and at-shore enforcement, and improvements to the effectiveness of regulations.

Develop methods to collect and/or integrate ecosystems information into fisheries management decision making.

Primary consideration for funding will be given to preliminary proposals that address the topics listed below. The three programs, industry-based surveys (and related projects such as study fleets), groundfish tagging, and bycatch/discard/conservation engineering, have also been identified as priority research areas because of their relationship to immediate fisheries management needs, their high level of interest to New England fishermen and their collaborative research value. Scoping and planning related to the development of these program areas are currently underway. Applicants should be aware that these programs are not the subject of this solicitation, but are discussed because of their relationship to the funding priorities listed below. Decisions concerning the development of full projects, however, could be made with these programs in mind, although final selection of the projects will be funded based on the merits of the proposals.

III. Eligibility

Eligible applicants are institutions of higher education, other non-profits, commercial organizations, state, local or Indian tribal governments, and individuals. Employees of any Federal agency or of a Regional Fishery Management Council are not eligible to submit an application under this program. However, Council members who are not Federal employees can submit an application to the program.

NMFS supports cultural and gender diversity in our programs and encourages women and minority individuals and groups to submit applications. NMFS is strongly committed to broadening the participation of Minority Serving Institutions (MSIs), which include Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities, in our programs. The DOC/NOAA/NMFS vision, mission, and goals are to increase the opportunities for MSIs to participate in and benefit from Federal financial assistance programs, to advance the development of human potential, and to strengthen the Nation's capacity to provide high-quality education. Therefore, all applicants are encouraged to include meaningful participation of MSIs.

NMFS encourages applications from members of the fishing community and applications that involve fishing community cooperation and participation. Note that NMFS expects the primary operations center of anyone receiving a grant under the Cooperative Research Initiative to be in the New England region since the objective of the NECRPI program is to benefit and optimize cooperative research and management activities specifically for the Northeast multispecies fisheries.

IV. Preliminary Proposal Guidelines

A. Preliminary Proposal

A preliminary proposal is required and must be postmarked no later than June 25, 2001. A preliminary proposal is a brief document (no more than four pages) that explains clearly the general concept of the project; how it would be carried out; and, how it will improve the conservation or management of groundfish stocks in Northeast fisheries. Preliminary proposals should include the following information:

1. Project Summary and statement of research question

2. Importance of research to groundfish conservation and management

3. Study design and duration

4. Expected products

5. Estimated cost (non-binding)

6. Principal investigators and their contact information

7. Existing expertise, equipment, facilities, and infrastructure

B. Screening, Evaluation, and Selection Procedures of Preliminary Proposals

1. Initial Screening of Preliminary Proposals

Preliminary proposals will be screened to ensure that they are postmarked by June 25, 2001 and submitted by an eligible applicant, address one of the research priorities (see Section II of this document), and identify the principal investigator. If your application does not meet the above criteria, it will be returned without further consideration.

2. Evaluation of Preliminary Proposals

After the initial screening, each preliminary proposal will be evaluated by members of the New England Fishery Management Council's Research Steering Committee (RSC), fishing industry representatives, scientists, and by other interested parties. These reviewers will be required to certify that they do not have a conflict of interest concerning the application(s) they are reviewing. Each preliminary proposal will receive a score from the reviewer up to a maximum of 100 points according to the following criteria (maximum points per category shown in parentheses): degree of fishing industry involvement in design and conduct of research (20 points), technical appropriateness(10 points), study design(10 points), degree that priority issues are addressed(10 points), innovation(20 points), and use of existing resources, i.e., scientific and technical expertise(10 points), facilities and equipment(10 points), and other infrastructure(10 points). Preliminary proposals will be ranked based on weighted scores. Based on the number of submissions, full research proposals will be requested from approximately the top 25 percent of evaluated submissions. NMFS will notify the applicants in writing of the review results and of the need to submit a full proposal by July 23, 2001.

Please note that preliminary proposals and full proposals are subject to public review. If an application contains information which the applicant does not want disclosed, the applicant should follow instructions below under Section V. A. 6: ''Privileged Information—Limited Use.'' This information may be eliminated from public review.

If possible, preliminary proposals and full proposals (if requested) shall identify potential conflicts with any fishery management or protected species regulation. Projects that are inconsistent with regulations will not proceed until they have received an exempted fishery permit. Participation in this program does not automatically guarantee an exempted fishery permit. NMFS may provide advice and assistance in completing the application for such a permit, if requested, but the primary responsibility for obtaining exemptions belongs to the potential grant recipient.

V. Full Proposal Guidelines

A full research proposal will be requested from applicants whose preliminary proposals successfully meet the criteria for further development and evaluation. The research proposal application must follow the instructions and format described below. The application must not be bound and must be printed on one side only. Submit one signed original and two signed copies of your proposal. Full proposals must be postmarked no later than August 22, 2001.

A. Full Proposal Format

1. Cover Sheet

Submit OMB Standard Form 424 ''Application for Federal Assistance'' (available at *http://www.whitehouse.gov/omb/grants/sf424.pdf*) as the cover sheet for each project.

2. Project Summary

Provide a summary for each project under a heading ''Project Summary.'' This section should itemize the specific priority(ies) to which the proposal responds (see Section III - A & B of this document).

3. Project Budget

Provide detailed cost estimates showing total project costs. Specify estimates of the direct costs in the categories listed on OMB Standard Form 424A (Budget Information - Nonconstruction Programs)—available at *http://www.whitehouse.gov/omb/grants/sf424a.pdf*). The NMFS will not consider fees or profits as allowable costs in your proposal. The total costs of a project consist of all allowable costs you incur, including the value of in-kind contributions, in accomplishing project objectives during the life of the project. A project begins on the effective date of an award agreement between you and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, you cannot be reimbursed for time that you spend or costs that you incur in developing a project or preparing the proposal or in discussing or negotiating with us prior to the award.

4. Narrative Project Description

Provide a no longer than 8–page narrative description of your project. The narrative should demonstrate your knowledge of the need for the project and show how your proposal builds on any past or current work in the subject area or in a related field. Do not assume that the evaluation panel will know the relative merits of the project you describe. Describe your project as follows:

a. Project goals and objectives. Identify the specific priority(ies) listed under the heading Project Summary. Identify the problem/opportunity you intend to address and describe its significance to the fishing community. State what the project is expected to accomplish. If applying to continue a project previously funded, describe in detail progress to date and explain the need for additional funding.

b. Project impacts. Describe the anticipated impacts of the project on the fishing community in terms of reduced bycatch, increased product yield, or of any other measurable benefits. Describe how you will make the results of the project available for publication. Specify the research priority that your project will address from those listed in this notice.

c. Evaluation of project. Specify the criteria and procedures that will be used to evaluate the relative success or failure of a project in achieving its objectives.

d. Need for government financial assistance. Explain why government financial assistance is needed for the proposed work. List all other sources of funding you have or are seeking for the project.

e. Federal, state, and local government activities and permits. List any existing Federal, state, or local government programs or activities that this project would affect, including activities requiring certification under state Coastal Zone Management Plans, section 404 or section 10 permits issued by the Corps of Engineers, experimental fishing or other permits under FMPs, environmental impact statements to meet the requirements of the National Environmental Policy Act, or scientific permits under ESA and/or the Marine Mammal Protection Act. Describe the relationship between the project and these FMPs or activities and list names and addresses of persons providing this information. If your project is selected for funding, you are responsible for complying with all applicable laws.

f. Project statement of work. The statement of work is an action plan of activities you will conduct during the period of the project. Prepare a detailed narrative, fully describing the work that will be performed to achieve the project

goals and objectives. The narrative should respond to the following questions:

(1) What is the project design? What specific work, activities, procedures, statistical design, or analytical methods will be undertaken?

(2) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting.)

(3) What are the major products and how will project results be disseminated? Describe products of the project, such as a manual, video, technique, or piece of equipment. Indicate how project results will be disseminated to potential users.

(4) What are the project milestones? List milestones, describing the specific activities and associated time lines to conduct the scope of work. Describe the time lines in monthly increments (e.g., month 1, month 2), rather than by specific dates. Identify the individual(s) responsible for the various specific activities. This information is critical in the reviewing process of your proposal, so you are encouraged to provide sufficient detail.

g. Participation by persons or groups other than the applicant. Describe whether government and non-government entities, particularly members of fishing communities, will participate in the project and how they will participate. The degree of participation by members of the fishing community will be considered in determining which proposals to fund.

h. Project management. Describe how the project will be organized and managed. Identify the principal participants in the project. If you do not identify the principal investigator, your proposal will be returned without further consideration. Include copies of any agreements between you and the participants describing the specific tasks to be performed. Provide a separate statement (e.g., resume or curriculum vitae) not to exceed two pages, stating the qualifications and experience of the principal investigator(s) and of any consultants and/or subcontractors and indicating their level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, you must follow procurement guidance in 15 CFR part 24, ''Grants and Cooperative Agreements to State and Local Governments'' and in 15 CFR part 14, A Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations. The text of CFR citations can be reviewed at: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.* If you select a consultant and/or a subcontractor prior to submitting a proposal, indicate the process that you used for selection.

5. Supporting Documentation

You should include any relevant documents and additional information (e.g. maps, background documents) that will help us to understand the project and the problem/opportunity you seek to address.

6. Privileged Information–Limited Use

In the event that a proposal contains information or data which the applicant does not want disclosed prior to award for purposes other than the evaluation of the proposal, the applicant should mark the cover page of the proposal with the following notice:

Notice

The information contained in pages [insert page numbers here] of this proposal has been submitted in confidence and contains trade secrets and/or privileged or confidential commercial, financial or other information, and such information shall be used or disclosed only for evaluation purposes, provided that, if this applicant receives an award as a result of or in connection with the submission of this proposal, NMFS shall have the right to use or disclose all the information in this proposal to the extent provided in the award.

The proposal must include or be accompanied by an explanation of why the applicant considers or believes the information to be privileged or confidential, whether such information is customarily treated as confidential by other similar organizations and entities, and what harm would result to the applicant if the information were disclosed.

If NMFS determines that such information is exempt from mandatory public disclosure, NMFS shall ensure that each copy of the proposal carries the ''Notice'' and that information in the proposal is not disclosed to any member of the public except as required for the purpose of scientific, technical, or business evaluation. NMFS is not authorized to withhold information requested by the Congress, by any committee of Congress, or by the General Accounting Office.

NMFS shall not limit the disclosure of any data or commercial or financial information contained in a proposal if such information is already generally available to the public, is already the property of the Government, or is or becomes available to NMFS from any source, including the applicant, without limitation.

B. Duration and Terms of Funding

If your proposal is selected for funding, NMFS incurs no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is totally at the agency's discretion. The period of funding is generally considered to be for a duration of one year but may be adjusted for variations in schedules, seasonal considerations, or elsewhere. There are no matching or cost-sharing requirements placed upon the grant recipient.

The publishing of this announcement does not require the award of any specific grant or cooperative agreement, nor require the obligation of any part or the entire amount of funds available.

C. Full Research Proposal Screening, Evaluation, and Selection

1. Screening and Evaluation of Research Proposals

Prior to proposal evaluation, NMFS will conduct an initial screening to determine that proposals are postmarked by August 22, 2001, include Office of Management and Budget (OMB) Standard Form 424 (available at *http://www.whitehouse.gov/omb/grants/sf424.pdf*), and are signed and dated by an authorized representative of the organization. Following the initial screening, NMFS will convene a panel to determine the technical merit of each proposal. The panel will be composed of fishing industry representatives, scientists, and others. The panel members will be required to certify that they do not have a conflict of interest concerning the proposal(s) they are reviewing. For proposals that continue a previously funded project, information on progress of the funded work must also be provided for evaluation. These proposals will be considered along with the new unfunded proposals. Proposals will be assigned scores based on the following criteria, with weights shown in parentheses:

a. Soundness of project design/conceptual approach. Proposals will be evaluated on the conceptual approach; the likelihood of gaining project results in the time frame specified in the proposal; whether there is sufficient information to evaluate the project technically; and, if so, the strengths and/or weaknesses of the technical design relative to securing productive results. (50 percent)

b. Project management and experience and qualifications of

personnel. The organization and management of the project will be evaluated. The project's principal investigator and other personnel, including consultants and subcontractors participating in the project, will be evaluated in terms of related experience and qualifications. Proposals that include consultants and subcontractors will also be reviewed to preclude excess overhead and to ensure that the primary applicant is necessary to the conduct of the project and to the accomplishment of its objectives. (25 percent)

c. Project evaluation. The effectiveness of proposed methods to monitor and evaluate the success or failure of the project in terms of meeting its original objectives will be examined. (10 percent)

d. Project costs. The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high or low project costs will be taken into account. (15 percent)

The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

Proposals will be ranked in descending order by their final technical scores.

2. Selection Procedures and Project Funding

Panel recommendations will be sent to the Northeast Regional Administrator (RA) of NMFS for review. Panel members will provide individual evaluations on each proposal they evaluate; thus there will be no consensus advice. In making the final grant award selection, the RA may consider fishing community involvement, geographical distribution, costs, and duplication with other federally funded projects. Thus, awards may not necessarily be made to the highest ranked proposals.

You will be notified in writing whether your proposal is selected. Successful proposals will be incorporated into the award document. The exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in pre-award negotiations between you and NOAA/NMFS representatives. You should not initiate your project in expectation of Federal funding until you receive a grant award document signed by an authorized NOAA official.

VI. Administrative Requirements

A. Your Obligations as an Applicant

You must:

1. Meet all application requirements and provide all information necessary for the evaluation of the proposal, including one signed original and two signed copies of the application.

2. Be available to respond to questions during the review and evaluation of the proposal(s).

3. Primary applicant certification. Applicants whose proposals are recommended for funding will be required to submit a completed Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' (Available at *http://www.rdc.noaa.gov/grants/pdf/cd511.pdf*). The following explanations are provided:

a. Non-procurement debarment and suspension. Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Non-procurement Debarment and Suspension'' and to the related section of the certification form prescribed here;

b. Drug-free workplace. Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, ''Government-wide Requirements for Drug-Free Workplace (Grants)'' and to the related section of the certification form prescribed here;

c. Anti-lobbying. Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions'' and to the lobbying section of the certification form applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000; and

d. Anti-lobbying disclosures. Any applicant who has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

4. If applicable, require applicants/bidders for sub-grants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' (available at Office of Management and Budget *http://www.rdc.noaa.gov/grants/pdf/cd512.pdf*) and disclosure form SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for your use and should not be sent to the Department of Commerce (Commerce). You should send an SF-LLL submitted by any tier recipient or sub-recipient to Commerce only if your proposal is recommended for funding.

5. Complete Standard Form 424B (4–92), Assurances, Non-construction Programs.

B. Your Obligations as a Successful Applicant (Recipient)

If you are selected to receive a grant award for a project, you must:

1. Manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

2. Keep records sufficient to document any costs incurred under the award, and allow access to these records for audit and examination by the Secretary of Commerce, the Comptroller General of the United States, or their authorized representatives; and, submit financial status reports (SF 269) to GMD in accordance with the award conditions.

3. Submit semiannual project status reports on the use of funds and progress of the project to us within 30 days after the end of each 6-month period. You will submit these reports to the individual identified as the NMFS Program Officer in the funding agreement.

4. Submit a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work you performed and the results and benefits in sufficient detail to enable us to assess the success of the completed project. NMFS is committed to using available technology to achieve the timely and wide distribution of final reports to those who would benefit from this information. Therefore, you are required to submit final reports in electronic format, in accordance with the award terms and conditions, for possible publication by NMFS. You may charge the costs associated with preparing and transmitting your final reports in electronic format to the grant award. Requests for exemption from the electronic submission requirement will be considered on a case-by-case basis.

5. In addition to the final report in section VI.B.4. of this document, you are requested to submit any publications printed with grant funds (such as manuals, surveys, etc.) to the NMFS Program Officer for dissemination to the

public. Submit either three hard copies or an electronic version of any such publications.

C. Other Requirements of Recipients

1. Federal Policies and Procedures

If you receive Federal funding, you are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to financial assistance awards. You must comply with general provisions that apply to all recipients under Department of Commerce grant and cooperative agreement programs.

2. Name Check Review

You may be subject to a name check review process. Name checks are used to determine whether any of the key individuals named in the application has been convicted of, or are presently facing, criminal charges, such as fraud, theft, perjury, or other matters, that significantly reflect on his or her management skills, honesty, or financial integrity.

3. Financial Management Certification/ Preaward Accounting Survey

You may, at the discretion of the NOAA Grants Officer, be required to have your financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. If you are a first-time applicant for Federal grant funds, you may be subject to a pre-award accounting survey by Commerce prior to execution of the award.

4. Past Performance

An applicant's unsatisfactory performance under prior Federal awards may result in the applicant's proposal not being considered for funding.

5. Delinquent Federal Debts

Federal funds will not be awarded to you or to any sub-recipients who have an outstanding delinquent Federal debt or fine until:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is received, or

c. Other arrangements satisfactory to Commerce are made.

6. Buy American

You are encouraged to the extent feasible to purchase American-made equipment and products with the funding provided under this program.

7. Pre-award Activities

If you incur any costs prior to receiving an award agreement signed by an authorized NOAA official, you do so solely at your own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that you may have received, the Department of Commerce has no obligation to cover pre-award costs.

8. False Statements

A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

Classification

Pursuant to Section 553(a)(2) of the Administrative Procedure Act (APA), prior notice and an opportunity for public comments are not required by the APA or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

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

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, and SF–LLL has been approved by OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040, and 0348–0046. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

VII. Catalog of Federal Domestic Assistance (CFDA)

This program falls under the CFDA number 11.472, Unallied Science projects.

A solicitation for proposals will also appear in the ''Commerce Business Daily.''

Dated: May 3, 2001.

John Oliver,

Acting Deputy Assistant Administrator for Management and Administration, National Marine Fisheries Service.

[FR Doc. 01–11702 Filed 5–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–07]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency; Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–07 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: May 3, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

26 APR 2001
In reply refer to:
I-01/003907

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-07, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services estimated to cost $40 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 01-07

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: United Arab Emirates**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 35 million
Other	$ 5 million
TOTAL	$ 40 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: In support of a commercial sale of 80 F-16 Block 60 aircraft, the Government of the United Arab Emirates has requested a possible sale of 500 Joint Direct Attack Munition and 800 Wind Corrected Munitions Dispenser tail kits, maintenance and pilot training, software support, publications and technical documentation, U.S. Government and contractor technical assistance and other related elements of logistics and program support.**

(iv) **Military Department: Air Force (YAA, Amendment 1)**

(v) **Prior Related Cases, if any: none**

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See attached Annex**

(viii) **Date Report Delivered to Congress: 26 APR 2001**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

United Arab Emirates - Joint Direct Attack Munition and Wind Corrected Munitions Dispenser Tail Kits

In support of a commercial sale of 80 F-16 Block 60 aircraft, the Government of the United Arab Emirates (UAE) has requested a possible sale of 500 Joint Direct Attack Munition (JDAM) and 800 Wind Corrected Munitions Dispenser (WCMD) tail kits, maintenance and pilot training, software support, publications and technical documentation, U.S. Government and contractor technical assistance and other related elements of logistics and program support. The estimated cost is $40 million.

This proposed sale, in support of a commercial purchase of 80 F-16 Block 60 aircraft, will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale of the weapons will strengthen the effectiveness and interoperability of a potential coalition partner, reducing the dependence on U.S. forces in the region while enhancing any coalition operations the U.S. undertake. UAE will have no difficulty absorbing these tail kits into its armed forces.

The proposed sale of these weapons support will not affect the basic military balance in the region.

The principal contractors are the Boeing Company in St. Louis, Missouri for JDAM and Lockheed Martin in Orlando, Florida for WCMD. Offset arrangements were negotiated between Lockheed Martin and the UAE in conjunction with the 36(c) commercial sale.

The number of U.S. Government and contractor representatives required in UAE to support the program will be determined in joint negotiations as the program proceeds through the development, production and equipment installation phases.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 01-07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The Joint Direct Attack Munitions is actually a guidance kit that converts existing unguided free-fall bombs into precision-guided "smart" munitions. By adding a new tail section containing an Inertial Navigation System (INS) guidance/Global Positioning System (GPS) guidance to existing inventories of MK-84 bombs, the cost effective JDAM provides highly accurate weapon delivery in any "flyable" weather. The INS, using updates from the GPS, helps guide the bomb to the target via the use of movable tail fins.

2. The Wind Corrected Munitions Dispenser (WCMD) is a guidance kit that converts unguided free-fall CBU-87 dispensers into a more accurate guided munition which provides highly accurate weapon delivery from many different altitudes and wind conditions.

3. Weapon accuracy is dependent on target coordinates and present position as entered into the guidance control unit. After weapon release, movable tail fins guide the weapon to the target coordinates. In addition to the tail kit, other elements in the overall system that are essential for successful employment include:

Access to accurate target coordinates.
INS/GPS capability
Operational Test and Evaluation Plan.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that United Arab Emirates can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 01–11645 Filed 5–8–01; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Group of Advisors to the National Security Education Board Meeting

AGENCY: National Defense University, Defense.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Group of Advisors to the National Security Education Board. The purpose of the meeting is to review and make recommendations to the Board concerning requirements established by the David L. Boren National Security Education Act, Title VIII of Public Law 102–183, as amended.

DATES: May 13–14, 2001.

ADDRESSES: New Otani Kaimana Beach Hotel, 2863 Kalakaua Avenue, Honolulu, Hawaii 96815.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Deputy Director, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Rosslyn P.O. Box 20010, Arlington, Virginia 22209–2248; (703) 696–1991. electronic mail address: colliere@ndu.edu.

SUPPLEMENTARY INFORMATION: The Group of Advisors meeting is open to the public.

Dated: May 3, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 01–11641 Filed 5–8–01; 8:45 am]
BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Draft Environmental Impact Statement (DEIS) for the Design, Construction, and Operation of One or More Pilot Test Facilities for Assembled Chemical Weapon Destruction Technologies at One or More Sites

AGENCY: Program Manager (PM), Assembled Chemical Weapons Assessment (ACWA), DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: This announces the availability of the PM ACWA DEIS which assesses the potential impacts of the design, construction, operation, and closure of one or more pilot-scale test facilities for an assembled chemical weapon destruction system at one or more chemical weapons stockpile sites. The DEIS examines the potential environmental impacts of the following alternatives, to include technologies that could be incorporated into a pilot-scale facility: (a) No action (continued storage until destruction of the stockpile); (b) chemical neutralization followed by biological treatment (c) chemical neutralization followed by supercritical water oxidation; (d) chemical neutralization followed by transpiring wall supercritical water oxidation and gas phase chemical reduction; and (e) electrochemical oxidation.

The chemical stockpile sites are Anniston Army Depot, Alabama; Pine Bluff Arsenal, Arkansas; Pueblo Chemical Depot, Colorado (neutralization followed by transpiring wall supercritical water oxidation, and electrochemical oxidation are not alternatives at Pueblo); and Blue Grass Army Depot, Kentucky. The PM ACWA pilot tests will not halt or delay the operation or construction of any baseline incineration facility currently in progress.

DATES: The public comment period for the DEIS will end 45 days after publication of the NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: Written comments may be forwarded to Mr. Jon Ware, Assembled Chemical Weapons Assessment EIS, 9700 S. Cass Ave./Post Office Box 8369, Argonne, Illinois 60439–4871, through the ACWA website at http://www.pmacwa.org, by email to acwacomment@anl.gov or by fax to 630–252–4611.

FOR FURTHER INFORMATION CONTACT: Kimberly Collins at 888–482–4312 or via email at kimberly.collins@horne.com, or via mail at Horne Engineering, 2014 Tollgate Road, Suite 208, Bel Air, Maryland 21015.

SUPPLEMENTARY INFORMATION: This proposed action continues the process that began when Congress established the Assembled Chemical Weapons Assessment Program through passage of Public Law 104–208. With the National Defense Appropriations Act for Fiscal Year 1999, Congress directed the PM ACWA to plan for the pilot-scale testing of alternatives to baseline incineration for the destruction of assembled chemical weapons. The Department of Army published a Notice of Intent in the **Federal Register** (65 FR 20139–20140, April 14, 2000) which provides notice (pursuant to the National Environmental Policy Act and implementing regulations) it was preparing a DEIS for follow-on tests including design, construction and operation of one or more pilot test facilities for assembled chemical destruction technologies at one or more sites.

Assembled chemical weapons (munitions containing both chemical agents and explosives) are stored in the United States unitary chemical weapons stockpile. These weapons include cartridges, land mines, mortar rounds, projectiles, and rockets. Unitary agents include chemical blister agents (*e.g.,* the mustard agents H, HD, and HT) and nerve agents (*e.g.,* G (Sarin) and VX).

The PM ACWA demonstrated the technologies considered to be viable. However, Public Law 106–398 limited the technologies to be considered at Pueblo Chemical Depot to those demonstrated prior to May 1, 2000, by the PM ACWA. The sites considered were selected based on the availability of assembled chemical weapons at the time actual testing would begin.

Public meetings will be held in Alabama, Arkansas, Colorado, and Kentucky. The dates, times, and locations of these meetings will be provided at least 15 days in advance by public notices in the news media serving the regions where the meeting will be located. All public comments received will be considered and addressed in the final EIS.

Dated: May 4, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health) OASA (I&E).

[FR Doc. 01–11704 Filed 5–8–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of the Draft Environmental Impact Statement for the Disposal of chemical Munitions at the Pueblo Chemical Depot, Colorado

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: This announces the availability of the Draft Environmental Impact Statement (DEIS) which assesses the potential environmental impacts of the design, construction, operation and closure of a facility to destroy the mustard chemical agent and munitions stored at the Pueblo Chemical Depot. The proposed facility will be used to demilitarize the chemical agent and munitions currently stored at the Depot. The DEIS examines the potential environmental impacts of the following destruction facility alternatives: (a) A baseline incineration facility; (b) a modified baseline incineration facility; (c) neutralization followed by supercritical water oxidation; (d) neutralization followed by biodegradation; and (e) no action (i.e., continued storage of chemical munitions at Pueblo Chemical Depot). Although the no action alternative is not viable under Public Law 99–145 (Department of Defense Authorization Act of 1986), it was analyzed to provide comparison with the proposed action.

DATES: The public comment period for the DEIS will end 45 days after publication of the NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: Written comments may be forwarded to the Program Manager for Chemical Demilitarization, Public Outreach and Information Office (ATTN: Mr. Gregory Mahall), Building E–4585, Aberdeen Proving Ground, Maryland, 21010–4005.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Mahall at (410) 436–1093, by fax at (410) 436–5122 or by email at gregory.mahall@pmcd.apgea.army.mil or by mail at the above listed address.

SUPPLEMENTARY INFORMATION: In its Record of Decision on February 26, 1988 (53 FR 5816, February 26, 1988) for the Final Programmatic Environmental Impact Statement on the Chemical Stockpile Disposal Program (CSDP), the Department of the Army selected on-site disposal by incineration at all eight chemical munition storage sites within the continental United States as the method by which it will destroy its lethal chemical stockpile. The Department of the Army published a

Notice of Intent in the **Federal Register** (65 FR 20140–20141, April 14, 2000) which provides notice that, pursuant to the National Environmental Policy Act and implementing regulations, it was preparing a draft site-specific EIS for the Pueblo Chemical Agent Disposal Facility. The Department of the Army prepared a DEIS to assess the site-specific health and environmental impacts of on-site disposal of the chemical agents and munitions stored at the Pueblo Chemical Depot.

A public meeting will be held in the vicinity of the Pueblo Chemical Depot with the announcement of the date, time and location appearing in the local news media at least 15 days prior to the selected date. Public comments received on the DEIS will be considered and addressed in the Final EIS and considered by the Army in its Record of Decision.

Dated: May 4, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I&E).

[FR Doc. 01–11705 Filed 5–8–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, and deleting one system of records.

DATES: This proposed action will be effective without further notice on June 8, 2001, unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 3, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

AAFES 0602.04a

SYSTEM NAME:

Litigation Initiated by AAFES (August 9, 1996, 61 FR 41581).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'Legal Office Management System'.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Air Force; Army Regulation 215–1, The Administration of Morale, Welfare, and Recreation Activities and Non-appropriate Fund Instrumentalities; Army Regulation 60–21, Personnel Policies; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Add to entry 'Social Security Number'.

* * * * *

RETENTION AND DISPOSAL:

Delete second sentence.

* * * * *

AAFES 0602.04a

SYSTEM NAME:

Legal Office Management System.

SYSTEM LOCATION:

Office of the General Counsel at Headquarters, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598; and

Headquarters Army and Air Force Exchange Service-Europe, In der Witz 14–18, 55252 Mainz-Kastel, APO AP 96378–5163.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom Army and Air Force Exchange Service (AAFES) has filed a complaint or similar pleading in a court or administrative body.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings and documents filed by parties to the action and documentation, correspondence, and memoranda pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Air Force; Army Regulation 215–1, The Administration of Morale, Welfare, and Recreation Activities and Non-appropriate Fund Instrumentalities; Army Regulation 60–21, Personnel Policies;and E.O. 9397 (SSN).

PURPOSE(S):

To process complaints against individuals; to initiate litigation as necessary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanke Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) 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 requirement of 31 U.S.C. 3711(f) has been followed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records in file folders and on electronic storage media.

RETRIEVABILITY:

By surname and Social Security Number of defendant in the proceeding.

SAFEGUARDS

Records are maintained in buildings have security guards and are restricted to authorized personnel who are properly screened, cleared. Access to computer databases is limited to users with passwords. AAFES management monitors use of the system.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

Individual should provide their full name, current address and telephone number, copy of latest correspondence from AAFES, if available, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.

[FR Doc. 01–11643 Filed 5–8–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete a system of records.

SUMMARY: The Department of the Army is proposing to delete a system of records notice from its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on June 8, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 3, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0570–4 ARPC

SYSTEM NAME:

Human Resources Information System (HRIS) (February 2, 1996, 61 FR 3921).

REASON:

The records are no longer maintained and have been destroyed.

[FR Doc. 01–11644 Filed 5–8–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 9, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 3, 2001.

John Tressler,

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

Office of Student Financial Assistance Programs

Type of Review: Existing.

Title: Federal Perkins Loan/National Direct Student Loan (NDSL) Promissory Notes.

Frequency: On Occasion.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 690,000.

Burden Hours: 345,000.

Abstract: The promissory note is the means by which a borrower applies for

a Federal Perkins Loan or National Direct Student Loan and promises to repay the loan. This notice was first published on April 20, 2001. Due to technical difficulties some of the public was not able to electronically obtain this collection. Hence, we are extending the comment period until July 9, 2001.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe.Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–11604 Filed 5–8–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.258]

Even Start Family Literacy Program Grants for Indian Tribes and Tribal Organizations

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001 funds for Even Start Family Literacy Program grants for Indian tribes and tribal organizations.

SUMMARY: *Purpose of Competition:* The Secretary of Education announces the availability of applications and an application deadline for federally recognized Indian tribes and tribal organizations to apply for FY 2001 new awards under the Even Start Family Literacy Program grant authority for Indian tribes and tribal organizations.

Even Start Family Literacy Program grants for Indian tribes and tribal organizations are awarded under Section 1202(a)(1)(C) of the Elementary and Secondary Education Act of 1965 (ESEA). The purpose of these grants is to help break the cycle of poverty and illiteracy by improving the educational opportunities of low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program for federally recognized Indian tribes and tribal organizations.

Eligible Applicants: Federally recognized Indian tribes and tribal organizations. (The term ''Indian tribe'' and ''tribal organization'' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act.)

Applications Available: May 9, 2001.

Deadline for Transmittal of Applications: July 9, 2001.

Available Funds: The Secretary estimates that there will be sufficient FY 2001 funds for 6–10 new grants.

Matching and Use of Funds Requirements

Federal and local funding: An Even Start Family Literacy project's funding is comprised of both a Federal portion of funds (Federal share) and a portion contributed by the eligible applicant (local project share). The local share of the project may be provided in cash or in kind and may be obtained from any source, including other Federal programs funded by the ESEA. The Federal share of the project may not exceed—

- 90 percent of the total cost of the project in the first year;
- 80 percent in the second year;
- 70 percent in the third year;
- 60 percent in the fourth year;
- 50 percent in the fifth through eighth years; and
- 35 percent in any subsequent year.

Any grantee that wishes to reapply at the end of a project period (up to 48 months) must recompete for funding with new applicants.

Indirect costs: Recipients of an Even Start Indian tribe and tribal organization grant may not use funds awarded under this competition for the indirect costs of a project, or claim indirect costs as part of the local project share. Grant recipients may request the Secretary to waive this requirement. To obtain a waiver, however, the recipient must demonstrate to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the Even Start Family Literacy Program. (Section 1204(b)(2), ESEA.)

Estimated Range of Awards: $100,000–$200,000 per year.

Estimated Average Size of Awards: $175,000 per year.

Estimated Number of Awards: 6–10.

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

Project Period: Up to 48 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTARY INFORMATION:

Background: As required by Section 1202(a)(1)(C) of the ESEA, the Assistant Secretary of Elementary and Secondary Education (Assistant Secretary) awards grants to eligible Indian tribe and tribal organization applicants for projects that—

- Improve the educational opportunities of low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program;
- Are implemented through cooperative activities that build on high-quality existing community resources to create a new range of services for federally recognized Indian tribe and tribal organization projects;
- Promote the academic achievement of children and adults;
- Assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards; and
- Use instructional programs based on scientifically based reading research (as defined in section 2252 of the ESEA) and the prevention of reading difficulties for children and adults, to the extent such research is available.

Each project must use the grant funds to provide intensive *family literacy services* that involve parents and children, from birth through age seven, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners. (Section 1204(a), ESEA.)

''Family literacy services'' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences. (Section 14401(15), ESEA.)

Each Even Start family literacy project must include fifteen specific program elements (listed in the application package). (Section 1205, ESEA.) Those elements include *in part* the following:

• identifying, recruiting, and providing services to families that are the most in need of family literacy services, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

• providing high-quality, intensive instructional programs that promote adult literacy (adult basic or secondary education or English language training) and empower parents to support the educational growth of their children (parenting education and interactive literacy-based activities between parents and their children), developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

• providing home-based instructional services to participating parents and children;

• operating on a year-round basis, including providing both instructional and enrichment services during the summer months;

• using instructional programs based on scientifically based reading research for children and adults to the extent that research is available;

• encouraging participating families to attend regularly and to remain in the program a sufficient time to meet their program goals; and

• providing for an independent evaluation of the project to be used for program improvement.

Note: Applicants should refer to the application package for a specific description of all of the required program elements.

Staff qualifications: All instructional staff in new Even Start projects (and all *new* staff in existing Even Start projects) whose salaries are paid in whole or part with Federal Even Start funds must have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary or secondary school education, or adult education, *and,* if applicable, meet State qualifications for that respective field. For continuing Even Start projects that are applying for a second or third project period, the majority of instructional staff must meet these qualifications by December 2004 (in addition to new instructional staff meeting the qualifications immediately). Instructional staff include any staff who are hired to provide instructional services in any of the four core instructional components (early childhood education, adult basic or secondary education, parenting education, and interactive activities between parents and their children).

In addition, by December 2004, all individuals who are responsible for administering Even Start family literacy projects and who are paid in whole or part with Federal Even Start funds must have received training in the operation of family literacy programs, and all paraprofessionals who provide support for the instructional components of an Even Start program and who are paid in whole or part with Federal Even Start funds must have a high school diploma or its recognized equivalent. (Section 1205(5), ESEA.)

Eligible participants: In general, eligible participants are families with children and their parents who meet the following qualifications specified in section 1206(a) of the ESEA:

(1) The parent or parents must be eligible for participation in adult education and literacy activities under the Adult Education and Family Literacy Act, be within the State's compulsory school attendance age range (in which case a local educational agency must provide or ensure the availability of the basic education component), or be attending secondary school; and

(2) The child or children must be younger than eight years of age.

National and Local Evaluations: The Department conducts a national evaluation of Even Start family literacy projects as required by section 1209 of the ESEA. Although the current national evaluation is ending in summer of 2001, a new national evaluation is scheduled to begin in fall 2002. The new national evaluation is planned to be based upon data collected from a sample of Even Start family literacy projects.

Every Even Start project must conduct an independent local evaluation for program improvement. (Section 1205(15), ESEA.) The application package includes additional information about this local evaluation, and about performance objectives and indicators that the Department encourages applicants to use when developing their proposed programs.

FOR APPLICATIONS AND FURTHER INFORMATION CONTACT: Doris Sligh, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202–6132. Telephone: (202) 260–0999, or via Internet: Doris.Sligh@ed.gov

The application package also is available on the Department's Web site at: *www.ed.gov/GrantApps/#84.258.*

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.

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 the previous 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. 6362(a)(1)(C).

Dated: May 3, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–11703 Filed 5–8–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, June 7, 2001, 9 a.m.–5 p.m., Friday, June 8, 2001, 8:30 a.m.–4 p.m.

ADDRESSES: West Coast hotel (formerly Cavanaugh's) 1101 North Columbia Center Boulevard Kennewick, WA (509–783–0611)

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7–75), Richland, WA, 99352;

Phone: (509) 373–5647; Fax: (509) 376–1563.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Thursday, June 7, 2001

- Update on current baselines and budgets (FY2002, FY2003)—Draft advise may be introduced
- Status of the Richland Operations Office
- Status of the Office of River Protection
- Introduction of Draft Advice on Principles for Existing Hanford

Clean-up Contracts

- Adoption of Hanford Advisory Board Guidance on Roles

Responsibilities and Expectations

- Tri-Party Agreement Community Relations Plan—Process and timeline for revising the document (Advice may be proposed.)
- Environmental Assessment on Low-Level Burial Ground Trench Expansion
- Explore opportunities for ways the Board could assist DOE in examining the framework on how clean-up is done.

Friday, June 8, 2001

- Refinement and adoption of draft advice
- Issue Manager Updates
- Spent Fuel
- Hanford Draft Stewardship Plan
- B-Reactor
- Tank Draft Supplemental Environmental Impact Statement
- Groundwater Roadmap Roundtable
- Site-Specific Advisory Board Letter to the Secretary
- Offsite-Waste
- Identification of Agenda Topics for September Board Meeting

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy Richland Operation Office, P.O. Box 550, Richland, WA 99352, or by calling her at (509) 373–5647.

Issued at Washington, DC on May 4, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–11648 Filed 5–8–01; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1302–000]

American Ref-Fuel Company of Niagara, L.P.; Notice of Issuance of Order

May 3, 2001.

American Ref-Fuel Company of Niagara, L.P. (American Reg-Fuel) submitted for filing a rate schedule under which American Ref-Fuel will engage in wholesale electric power and energy transactions at market-based rates. American Ref-Fuel also requested waiver of various Commission regulations. In particular, American Ref-Fuel also requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by American Ref-Fuel.

On April 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by American Ref-Fuel should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, American Ref-Fuel is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of American Ref-Fuel's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 14, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11659 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1071–000 and ER01–1071–001]

Badger Windpower, LLC; Notice of Issuance of Order

May 3, 2001.

Badger Windpower, LLC (Badger) submitted for filing a rate schedule under which Badger will engage in wholesale electric power and energy transactions at market-based rates. Badger also requested waiver of various Commission regulations. In particular, Badger requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Badger.

On April 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates,

granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Badger should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Badger is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Badger's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 14, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11658 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–022]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

May 3, 2001.

Take notice that on April 27, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to the Commission the following contract for disclosure of a recently negotiated rate transaction:

FTS–1 Service Agreement No. 70403 between Columbia Gulf Transmission Company and Cinergy Marketing & Trading, L.L.C. dated April 18, 2001

Transportation service which is scheduled to commence May 1, 2001.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11660 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–023]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

May 3, 2001.

Take notice that on April 30, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to the Commission the following contract for disclosure of a recently negotiated rate transaction:

FTS–1 Service Agreement No. 70440 between Columbia Gulf Transmission Company and Pogo Producing Company dated April 27, 2001

Transportation service which is scheduled to commence May 1, 2001.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11669 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–18–000]

Distrigas of Massachusetts LLC; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2001.

Take notice that on April 30, 2001, Distrigas of Massachusetts LLC (DOMAC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, to become effective June 1, 2001:

Eleventh Revised Sheet No. 94

DOMAC states that the purposes of this filing is to record semiannual changes in DOMAC's index of customers.

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 pubic 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11655 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–16–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Tariff Filing

May 3, 2001.

Take notice that on April 27, 2001, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, proposed to become effective January 1, 2001:

Sixth Revised Sheet No. 3
Fifth Revised Sheet No. 3B

Great Lakes states that the tariff sheets listed above are being filed to revise the system and zone maps included in Great Lakes' tariff pursuant to § 154.106(c) of the Commission's regulations. The revisions to the maps reflect the addition of the Marenisco meter station to Great Lakes System and 14.1 miles of looping on the Sault Mainline Extension.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11652 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–390–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

May 3, 2001.

Take notice that on April 30, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume NO. 1, the following tariff sheet to become effective May 1, 2001:

Thirty Fifth Revised Sheet No. 9

National states that under Article II, Section 2, of the settlement, it is required to recalculate the maximum Interruptible Gathering (IG) rate monthly and to charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under Section 1 of Article II. The recalculation produced an IG rate of $1.34 per dth. In addition, Article III, Section 1 states that any overruns of the Firm Gathering service provided by National shall be priced at the maximum IG rate.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11650 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–035]

Natural Gas Pipeline Company of America; Notice of Negotiated Rate

May 3, 2001.

Take notice that on May 1, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets, to be effective May 1, 2001.

Natural states that the purpose of this filing is to implement a negotiated rate transaction with Tenaska Gas Storage, LLC under Natural's Rate Schedule NSS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff.

Natural states that copies of the filing are being mailed to its customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99–176.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11653 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–389–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2001.

Take notice that on April 30, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Seventeenth Revised Sheet No. 22, to be effective June 1, 2001.

Natural states that the filing is submitted pursuant to Section 21 of the General Terms and Conditions (GT&C) of its Tariff as the sixteenth semiannual limited rate filing under Section 4 of the Natural Gas Act and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission) promulgated thereunder. The rate adjustments filed for are designed to recover Account No. 858 stranded costs incurred by Natural under contracts for transportation capacity on other pipelines. Costs for any Account No. 858 contracts specifically excluded under Section 21 are not reflected in this filing.

Natural requested waivers of Section 21 of the GT&C of its Tariff and the Commission's Regulations to the extent necessary to permit Seventeenth Revised Sheet No. 22 to become effective June 1, 2001.

Natural states that copies of the filing are being mailed to its customers and interested state regulatory agencies.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11668 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–388–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2001.

Take notice that on April 30, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective June 1, 2001:

Third Revised Sheet Number 1
Second Revised Sheet Number 98
Original Sheet Number 182
Second Revised Sheet Number 216
Original Sheet Number 185
Original Sheet Number 186
First Revised Sheet Number 259A
Original Sheet Number 189
Original Sheet Number 190
Original Sheet Number 260A
Original Sheet Number 260B
Original Sheet Number 260C
Third Revised Sheet Number 203
Original Sheet Number 462
Original Sheet Number 463
Original Sheet Number 205A
First Revised Sheet Number 211A
Original Sheet Number 467
Original Sheet Number 468
Eighth Revised Sheet Number 213A
First Revised Sheet Number 213B
Third Revised Sheet Number 214A
Original Sheet Number 183
Original Sheet Number 184
First Revised Sheet Number 233
Original Sheet Number 187
Original Sheet Number 188
Third Revised Sheet Number 260
Original Sheet Number 191
Sheet Numbers 192–199
Fourth Revised Sheet Number 200
Original Sheet Number 260D
Original Sheet Number 260E
Third Revised Sheet Number 205
Original Sheet Number 464
Original Sheet Number 465
Original Sheet Number 466
Fourth Revised Sheet Number 212
Sheet Numbers 469–499

Northern Border states that the purpose of this filing is to implement a

new Rate Schedule PAL for park and loan services and to reflect changes in Northern Border's General Terms and Conditions and form of Agreement for services related to implementing Rate Schedule PAL, and to add provisions for Operation Flow Orders.

Northern Border states that copies of this filing have been sent to all Northern Border's contracted shippers and interested state regulatory commissions.

Any persons 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11665 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–030]

Northern Natural Gas Company; Notice of Negotiated Rate

May 3, 2001.

Take notice that on April 30, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to become effective on May 1, 2001:

Eighteenth Revised Sheet No. 66
Ninth Revised Sheet No. 66A

Northern states that the above sheets are being filed to implement negotiated rate transactions with Great River Energy and WPS Energy Services, Inc. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-service Ratemaking for Natural Gas Pipelines. In addition, the transaction that has expired has been deleted.

Northern further states that copies of the filing have been mailed to each of its 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11666 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–223–004]

Northern Natural Gas Company; Notice of Compliance Filing

May 3, 2001.

Take notice that on April 30, 2001 Northern Natural Gas Company (Northern) tendered for filing in its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to be effective May 1, 2001:

Sixth Revised Sheet No. 1
Seventh Revised Sheet No. 2
1 Revised 55 Revised Sheet No. 51
53 Revised Sheet No. 53
Fourth Revised Sheet No. 115
Second Revised Sheet No. 125A
First Revised Sheet No. 125B
First Revised Sheet No. 125C
First Revised Sheet No. 125D
First Revised Sheet No. 125E
First Revised Sheet No. 125F
Fifth Revised Sheet No. 143
Eleventh Revised Sheet No. 144
Fourth Revised Sheet No. 145
Seventh Revised Sheet No. 206
Seventh Revised Sheet No. 220
Third Revised Sheet No. 251
Fifth Revised Sheet No. 252
Fifth Revised Sheet No. 255
Fourth Revised Sheet No. 261
1 Rev Sub Sixth Revised Sheet No. 263A
Fourth Revised Sheet No. 264
Seventh Revised Sheet No. 265
Third Revised Sheet No. 271
Fourth Revised Sheet No. 290
Fifth Revised Sheet No. 300
Fifth Revised Sheet No. 302
Fourth Revised Sheet No. 414
Third Revised Sheet No. 415
Third Revised Sheet No. 416

Northern states that the reason for this filing is to comply with the Commission's Order dated April 16, 2001 in Docket No. RP00–223–003. Pursuant to the April 16 Order, Northern has revised Tariff Sheet No. 125A to reflect the offering of Limited Firm Throughput Service (LFT) in the Field Area year-round and in the Market Area during the summer (April through October). Tariff Sheet No. 125D has been revised to incorporate Northern's intent to credit Shippers when a Limited Day is called pursuant to Northern's Supplemental Filing dated May 9, 2000. In addition, Northern has revised Tariff Sheet Nos. 125A and 125C to delete the reference to Northern's EBB and reflect the use of Northern's Internet web site.

In addition, Northern hereby submits for filing as part of its F.E.R.C. Gas Tariff, Fifth Revised Volume No. 1, an original and five copies of Substitute 56 Revised Sheet No. 51 and Substitute Seventh Revised Sheet No. 263A proposed to be effective May 19, 2001 to incorporate LFT references on these substitute pages.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., 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.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be field electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–11667 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket No. GT01–21–000

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2001.

Take notice that on April 30, 2001, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet to be effective June 1, 2001:

Fourth Revised Sheet No. 3B

Panhandle states that the purpose of this filing, made in accordance with the provisions of Section 154.106 of the Commission's Regulations, is to service the system map to reflect changes in the pipeline facilities and the points at which service is provided.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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/foorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–11661 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1496–000]

Sundance Energy; Notice of Issuance of Order

May 3, 2001.

Sundance Energy (Sundance) submitted for filing a rate schedule under which Sundance will engage in wholesale electric power and energy transactions at market-based rates. Sundance also requested waiver of various Commission regulations. In particular, Sundance requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Sundance.

On April 13, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Sundance should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Sundance is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Sundance's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 14, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11656 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–239–002]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

May 3, 2001.

Take notice that on April 27, 2001, Tennessee Gas Pipeline (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Tenth Revised Tariff Sheet No. 316. Tennessee requests that the foregoing tariff sheet be made effective April 1, 2001, in compliance with the Commission's previous order.

Tennessee states that this sheet is being filed to comply with the Commission's Letter Order issued on March 28, 2001 in Docket No. RP01–239–000, requiring Tennessee to further clarify the priority of Extended Delivery Service/Extended Receipt Service for the NET–284 Rate Schedule.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11649 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. GT01–17–000 and CP97–561–002]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

May 3, 2001.

Take notice that on April 27, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Eighth Revised Sheet No. 301 and Fourth Revised Sheet No. 401A, with an effective date of June 1, 2001.

Tennessee states that the referenced sheet is being filed to comply with the Commission's ''Order Granting Abandonment Authority'' issued in the captioned proceeding on December 19, 1997. In compliance with the Order, Tennessee has revised Article XXXI of the General Terms and Conditions of its Tariff to reflect the Commission-approved language regarding gathering affiliate abuse and to reflect a revision to the General Terms and Conditions Index of Provisions.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11651 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–255–024]

TransColorado Gas Transmission Company; Notice of Negotiated Rate

May 3, 2001.

Take notice that on May 1, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Twenty-Fourth Revised Sheet No. 21 and Twentieth Revised Sheet No. 22, to be effective May 1, 2001.

TransColorado states that the filing is being made in compliance with the Commission's letter order issued March 20, 1997, in Docket No. RP97–255–000,

TransColorado states that the tendered tariff sheets revised TransColorado's Tariff to reflect two new negotiated-rate tariff contracts.

TransColorado stated that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission and the New Mexico Public Utilities Commission.

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 202–202–2222 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11664 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–20–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 3, 2001.

Take notice that on April 30, 2001, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets to be effective June 1, 2001:

Third Revised Sheet No. 5A
Second Revised Sheet No. 5B
Second Revised Sheet No. 5C

Trunkline states that the purpose of this filing, made in accordance with the provisions of Section 154.106 of the Commission's Regulations, is to revise the system map to reflect changes in the pipeline facilities and the points at which service is provided.

Trunkline states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–11662 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1300–000]

Whiting Clean Energy, Inc.; Notice of Issuance of Order

May 3, 2001.

Whiting Clean Energy, Inc. (Whiting) submitted for filing a rate schedule under which Whiting will engage in wholesale electric power and energy transactions at market-based rates. Whiting also requested waiver of various Commission regulations. In particular, Whiting requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Whiting.

On April 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Whiting should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Whiting is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Whiting's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 14, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11657 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–19–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

May 3, 2001.

Take notice that on April 30, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective April 30, 2001:

Eighth Revised Sheet No. 5
Sixth Revised Sheet No. 6
Sixth Revised Sheet No. 6A
Third Revised Sheet No. 7
Sixth Revised Sheet No. 8
Seventh Revised Sheet No. 9
Fifth Revised Sheet No. 10

Williston Basin states that the revised tariff sheets are being filed simply to update its Systems Maps with the recent information available.

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, N.E., Washington, D.C. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–11663 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11616–000–Michigan, Project No. 2566–010–Michigan

City of Portland, Michigan, Consumers Energy Company; Notice of Availability of Final Environmental Assessment

May 3, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Energy Projects has reviewed the City of Portland's application for original license for operating unlicensed Portland Municipal Hydroelectric Project, and Consumers Energy Company's new license for the continued operation of the Webber Hydroelectric Project, located on the Grand River, in the City of Portland, Ionia County, Michigan, and has

prepared a Final Environmental Assessment (FEA) for the projects. In the FEA, the Commission's staff has analyzed the potential environmental effects of the projects and has concluded that licensing the projects, with staff's recommended measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426. The DEA may also be viewed on the web at *http://www.ferc.fed.us/online/rims.htm.* Please call (202) 208–2222 for assistance. If you have any questions regarding this notice, please contact Tom Dean at (202) 219–2778.

David P. Boergers,

Secretary.

[FR Doc. 01–11654 Filed 5–8–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–1021; FRL–6780–8]

Notice of Filing Pesticide Petitions to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–1021, must be received on or before June 8, 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–1021 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Treva C. Alston, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8373; e-mail address: alston.treva@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'' ''Regulation and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1021. 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–1021 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–1021. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be

disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data 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 26,2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioner and represent the views of the petitioner. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Stockhausen, Inc.

PP 1E6281

EPA has received a pesticide petition (1E6281) from Stockhausen, Inc., 2401 Doyle Street, Greensboro, NC 27406 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) when used as an inert ingredient as a carrier in pesticide formulations that are applied to growing crops or to raw agricultural commodities before or after harvest. 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. Toxicological Profile

Acute toxicity. The Agency has established a set of criteria which identifies categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compounds compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) conforms to the definition of polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers.

1. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in the natural aquatic environment.
2. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) contains as an integral part of its composition the atomic elements carbon, hydrogen and oxygen.
3. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).
4. 2-Propenoic acid, sodium salt, polymer with 2-propenamide(acrylamide-sodium acrylate copolymer) is not reasonably anticipated to substantially degrade, decompose or depolymerize.
5. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.
6. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) is not a water absorbing polymer with a number average molecular weight greater than or equal to 10,0000 daltons.
7. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) has an average molecular weight of 18,000 daltons. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) meets the requirements for molecular weight distribution of oligomer contents of less than 5% with molecular weights less than 1,000 and less than 2% with molecular weights less than 500.

B. Aggregate Exposure

Dietary exposure. For the purposes of assessing potential exposure under this exemption, it is considered that 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) could be present in all raw and processed

agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average molecular weight of 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) is 18,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) conforms to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. Since there is a reasonable certainty that no harm will result from aggregate exposure to 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer), a tolerance is not necessary.

C. Cumulative Effects

There are no data to support cumulative risk from 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) since polymers with molecular weights greater than 400 generally are not absorbed through the intact skin and substances with molecular weights greater than 1,000 generally are not absorbed through the gastrointestinal tract (GI). Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response. Therefore, there is no reasonable expectation of risk due to cumulative exposure.

D. Safety Determination

1. *U.S. population*. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) causes no safety concerns because it conforms to the definition of a low risk polymer given in 40 CFR 723.250(b) and as such is considered incapable of eliciting a toxic response. Also, there are no additional pathways of exposure (non-occupational, drinking water, etc.) where there could be additional risk.

2. *Infants and children*. 2-Propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) causes no additional concern to infants and children because it conforms to the definition of a low risk polymer given in 40 CFR 723.250(b), and as such, is considered incapable of eliciting a toxic response. Also, there are no additional pathways of exposure (non-occupational, drinking water, etc.) where infants and children would be at additional risk.

E. International Tolerances

There are no CODEX Maximum Residue Limits established for 2-propenoic acid, sodium salt, polymer with 2-propenamide (acrylamide-sodium acrylate copolymer) in/on any crop commodities at this time.

PP 1E6282

EPA has received a pesticide petition (1E6282) from Stockhausen, Inc., 2401 Doyle Street, Greensboro, NC 27406 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) when used as an inert ingredient as a carrier in pesticide formulations that are applied to growing crops or to raw agricultural commodities before or after harvest 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. Toxicological Profile

Acute toxicity. The Agency has established a set of criteria which identifies categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compounds compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) conforms to the definition of polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers.

1. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in the natural aquatic environment.

2. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) contains as an integral part of its composition the atomic elements carbon, hydrogen and oxygen.

3. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) is not reasonably anticipated to substantially degrade, decompose or depolymerize.

5. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) is not a water absorbing polymer with a number average molecular weight greater than or equal to 10,0000 daltons.

7. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) has an average molecular weight of 18,000 daltons. 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) meets the requirements for molecular weight distribution of oligomer contents of less than 5% with molecular weights less than 1,000 and less than 2% with molecular weights less than 500.

B. Aggregate Exposure

1. *Dietary exposure*. For the purposes of assessing potential exposure under this exemption, it is considered that 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average molecular weight of 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) is 18,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) conforms to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably

foreseeable. Since there is a reasonable certainty that no harm will result from aggregate exposure to 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer), a tolerance is not necessary.

C. Cumulative Effects

There are no data to support cumulative risk from 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) since polymers with molecular weights greater than 400 generally are not absorbed through the intact skin and substances with molecular weights greater than 1,000 generally are not absorbed through the gastrointestinal tract (GI). Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response. Therefore, there is no reasonable expectation of risk due to cumulative exposure.

D. Safety Determination

1. *U.S. population.* 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) causes no safety concerns because it conforms to the definition of a low risk polymer given in 40 CFR 723.250(b) and as such is considered incapable of eliciting a toxic response. Also, there are no additional pathways of exposure (non-occupational, drinking water, etc.) where there could be additional risk.

2. *Infants and children.* 2-Propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) causes no additional concern to infants and children because it conforms to the definition of a low risk polymer given in 40 CFR 723.250(b), and as such, is considered incapable of eliciting a toxic response. Also, there are no additional pathways of exposure (non-occupational, drinking water, etc.) where infants and children would be at additional risk.

E. International Tolerances

There are no CODEX Maximum Residue Limits established for 2-propenoic acid, polymer with 2-propenamide, sodium salt (acrylamide-sodium acrylate copolymer) in/on any crop commodities at this time.

[FR Doc. 01–11521 Filed 5–8–01; 8:45 am]

BILLING CODE CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

May 3, 2001.

Open Commission Meeting, Thursday, May 10, 2001

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 10, 2001, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No., Bureau, and Subject

1—Common Carrier—Title: Federal-State Joint Board on Universal Service (CC Docket No. 96–45); and Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers (CC Docket No. 00–256). Summary: The Commission will consider a Fourteenth Report and Order and Twenty-First Order on Reconsideration in CC Docket No. 96–45 and a Report and Order in CC Docket No. 00–256 concerning a proposal to reform federal high-cost universal service support mechanisms for rural carriers.

2—Mass Media—Title: Cross-Ownership of Broadcast Stations and Newspapers; and Newspaper/Radio Cross-Ownership Waiver Policy (MM Docket No. 96–197). Summary: The Commission will consider a Notice of Proposed Rule Making proposing to modify, eliminate, or retain its rule that prohibits common ownership of broadcast stations and newspapers within the same geographic area.

3—Office of Engineering and Technology—Title: Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices (ET Docket No. 99–231); and Wi–LAN, Inc., Application for Certification of an Intentional Radiator Under Part 15 of the Commission's Rules (DA 00–2317). Summary: The Commission will consider a Further Notice of Proposed Rule Making and Order proposing changes to remove unnecessary regulatory barriers to the introduction of new wireless devices using spread spectrum and other digital technologies. The Commission will also review the staff's denial of an application for equipment certification filed by Wi-LAN, Inc.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its_inc@ix.netcom.com. Their Internet address is *http://www.itsdocs.com/.*

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at *http://www.fcc.gov/realaudio/.* The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–11750 Filed 5–7–01; 11:03 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011305–009

Title: United Alliance Agreement

Parties: Cho Yang Shipping Company, Ltd., Hanjin Shipping Co., Ltd., Senator Lines GmbH, United Arab Shipping Company

Synopsis: The proposed amendment removes Cho Yang Shipping Company, Ltd. as a party and adjusts the vessel contributions and space allocations of the remaining parties.

Agreement No.: 011762

Title: United Alliance Agreement

Parties: Cho Yang Shipping Company, Ltd., Hanjin Shipping Co., Ltd.

Synopsis: The proposed agreement would allow Hanjin Shipping Co., Ltd. to sell vessel space to Cho Yang Shipping Company, Ltd. in the trades between U.S. East and West Coast ports and ports in Asia, Europe, and the Middle East.

Agreement No.: 011763
Title: Crowley/Dole Space Charter and Sailing Agreement
Parties: Crowley Liner Services, Dole Ocean Cargo Express, Inc.
Synopsis: The proposed agreement permits the parties to charter space to each other and coordinate sailings in the trade between Port Everglades, Florida and Puerto Limon, Costa Rica.

Dated: May 4, 2001.
By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 01–11685 Filed 5–8–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 14687N.
Name: BWT WHSE & DIST., Inc.
Address: 2451 United Lane, Elk Grove Village, IL 60007.
Date Revoked: March 29, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4359F.
Name: Chadwick, Vernon Paul.
Address: 5915 Hoover Avenue, Indian Trail, NC 28079.
Date Revoked: October 18, 2000.
Reason: Surrendered license voluntarily.

License Number: 4207F.
Name: Cortina & Roth, Inc.
Address: 8770 SW 72nd Street, #183, Miami, FL 33173.
Date Revoked: April 4, 2001.
Reason: Surrendered license voluntarily.

License Number: 3240F.
Name: Freight Connections International, Ltd.
Address: 935 175th Street, Homewood, IL 60430.
Date Revoked: March 24, 2001.
Reason: Failed to maintain a valid bond.

License Number: 16978F.
Name: International Transportation Services, Inc. d/b/a Itrans.
Address: 18610 S.E. 24th Street, Vancouver, WA 98683.
Date Revoked: April 4, 2001.
Reason: Failed to maintain a valid bond.

License Number: 14011F.
Name: Inverfreight, Inc.
Address: 5901 NW 151st Street, Suite 102, Miami Lakes, FL 33014.
Date Revoked: March 23, 2001.
Reason: Failed to maintain a valid bond.

License Number: 3903N.
Name: Jagro California Inc.
Address: 5777 W. Century Blvd., Suite 800, Los Angeles, CA 90045.
Date Revoked: March 30, 2001.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–11683 Filed 5–8–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

Diplomat Global Logistics, Inc., 6315 Fly Road, E. Syracuse, NY 13057,
Officers: Richard J. Roche, President, (Qualifying Individual); John Rodenhouse, Secretary

Dynamic World Trade Corp. d/b/a LHS Global Logistics, 747 Glasgow Avenue, Inglewood, CA 90301.
Officers: Carl Steiner, CEO (Qualifying Individual); Robert Harrah, Vice President Sales.

Daystar Line, Inc., 535 Secaucus Road, Secaucus, NJ 07094.
Officers: Taek S. Hwang (aka Timmy Hwang), President, (Qualifying Individual); Yoon M. Hwang, Treasurer.

G&S Shipping, Inc., 2252 Beverly Boulevard, Suite 204, Los Angeles, CA 90057.
Officer: Olegario M. Gaerlan, President, (Qualifying Individual).

Amfak Global Services, Inc., 205 Meadow Road, Edison, NJ 08817.
Officers: Stephen F. Trimboli, Vice President, (Qualifying Individual); Michael F. Molfetta, President.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Conex International, 20435 South Western Avenue, Torrance, CA 90501.
Yung Hoon Kim, Sole Proprietor.

E.N.W. Freight Forwarding Corporation, 8601 NW 72 Street, Miami, FL 33166
Officers: Eduardo Gutierrez, President, (Qualifying Individual); William Alvarez, Vice President.

Northern Business Logistics Corporation, 398 West Bagley Road, Suite 216, Berea, OH 44017.
Officers: Sherri Ann Price, Export Manager, (Qualifying Individual); Don Unansky, President.

Maharlika Cargo International, Inc., 16093 Mills Avenue, San Lorenzo, CA 94580.
Officers: Conrado Lim, Secretary, (Qualifying Individual); Carmen L. Daniels, CEO.

Latek USA, Inc., 662 Dell Road, Carlstadt, NJ 07072.
Officers: Metin Nerkis, Vice President, (Qualifying Individual); Gamza Ayberk, President.

HPK Logistics (USA) Inc., 5959 W. Century Blvd., Suite 705, Los Angeles, CA 90045.
Officers: Richard Cai, President, (Qualifying Individual); Jian Sun, Treasurer.

New Horizons International Group, Incorporated, 6509 New Hampshire Avenue, Takoma Park, MD 20912.
Officer: Chuck Lawrence Omerennah, President, (Qualifying Individual).

Caribtrans Cargo, Inc., 8012 NW 29th Street, Miami, FL 33122.
Officer: Armando Peralta, President, (Qualifying Individual).

S & B International Freight Forwarders, Inc., 4955 SW, 75th Avenue, P.O. Box 55 7066, Miami, FL 33155.
Officers: Crystal Tina Saenz, Manager, (Qualifying Individual); Tammy Gonzalez, President.

Cargo Transport Fla., Inc., 7122 NW 74th Avenue, Miami, FL 33166.
Officers: Milton Amengual, Vice President, (Qualifying Individual); Roger Jarman, President.

Delex Inc., 1326 McDonald Avenue, Brooklyn, NY 11230.
Officers: Robert Taylor, Secretary/Corporate Dir., (Qualifying Individual); Oleg Ardashev, President.

Total Cargo Logistics Inc. d/b/a Trans Container, Line 405 Blair Road, Avenel, NJ 07001,
Officer: Brian Ventura, President, (Qualifying Individual).
Antilles Wholesale Co Inc., 1759 Bay Road, Miami Beach, FL 33139.
Officer: Joseph Burke, President, (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary, Applicants

Pacific Terminals Limited 3480 West Marginal Way SW, Seattle, WA 98106.
Officers: Ilya Pankov, Import Export Manager, (Qualifying Individual); Kyle Washington, President.
Freight Brokers Global Forwarding, Inc., 205 Meadow Road, Edison, NJ 08817.
Officer: Michael Francis Molfetta, Director, (Qualifying Individual).
Tower Global Logistics, Inc., 7220 NW 36 Street, Suite 646, Miami, FL 33166.
Officers: Eduardo del Pozo, Director of Operations, (Qualifying Individual); Angela Mesa, President.
Falcon Worldwide Corp., 2800 SW 4th Avenue, Bay 20, Fort Lauderdale, FL 33315.
Officers: James R. Brown, (Qualifying Individual); Robert Mion, President.
ACI Cargo, Inc., 2716 NW 72nd Avenue, Miami, FL 33122.
Officers: Raul R. Gonzalez, President, (Qualifying Individual); Gilda Gonzalez, Vice President.

Dated: May 4, 2001.

Bryant L. VanBrakle,

Secretary,

[FR Doc. 01–11684 Filed 5–8–01; 8:45 am],

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/Address	Date reissued
16587N	Fescargo Corporation, 1145 W. Walnut Street, Compton, CA 90220.	March 15, 2001
4607F	Jolaco Maritime Services Inc., 3620 Willow Bend, Suite 1102, Houston, TX 77054.	January 7, 2001
11365F	Seawinds Freight Services, Inc., 601 Airport Blvd., Unit B, South San Francisco, CA 94080.	February 28, 2001

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing .

[FR Doc. 01–11682 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12 noon, Monday, May 14, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Proposals regarding a Federal Reserve Bank's building program.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Michelle A. Smith, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: May 4, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–11747 Filed 5–4–01; 4:44 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATIONS, 04/03/2001–04/13/2001

Transaction no.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—04/03/2001			
20011472	LG Electronics Inc.	Joint Venture Corporation	Joint Venture Corporation.
20011473	Koninklijke Philips Electronics N.V	Joint Venture Corporation	Joint Venture Corporation.
20011599	United Parcel Service, Inc	U.S. Office Products Company	Mail Boxes Etc.
20011625	Verizon Communications Inc	Bravo Cellular Holding, L.L.C	Bravo Cellular Holding, L.L.C.
Transactions Granted Early Termination—04/05/2001			
20011502	Rogers Corporation	James Russell	Tonoga Limited.
20011586	Flextronics International Ltd	Telefonaktiebolaget LM Ericsson	Ericsson Inc.
Transactions Granted Early Termination—04/06/2001			
20011640	MDU Resources Group, Inc	Bauerly Brothers, Inc	Bauerly Brothers, Inc.
20011645	Dimension Data Holdings plc	Premier Systems Integrators, LLC	Premier Systems Integrators, LLC.
20011654	Reebok International, Ltd	National Football League Properties, Inc.	National Football League Properties, Inc.
20011655	ChoicePoint Inc	James N. Alvarez	Direct Mail Credit Data Trust. Marketing Information and Technology Trust.
20011656	Palm, Inc	Extended Systems Incorporated	Extended Systems Incorporated.
20011657	Steven M. Scott, M.D	Health Net, Inc	Foundation Health, A Florida Health Plan, Inc.
20011668	Three Cities Fund III, L.P	Einstein/Noah Bagel Corp	Einstein/Noah Bagel Corp.
Transactions Granted Early Termination—04/09/2001			
20010430	AT&T Corp	Michael Malone	AEI Music Network Inc.
20010431	Michael Malone	AT&T Corp	Newco.
Transactions Granted Early Termination—04/10/2001			
20011624	Satish K. Sanan	CGI Group Inc	CGI Group Inc.
20011633	Frontenac VIII Limited Partnership	John Jack McEntee	Nth Degree Inc.
20011642	TransCanada Pipelines Limited	International Paper Company	Curtis/Palmer Hydrolectric Company, L.P.
20011676	WD–40 Company, a Delaware Corporation.	HPD Holdings Corp	HPD Holdings Corp.
20011685	divine, inc	marchFirst, Inc	marchFirst, Inc.
Transactions Granted Early Termination—04/11/2001			
20011670	Commonwealth Credit Union	State Capitol Credit Union	State Capitol Credit Union.
20011683	Intel Corporation	LightLogic, Inc	LightLogic, Inc.
Transactions Granted Early Termination—04/13/2001			
20011124	Phillips Petroleum Company	The Coastal Corporation	Coastal Mart of Oklahoma, Inc. Coastal Mart, Inc. Coastal Refining & Market, Inc.
20011630	General Electric Company	Dover Corporation	A–C Canada Corporation, A–C Compressor UK Limited. Commec, Inc., Millwrights Incorporated. Delaware Capital Formation, Inc. Preco Turbine & Compressor Services, Inc.
20011666	Community Foundation, Inc	Ancilla Systems Incorporated	St. Catherine Hospital, Inc., St. Mary Medical Center, Inc.
20011669	AT&T Corp	NorthPoint Communications Group, Inc.	NorthPoint Communications Group, Inc
20011671	Amerada Hess Corporation	Gibbs Oil Company Limited Partnership.	Gibbs Oil Company Limited Partnership
20011677	Myriad Genetics, Inc	Myriad Proteomics, Inc	Myriad Proteomics, Inc.
20011678	ITC Holding Company, Inc	ITC∧DeltaCom, Inc	ITC∧DeltaCom, Inc.
20011684	The Cirrus Trust	Gencor Industries, Inc	Consolidated Process Machinery, Inc.
20011686	SAP Aktiengesellschaft Systeme, Anwendungen Produkte in der.	Stichting Administratiekantoor Vanenburg Capitol Management.	Top Tier Software, Inc.
20011688	DLJ Merchant Banking Partners III, L.P.	PMD Group Holdings, Inc	PMD Group Holdings, Inc.
20011689	Deutsche Lufthansa AG	Gerald Schwartz	Onex Food Services, Inc.
20011691	Goodman Distributing Company	Goodman Manufacturing Company, L.P.	Goodman Manufacturing Company, L.P.
20011699	UbiquiTel Inc	VIA Wireless, LLC	VIA Wireless, LLC.
20011717	General Electric Company	Franchise Finance Corporation of America.	Franchise Finance Corporation of America.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–11590 Filed 5–8–01; 8:45 am]

BILLING CODE 6750–01–M

GENERAL ACCOUNTING OFFICE

Advisory Council on Government Auditing Standards; Notice of Meeting

The Advisory Council on Government Auditing Standards will meet Wednesday, May 16, 2001, from 12:30 to 4:30 p.m., and Thursday, May 17, 2001, from 8:30 a.m. to 4 p.m. in room 7C13 of the General Accounting Office Building, 441 G Sreet, NW., Washington, DC.

The Advisory Council on Government Auditing Standards will hold a meeting to discuss issues that may impact government auditing standards. The meeting is open to the public. Any interested person who plans to attend the meeting as an observer should present a copy of this meeting notice and a form of picture identification to the GAO Security Desk on the day of the meeting to obtain access to the GAO Building. Council discussions and reviews are open to the public. Members of the public will be provided an opportunity to address the Council with a brief (five minute) presentation on the afternoon of Thursday, May 17.

For further information or to notify the Council of your intention to address the Council, please contact Marcia Buchanan, Assistant Director, Government Auditing Standards, 202–512–9321.

Please check the Government Auditing Standards web page *(www.gao.gov/govaud/ybk01.htm)* one week prior to the meeting for a final agenda.

Marcia B. Buchanan,

Assistant Director.

[FR Doc. 01–11679 Filed 5–8–01; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–01–04]

Fiscal Year 2001 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Request for applications for a *National Center for Family Friends/Volunteer Senior Aides* to provide training and technical assistance to current projects, fund and assist new projects, and develop and implement new models to demonstrate alternative funding strategies.

SUMMARY: The Administration on Aging announces that under this program announcement it will hold a competition for a grant award for *one* (1) project at a federal share of approximately $485,000 per year for a project period of two years. The purpose of the project is to support a national center to further build and support a national system of Family Friends/Volunteer Senior Aides projects, and to develop and implement new models to demonstrate alternative funding strategies for local program replication/expansion.

The deadline date for the submission of applications is June 15, 2001. Public and/or nonprofit agencies, organizations, or institutions are eligible to apply. To be considered for funding, however, the applicant must be experienced in providing services to the designated populations inherent to the Family Friends/VSA programs.

Application kits are available by writing to the U.S. Department of Health and Human Services, Administration on Aging, Office of Program Development, 330 Independence Avenue, SW., Room 4264, Washington, DC 20201, by calling 202/619–2987 or on the web at http://www.aoa.gov/t4/fy2001.

Dated: May 4, 2001.

Norman L. Thompson,

Acting Principal Deputy Assistant Secretary for Aging.

[FR Doc. 01–11730 Filed 5–8–01; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01075]

Grant for the Study of the Genetic and Environmental Causes of Birth Defects; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a grant program to study the genetic and environmental causes of birth defects. This program addresses the ''Healthy People 2010'' focus areas of Environmental Health, and Maternal, Infant, and Child Health. The purpose of the program is to support research into the genetic and environmental causes of birth defects.

B. Eligible Applicant

Assistance will be provided only to the University of Louisville Birth Defects Center consistent with the Conference Report (H. Report 106–1033) to the CDC 2001 Appropriations Law (Public Law 106–554). The University of Louisville Birth Defects Center is also known as the University of Louisville Craniofacial Birth Defects Research Center. No other applications are solicited.

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 $438,789 is available in FY 2001 to fund this award. It is expected that the award will begin on or about September 1, 2001, and will be made for a 12-month budget period within a project period of one year. The funding estimate may change.

Use of Funds

This award may be used for personnel services, equipment, travel, and other costs related to project activities. Project funds may not be used for health care services, patient care, construction, nor lease/purchase of facilities or space.

D. Where to Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address: *http://www.cdc.gov.*

Click on ''Funding'' then ''Grants and Cooperative Agreements.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Virginia Hall-Broadnax, Grants Management Specialist Grants Management Branch, Procurement and Grants Office Centers for Disease Control and Prevention 2920 Brandywine Road, Suite 3000, Mailstop E–13 Atlanta, GA 30341–4146 Telephone number: (770) 488–2700 E-mail address: *vdh2@cdc.gov*.

Technical assistance may be obtained from: William A. Paradies, Birth Defects and Pediatric Genetics Branch, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway, N.E. Atlanta, GA 30341–3724, Telephone number: (770) 488–4704, E-mail address: *wep2@cdc.gov.*

Dated: May 02, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–11616 Filed 5–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01069]

Cooperative Agreement for Suicide Prevention Research Center; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for a Suicide Prevention Research Center (SPRC). This program addresses the ''Healthy People 2010'' focus area of Violent and Abusive Behavior and Unintentional Injuries. The purpose of this cooperative agreement is to support existing activities of an SPRC that target at-risk populations including American Indian/Alaskan Natives, African-American males, young adolescents and the elderly. SPRC activities include both research-related projects and efforts to facilitate and/or coordinate suicide prevention efforts for a geographically defined area. Examples of these activities include, but are not limited to: (1) Behavioral research of populations at-risk for suicide, and the (2) development and evaluation of a suicide surveillance system that includes information collected from multiple data sources.

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, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

To be eligible, applicants must provide the following:

1. Acceptable documentation, at a minimum, includes a letter from the director of the agency authorizing access to the records delineating what records/data are available for use and by whom, the time of availability of records and the specific calendar years, the availability of unique identifiers, how the records/data can be used, etc.;

2. How the records/data are to be linked, the existence of a unified database, and existing infrastructure to conduct the suicide prevention research;

3. Evidence of existing staff and resources to carry out the activities; and 4) evidence of existing partnerships with national, state, and local suicide prevention agencies that includes letters from all agencies from the director of the agency, documenting the nature of the partnership, the length of the relationship, what role and/or resources provided, etc.

The documentation to fulfill the eligibility requirement must appear immediately following the face sheet of the application. All documentation must appear on agency letterhead. Applications that fail to submit evidence of the above will be considered non-responsive and will be returned without review.

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 $400,000 is available in fiscal year (FY) 2001 to fund one award. It is expected that the award will begin on or about September 1, 2001, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Programmatic Interest

Specific research activities of particular interest to CDC are:

1. Evaluation of the benefits resulting from the development of a unified suicide surveillance system as described above and an assessment of the barriers encountered during the development phase;

2. Identification of existing state and regional suicide prevention efforts;

3. Determination of existing death investigation protocols used by medical examiners and coroners regarding suicide; and the

4. Development of recommendations for a standard protocol to aid in the investigative process improvement of these protocols.

E. Program Requirements

The following are applicant requirements:

1. Demonstrate expertise in some form of suicide behavior prevention research as a core component of the SPRC (as defined in the Section Background and Definitions of the program announcement included in the application kit).

2. Provide a director (Principal Investigator) who has specific authority and responsibility to carry out the project.

3. Provide a Program Coordinator/Manager, with suicidal behavior research expertise, who will be responsible for day to day programmatic and fiscal management, establishment and maintenance of communication between and among members of the expert panel, national advisory committee(s), community advisory committee, and other organizations and agencies, including CDC.

F. Cooperative Agreement Activities

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipients Activities

a. Conduct epidemiologic research regarding suicide and suicidal behavior. Such research should provide information about potentially modifiable risk and protective factors that can be used as a basis to develop prevention programs or identify avenues for intervention.

b. Collaborate with outside agencies and other entities which will allow for implementation of any proposed intervention activities. At least one of the agencies must be a national organization that has suicide prevention as its major objective and whose members are actively engaged in suicide prevention activities. Provide evidence of established relationships, demonstrated by letters of commitment, with suicide prevention programs being carried out in the State or region in which the SPRC is located. Cooperation with private-sector programs is encouraged.

c. Collaborate with specialists or experts in medicine, epidemiology, behavioral and social sciences, and/or public health as needed to complete the plans of the SPRC. These are considered the disciplines and fields for the SPRC.

d. Establish a community advisory board composed of representatives from public health, mental health, social services, community-based organizations and suicide survivors (family members, friends, etc., who have experienced the loss of a loved one due to suicide) who have an interest in suicide prevention.

e. Coordinate geographic efforts within the state and region to be served by the SPRC.

f. Facilitate and/or coordinate suicide prevention efforts to address the elimination of health disparities among minority populations with disproportionate burdens of adverse health outcomes.

g. Publicize and disseminate the findings.

2. CDC Activities

a. Assist in the development of a research protocol for Institutional Review Board (IRB) review. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research is completed.

b. Provide technical assistance, as needed, to the SPRC.

c. Assist in the publicizing and dissemination of the findings.

G. 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.

H. Submission and Deadline

Submit the original and five copies of PHS–398 (OMB Number 0925–0001) [(adhere to the instructions on the Errata Instruction Sheet for PHS 398)]. Forms are available at the following Internet address: www.cdc.gov./od/pgo/forminfo.htm or in the application kit.

On or before July 9, 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.

I. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

Applicants will be evaluated according to the following criteria (Maximum of 100 total points):

1. Core Faculty, Staff, and Organizational Capacity (30 points)

a. Core faculty: Qualifications, experience, and/or ability of core faculty in conducting research relevant to suicide prevention. Faculty history and experience in receiving research support from competitive sources of funding.

b. Staffing plan: Qualifications, adequacy, appropriateness of personnel, level of effort devoted to the SPRC, and ability to accomplish the proposed activities. The director must report to an appropriate institutional official, e.g., dean of a school, vice president of a university, or commissioner of health and devote not less than 30 percent effort solely to this project. The Project Coordinator or Manager must be a full-time equivalent (1FTE) who is responsible for managing the day to day activities of the SPRC and responsible for providing coordination among and between the national, state, and local organizations, the expert panel, and the community advisory board.

c. Organizational capacity: Existence and availability of organizational resources and support for achieving research and prevention goals.

2. Organizational Collaboration (30 points)

a. The extent to which the applicant describes the nature of the collaborative relationships (joint activities and access to the collaborative organization's membership for promoting prevention activities).

b. The extent to which one of the collaborating organizations is a national organization that has suicide prevention as its major objective and whose members are actively engaged in suicide prevention activities.

c. The extent to which the applicant documents geographic coordination of all suicide prevention efforts within the state and region to be served by the SPRC to include but not limited to surveillance efforts, involvement of experts and national organization and others referenced in the program requirements, inventory of evaluated diverse suicide prevention programs targeting a representative mixture of target groups, the inclusion of and linkage of disparate data sources, etc.

3. Research and Prevention Plan (40 points)

a. The extent to which the applicant documents a high incidence of suicide in the state and region to be served. The extent to which the applicant documents the public health impact of suicide within the state and region to be served by the SPRC.

b. The extent to which the applicant has the capacity to develop a research plan that identifies and is responsive to needed research in the area of suicide prevention.

c. The extent to which the applicant documents plans to develop a model self-directed violence surveillance system that has the capacity to link records between disparate data bases either within a specific geographic area (*e.g.,* including the state and region). At a minimum, the applicant should document access to uniform hospital discharge data bases, trauma registries, and vital statistics.

d. The extent to which the applicant documents the ability of the surveillance system to identify geographic areas with a high incidence of attempted or completed suicides.

e. The extent to which the system have the capability to identify demographic groups at high risk, e.g., racial/ethnic groups, age, economic class, etc.

f. The extent to which the applicant documents utility of a standard protocol for follow-back studies to aid in the investigative process to validate or invalidate undetermined causes of death. Specifically, can the data collection and analysis enhance the follow-back study process to address the following issues: determine the manner of death in equivocal or undetermined deaths, establish the decedent's intent to die, and establish motivations for suicide and pathways toward suicidal death.

g. The extent to which the applicant describes the distribution of suicidal behavior/correlates in a state and region, and plans to develop and pilot test suicide questions for future use in state level surveys.

h. The extent to which the applicant can identify existing instate and inter-region suicide prevention programs, in existence for a minimum of five years and have been evaluated, that target a representative mixture of target groups, specifically African-American males and Native American/Alaska Natives, and young adolescents and the elderly. The inventory of existing prevention programs, referenced above, should represent a diversity of intervention strategies and settings.

i. The extent to which the applicant documents how specific activities address minority populations with disproportionate burdens of adverse health outcomes.

j. The degree to which the applicant will meet 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 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.

4. Budget (not scored)

The extent to which the budget is reasonable, clearly justified, and consistent with stated objectives and proposed activities. Soundness of the proposed budget in terms of adequacy of resources and their allocation.

5. Human Subjects (Not scored; however an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.) Does the application adequately address the requirements of Title 45 CFR 46 for the protection of human subjects?

Yes __ No __

J. Other Requirements

1. Technical Reporting Requirements Provide CDC with original plus two copies of

a. progress reports (semiannual);

b. financial status report, no more than 90 days after the end of the budget period;

c. final financial report and performance report, 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.

2. Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each see Attachment I of the announcement.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–13 Prohibition of Use of CDC Funds for Certain Gun Control Activities
AR–21 Small Minority
AR–22 Research Integrity

K. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under the Public Health Service Act 301, 317, and 391–394A (42 U.S.C. section 241, 247b and 280b–280b–3), as amended. The Catalog of Federal Domestic Assistance number is 93.136.

L. Where to Obtain Additional Information

This and other CDC announcements can be found on the CDC homepage 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: Angie Nation, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146, Telephone: (770) 488–2719, E-mail address: *aen4@cdc.gov.*

For program technical assistance, contact: M. Joyce McCurdy, Deputy, Etiology and Surveillance Branch, National Center for Injury Prevention and Control, Division of Violence Prevention, Mailstop K60, 4770 Buford Highway, Atlanta, GA 30341–3717, Telephone number: (770) 488–4410, Email address: *jmm6@cdc.gov.*

Dated: May 2, 2001.

John L. Williams,

Director, Procurement and Grants Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–11614 Filed 5–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. CFDA 93.576]

ORR Standing Announcement for Services to Recently Arrived Refugees [1]

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS.

ACTION: Request for Applications for projects to support services for recently arrived refugees. This notice supersedes the notice published in the **Federal Register** on December 9, 1997 (62 FR 64856).

SUMMARY: This ORR standing announcement invites submission of

[1] Eligibility for refugee social services is limited to persons who meet all requirements of 45 CFR 400.43 (as amended by 65 FR 1540, March 22, 2000) including: (1) Cuban and Haitian entrants under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, as included in the FY 1988 Continuing Resolution (Pub. L. 100–202); and (3) certain Amerasians from Vietnam, including

Continued

grant applications for funding, on a competitive basis, in four categories: Category 1—Preferred Communities, to promote the increase of newly arrived refugees in preferred communities where they have ample opportunities for early employment and sustained economic independence; Category 2—Unanticipated Arrivals, to provide services to unanticipated arrivals, i.e., refugees who have been resettled in unexpected numbers in communities where linguistically or culturally appropriate services for these refugees do not exist; Category 3—Services for Arriving Refugees with Special Conditions or Victims of a Severe Form of Trafficking [2]; and Category 4—Ethnic Community Self-Help to connect newcomer refugees and their communities with community resources.

DATES: This is a Standing Announcement applicable from the date of publication until canceled or modified by the Director of ORR. The Director will observe June 30, 2001, as the first closing date for all categories. Thereafter the Director will observe February 28, of each year as the closing date for applications. The Director may invite applications outside of the proposed closing dates, if necessary, to respond to the needs of an imminently arriving refugee population.

Announcement Availability: The program announcement and the application materials are available from Sue Benjamin and AnnaMary Portz, Office of Refugee Resettlement (ORR), 370 L'Enfant Promenade SW., Washington, DC 20447 and from the ORR website at *www.acf.dhhs.gov/programs/orr.*

FOR FURTHER INFORMATION CONTACT: Categories 1, 2 & 3—Sue Benjamin at (202) 401–4851, *Sbenjamin@commat;ACF.DHHS.GOV* and Category 4 Ethnic Community Self-Help—AnnaMary Portz 202/401–1196 *Aportz@ACF.DHHS.GOV*

SUPPLEMENTARY INFORMATION: This program announcement consists of four parts:

Part I: Background, legislative authority, funding availability, CFDA Number, eligible applicants, project and budget periods, and for each of the four categories—program purpose and objectives, allowable activities, and review criteria.

Part II: The Review Process—intergovernmental review, initial ACF screening, and competitive review.

Part III: The Application—application forms, application submission and deadlines, certifications, general instructions for preparing a full project description, and length of application.

Part IV: Post-award—applicable regulations, treatment of program income, and reporting requirements.

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 16 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. The following information collections are included in the program announcement for categories 1–4: OMB Approval No. 0970–0139, ACF UNIFORM PROJECT DESCRIPTION (UPD) attached as Appendix A, which expires 12/30/03 and OMB Approval No. 0970–0036, ORR Quarterly Performance Report (QPR) and Schedule C which expire 7/31/02. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Part I: Background

Since 1994, ORR has provided assistance for social services to meet the needs of newly arriving refugees through a standing announcement. This revision makes slight modifications to Category 1—Preferred Communities, Category 2—Unanticipated Arrivals, and Category 6—Ethnic Community Organizations grant programs (now Category 4), from the prior Standing Grant Announcement published in the **Federal Register** on December 9, 1997 (62 FR 64856). This revised Announcement establishes a new Category 3—Services for Arriving Refugees with Special Conditions or Victims of a Severe Form of Trafficking, which responds to the specific needs of arriving refugee populations and victims of trafficking.

Note that former Category 3—Orientation, former Category 4—Technical Assistance to Orientation Grantees, and Category 5—Mental Health from the 1997 announcement have been discontinued. The notice of cancellation for these categories was published in the **Federal Register** on April 18, 2000 (65 FR 20826). Orientation and Mental Health have been incorporated into ORR's periodic discretionary announcements.

This announcement supersedes ORR's previous Standing Announcement published in the **Federal Register**, December 9, 1997 (62 FR 64856).

Legislative Authority

This program is authorized by section 412(c)(1)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1522(b)(5)), as amended, which authorizes the Director ''to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—(i) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services; (ii) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and (iii) to provide where specific needs have been shown and recognized by the Director, health (including mental health) services, social services, educational and other services.''

Funding Availability

In FY 2001, ORR expects to award a total of $7.2 million in discretionary social service funds through approximately 7 projects under Category 1—Preferred Communities ranging from $125,000 to $400,000 for a total of $1,200,000; 3 to 5 projects under Category 2—Unanticipated Arrivals ranging from $100,000 to $200,000 for a total of $500,000; 10 to15 projects under Category 3—Services for Arriving Refugees with Special Conditions or Victims of a Severe Form of Trafficking ranging from $50,000 to $200,000 for a total of $3,000,000; and 3 to 6 projects under Category 4—Ethnic Community Self-Help ranging from $100,000 to $300,000 for a total of $500,000.

The Director reserves the right to award less, or more than the funds described in this announcement. In the

U.S. citizens, under Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1989 (Pub. L. 100–461), 1990 (Pub. L. 101–167), and 1991 (Pub. L. 101–513). For convenience, the term ''refugee'' is used in this notice to encompass all such eligible persons.

[2] The Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106–386) was enacted in October 2000. Section 107(b)(1) of the Act allows victims, after they have been determined to be ''victims of a severe form of trafficking'', to become eligible for any Federal and state assistance and services funded or administered by a Federal agency to the same extent as refugees. HHS, in consultation with the Attorney General (AG), is responsible for the ''certification'' of adult victims before their receipt of benefits. To be eligible to receive benefits and services, adults must be certified by HHS as (1) willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and (2) having made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act that has not been denied; or (3) being a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons. Once determined to be victims of a severe form of trafficking, individuals under the age of 18 are eligible for services and benefits without the ''certification'' requirement.

absence of worthy applications, the Director may decide not to make an award if deemed in the best interest of the government. Funding availability for future years is at the Director's discretion.

CFDA Number—93.576.

Eligible Applicants

In Category 1, eligible applicants are agencies that currently resettle refugees under a Reception and Placement Cooperative Agreement with the Department of State or with the Department of Justice. This announcement is restricted to these agencies because placements of new arrivals occur under the terms of the cooperative agreements, and no other agencies place new arrivals or participate in determining their resettlement sites.

In Categories 2, 3, and 4 public and private nonprofit organizations are eligible to apply. ORR expects that applicants in these Categories will coordinate with other local organizations in considering projects and proposing services.

Any private nonprofit organization submitting an application must submit proof of its nonprofit status at the time of submission. A 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.

An applicant may submit more than one application under this announcement, but must apply separately for each category. Further in applying for Category 3, applicants are encouraged to submit separate applications for each specific population proposed.

Project and Budget Periods

Under this announcement, ORR invites applications in Category 1 for project periods of up to three years. Awards, on a competitive basis, will be for a one-year budget period although project periods may be up to three years. Applications for continuation grants funded under these awards, beyond the one-year budget period but within the three-year project period, will be entertained in subsequent years on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

ORR invites applications under Category 2 for a single 17-month budget period. Applicants should view these resources as a temporary solution to an immediate need created by unanticipated arrivals.

ORR invites applications under Category 3 for a single 17-month budget period. Applicants should view these resources as a temporary solution to the immediate needs of arriving refugees with special conditions or of victims of trafficking.

ORR invites applications under Category 4 for project periods of up to three years. Awards, on a competitive basis, will be for one-year budget periods. Applications for continuation grants, to extend activities beyond the one-year budget period, will be entertained on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

Category 1—Preferred Communities for Newly Arriving Refugees

Purpose and Objectives

The objective of Category 1, Preferred Communities, is to support resettlement of newly arriving refugees with the best opportunities for their assimilation into new communities.

Preferred community sites are those localities where refugees have *excellent* opportunities to achieve early employment and sustained economic independence without public assistance. Preferred communities should have a history of low welfare utilization by refugees. In addition, refugees should have the potential for earned income at a favorable level relative to the cost of living and to public assistance benefits in such communities. Characteristics of these communities should include: (1) a moderate cost of living; (2) good employment opportunities in a strong, entry-level labor market; (3) appropriate housing and transportation accessible for employment; (4) low secondary out-migration rates for refugees; (5) appropriate religious communities; (6) local community support; (7) receptive school environments; and (8) other related community features that contribute to a favorable quality of life for arriving refugees.

A preferred community should expect to receive a minimum of 100 new refugees annually. ORR will consider exceptions to this standard where the applicant provides substantial justification for the request and documents the community's history of arrivals, the period of time needed to reach a level of 100 new refugees, and the record of outcomes for achieving self-sufficiency soon after arrival.

Communities should be selected where there have not been large numbers of recent arrivals, but the prospects for resettlement appear to be favorable for additional refugees. With these funds, successful applicants will consider which services need to be enhanced or increased in light of increased numbers to maintain each proposed community as a preferred resettlement site. The selected sites may be those with a history of successful refugee placement or those where refugees have not previously been placed, but which have all the elements of a successful refugee resettlement community.

ORR is interested in providing resources for national voluntary agencies to cover the costs of changing community placements so that refugees are placed where they have the best chance for integration. As a result, communities designated as ''preferred'' may experience an increase in refugees.

ORR formula social service funds are awarded to States to provide services proportionate to the number of refugee arrivals during the previous three years. It can take a year after refugees have arrived before they are included in the count. Planning for the application and implementation of Preferred Community Programs should be done in concert with the State Refugee Coordinator to assure an orderly transition and complement of services until the proportion of new arrivals is accounted for in the ORR formula. Applicants should view the Preferred Community Program as a temporary solution to cover the costs of increased refugee placements. Applicants should describe their coordination and planning under the Approach review criteria.

If funding is requested in sites with alternative ''Fish/Wilson'' projects, applicants must demonstrate a strong rationale as to why additional funds are needed in this community.

Applicants may wish to consider the following ''arrival'' categories of refugees for preferred community sites:

Free cases: Those refugees who are determined in the allocation process to be ''free cases,'' that is, unrelated or without family ties to persons already living in the communities.

New refugee populations: Refugees who resettle in areas in the United States that have no or few existing ethnic communities with similar refugees from their country.

Other refugees: The applicant may identify refugees in the reception process who would accept the

opportunity for resettlement in a preferred community: e.g., refugees who would otherwise be resettled under the rubric of ''family reunification,'' but who in fact are distant relatives and friends. These refugees may elect placement in a preferred community where there are opportunities described above.

The application must, for the first budget year, specify one or more sites with a description of each site and the rationale for its selection. Applicants are encouraged to include activities that assess and plan services for the target populations to be resettled in the communities. Such activities would also assess each specified community's appropriateness for other arriving refugees and, if needed, continue to search for additional communities for future preferred placement. Additional sites may be added by submitting the revised plan and the site descriptions in the continuation application.

As part of the application preparation, it will be incumbent upon the applicant to: (1) Consult with ORR about prospective preferred sites and the appropriateness of those sites for the refugees; (2) coordinate with their affiliates and other voluntary agencies whose local affiliates place refugees in the same sites; (3) inform and coordinate with State governments for site selection, adequate services, and program strategies to be developed; and (4) plan and coordinate locally with community resources, such as schools and public health agencies. In all instances, activities must be designed to supplement, rather than to supplant, the existing array of refugee services available in the community.

Allowable Activities

Allowable activities for local affiliates include social services needed to achieve increased placements in the preferred communities. Allowable activities for the national voluntary agencies are those that assess the appropriateness of resettlement communities for targeted refugees. The result of the assessment should assure that the designated preferred communities provide services that create excellent opportunities to assimilate the targeted refugee groups.

Applications under this section should indicate how the grantee will ensure that services are appropriate and accessible in language and culture.

Review Criteria

1. Objectives and Need for Assistance—The conditions in proposed resettlement communities are clearly described. The need for additional services leading to enhanced resettlement for arriving populations is documented. The applicant provides a national placement plan that documents understanding of the arriving refugee groups and their characteristics as well as local opportunities for their resettlement. (25 points)

2. Results or Benefits Expected—The applicant clearly describes the results and benefits to be achieved. The applicant proposes an increase in the actual number of free cases placed in the specified community. Results or benefits are described also in terms of the opportunities provided for refugees. Proposed outcomes are measurable and achievable within the grant project period, and the proposed monitoring and information collection is adequately planned. (25 points)

3. Approach—The strategy and plan, including a description of each proposed preferred community and an assessment of appropriateness for placement, are likely to achieve increased placement in preferred communities and excellent opportunities for assimilation. The proposed activities and timeframes are reasonable and feasible. The plan describes in detail how the proposed activities will be accomplished as well as the potential for the project to achieve economic independence for arriving refugees. The application includes a clear and comprehensive description of the preferred sites proposed. The application includes a clear and comprehensive description of the national voluntary agency placement planning activities and how they will be impacted by this project. Assurance is provided that proposed services will be delivered in a manner that is linguistically and culturally appropriate to the target population. (25 points)

4. Organizational Profiles—The administrative and management features of the project, including a plan for fiscal and programmatic management of each activity and planning activities, is described in detail with proposed start-up times, ongoing timelines, major milestones or benchmarks, a component/project organization chart, management of affiliates, and a staffing chart of affiliate network. The qualifications of project staff, both national applicant and affiliate agencies, as well as any volunteers, are documented. The applicant has provided a copy of its most recent audit report. (10 points)

5. Budget and Budget Justification—The budget and narrative justification are reasonable, clearly presented, and cost-effective in relation to the proposed activities and anticipated results. The applicant clearly indicates how awarded funds will complement Reception and Placement and other social services to achieve the objectives. (15 points)

Category 2—Unanticipated Arrivals

Purpose and Objectives

The purpose ORR seeks to achieve through Category 2, Unanticipated Arrivals, is to provide additional resources to communities where the arrival of refugees is not anticipated and the refugee services are insufficient. Under these circumstances, resources are needed to provide additional service capacity to accommodate the additional refugees. Through Category 2—Unanticipated Arrivals—ORR intends to offer to communities the resources to respond to the unanticipated arrivals with adequate and culturally and linguistically appropriate social services.

Under Category 2, ORR invites applications that propose seventeen-month projects for a minimum of 100 refugees annually. Examples of situations for which applicants may request funds for grants under Category 2 are as follows: (1) the existing service system does not have culturally and linguistically compatible staff; (2) refugee services do not presently exist; or (3) the service capacity is not sufficient to accommodate significant increases in arrivals.

This grant program is intended to provide for services that respond to the needs of new refugee populations shortly after arrival into the community. Grantees should view these resources, therefore, as a *temporary* solution to insufficient services necessitating program adjustment because of the unanticipated arrival of a refugee population in a specific community. Therefore, planning for the application and implementation of the program must be done in concert with the State Refugee Coordinator to assure an orderly transition and complement of services. ORR's expectation by the end of the grant project period is that the State government will have incorporated services for these new populations into its refugee services network funded by ORR formula social service dollars. The transition of the services should be described in the last two quarterly performance reports.

Allowable Activities

Allowable activities in the unanticipated arrivals program are social services for refugees that are appropriate and accessible in language and culture. Services provided by all

grantees, whether private or public, must comply with the regulations at 45 CFR sections 400.147, 400.150(a), and 400.154–156 regarding priorities for services, eligibility for services, scope of services, and service requirements.

Applications under this section should indicate how the grantee will ensure that services are appropriate and accessible in language and culture.

Review Criteria

1. Objectives and Need—The application establishes that the unanticipated number of at least 100 refugees or more is significant relative to the resident population. The applicant documents the most recent 12-month period of refugee arrivals, both anticipated and unanticipated. The application includes a description of the need for services and how funding through the Unanticipated Arrivals program would meet those needs. The application, supported by a letter from the relevant voluntary agency headquarters, documents the planned projections of refugees for the next 12 months. (25 points)

2. Results or Benefits Expected—The application clearly describes the project goals; appropriateness of the performance measures to the project activities; appropriateness of the performance outcomes and the results and benefits to be achieved. The application describes how the impact of the funds will be measured on key indicators associated with the purpose of the project. Proposed outcomes are measurable and achievable within the grant project period, and the proposed monitoring and information collection is adequately planned. (20 points)

3. Approach—The strategy and plan are likely to achieve the proposed results; the proposed activities and timeframes are reasonable and feasible. The plan describes in detail how the proposed activities will be accomplished as well as the potential for the project to increase the available services for unanticipated arriving refugees. Assurance is provided that proposed services will be delivered in a manner that is linguistically and culturally appropriate to the target population. Where coalition partners are proposed, the applicant has described each partner agency's respective role and financial responsibilities, and how the coalition will enhance the accomplishment of the project goals. The applicant has described the planning consultation efforts undertaken. The State Refugee Coordinator indicated an interest in continuing these services to the Unanticipated Arrivals through their State formula social service funds. (20 points)

4. Organizational Profiles—Individual organization staff, including volunteers, are well qualified. The administrative and management features of the project, including a plan for fiscal and programmatic management of each activity, is described in detail with proposed start-up times, ongoing timelines, major milestones or benchmarks, a component/project organization chart, and a staffing chart. The applicant has provided a copy of its most recent audit report. Evidence of commitment of any coalition partners in implementing the activities is demonstrated, e.g., by Memorandum of Understandings (MOUs) among participants. (20 points)

5. Budget and Budget Justification—The budget and narrative justification are reasonable, clearly presented, and cost-effective in relation to the proposed activities and anticipated results. (15 points)

Category 3—Services for Arriving Refugees With Special Conditions or Victims of Trafficking

Purpose and Objectives

The purpose ORR seeks to fulfill through Category 3, Services for Arriving Refugees with Special Conditions or Victims of a Severe Form of Trafficking, is to provide resources that will address the needs of targeted groups of refugees or victims of trafficking. We believe that enhanced case management, education, culturally and linguistically appropriate linkages and coordination with other services providers contributes to the overall improved well being of refugees with special needs. Trafficking victims need similar services and initial assistance accessing the refugee and or mainstream services for which they are eligible. The services funded through Category 3 should enhance the likelihood of refugees assimilating into their new communities or trafficking victims receiving needed support as they work with the criminal justice system to assist in the investigation and prosecution of trafficking crimes.

A community should expect to receive a minimum of 20 refugees with special conditions or be the likely home of a minimum of 10 victims of trafficking each year. Situations for which applicants may compete for grants under Category 3 might include refugees arriving with: (1) Medical conditions requiring specialized health care; (2) youth and young adults who have undergone significant trauma or spent an unusually long period under refugee camp conditions, *e.g.,* the Kakuma youth; (3) refugees disabled by the atrocities of warfare, such as those from Sierra Leone; and (4) grave social or emotional conditions including emotional trauma resulting from war, torture, or coercion into sex trafficking, involuntary servitude, or debt bondage. Communities proposing to serve victims of trafficking will encounter similar service needs although victims are mostly women and teen-age children who may more closely resemble victims of domestic violence and sexual abuse.

This grant program is intended to support services that address special conditions. ORR's expectation is that refugees with special conditions or victims of trafficking will most likely, after a period of time, access mainstream services. Therefore, grantees should view these resources as a temporary solution.

In the last two Program Performance Reports, grantees will discuss the transition of services indicating whether the services are now supported by the State, other public or private resources, or are no longer needed. These reports must provide supporting information on the impact of the services provided on the target population.

Allowable Activities

ORR will accept applications under this announcement for projects that propose services appropriate to refugees with special conditions or victims of trafficking eligible for benefits and services. Separate applications should be submitted for each special condition and for victims of trafficking.

The services needed for refugees with special conditions might include:

- special medical care;
- prostheses and related physical therapies for disabled refugees;
- assistance with transportation;
- temporary housing for young adults with limited experience living in families;
- independent living skills, both U.S. legal standards and social customs, including social skills for the unaccompanied youth;
- mental health services, such as coping with the traumatic experiences of war; and
- access to appropriate educational programs and educational advancement.

The services needed for victims of trafficking might include:

- case management, to include information and referral to needed services in the community, either funded refugee services or mainstream services as appropriate;
- temporary housing;
- special mental health services, such as trauma counseling, and

• other services needed to bridge the time between the date of the Department's letter of certification establishing eligibility and the receipt of public benefits and support services (*e.g.,* orientation).

Applications under this section should indicate how the grantee will ensure that services are appropriate and accessible in language and culture.

Review Criteria

1. Objectives and Need—The applicant demonstrates a clear understanding of the population to be served. If refugees, then a letter from the national voluntary agency that documents the number of refugees with special conditions and the services needed. The number of refugees or victims of trafficking projected to be served (minimum of 10 each) is reasonable in light of the resettlement capacity. The application proposes to address the special condition of one refugee population or a program of services for victims of trafficking. (25 points)

2. Results or Benefits Expected—The application clearly describes how the specific target population will benefit from proposed services, *e.g.,* enhanced case management, special medical care, referrals and follow-up with culturally and linguistically appropriate mainstream providers. The application describes how the impact of the funds will be measured on key indicators associated with the purpose of the project. Proposed outcomes are tangible and achievable within the grant project period and the proposed monitoring and information collection are adequately planned. (25 points)

3. Approach—The strategy and plan is likely to achieve the proposed results; the proposed activities and timeframes are reasonable and feasible. The plan describes in detail how the proposed activities will be accomplished as well as the coordination with other services. Assurance is provided that proposed services will be delivered in a manner that is linguistically and culturally appropriate to the target population. Where coalition partners are proposed, the applicant describes each partner agency's respective role and financial responsibilities; and describes how the coalition will enhance the accomplishment of the project goals. The applicant has described the planning consultation efforts undertaken. Evidence of commitment of coalition partners in implementing the activities is demonstrated, *i.e.,* by Memorandum of Understandings (MOUs) among participants. (25 points)

4. Organizational Profiles—Individual organization staff including volunteers are well qualified. The administrative and management features of the project, including a plan for fiscal and programmatic management of each activity, are described in detail with proposed start-up times, ongoing timelines, major milestones or benchmarks, a component/project organization chart, and a staffing chart. The applicant has provided a copy of its most recent audit report. (15 points)

5. Budget and Budget Justification—The budget and narrative justification are reasonable, clearly presented, and cost-effective in relation to the proposed activities and anticipated results. Planning for continuation of services beyond the project period is realistic. (10 points)

Category 4—Ethnic Community Self-Help

Purpose and Objectives

This program is to provide assistance to organized ethnic communities comprised of and representative of newly arrived refugee populations. ORR's intended purpose is to build bridges among newcomer refugee communities and community resources. ORR is interested in applications from a national, regional (multi-state), or local level that address community building, cultural adjustment orientation, and mutually supportive functions such as information exchange, civic participation, and resource enhancement.

Respondents to this program category will be of two general types:

(1) Multi-site or national ethnic organizations which propose to develop or strengthen local ethnic groups and/or a national network of ethnic community entities for purposes of linking refugees to community resources; or,

(2) Emerging local ethnic communities which seek to function as bridges between newly arrived refugees and mainstream local resources and organizations.

A community is self-sufficient when it has the capacity to generate and control its own resources, determine its own goals, set priorities, plan and mobilize community members, including the elderly, women and youth, to work together to achieve these goals, and to create collaborations with others from within and outside the community to further these goals.

ORR recognizes that one key to strengthening communities is the development of strong community based organizations (CBOs). A strong ethnic organization can tap into the community's desire for self-help, improve services, support leaders, attract various resources, explore housing and economic opportunities, collaborate with mainstream agencies and groups, and at the same time, remain accountable to the community.

Strong CBOs can also facilitate positive interaction between refugees and established residents in mainstream communities. The ability to organize and to voice their concerns collectively gives refugees a better sense of identity and hope for their own and their community's future. Refugee self-help groups can be important building blocks for effective resettlement and can function as bridges between the refugee community and local resources.

Many refugees who arrived in this country during the past century organized themselves around self-help in order to assist their own members, to foster long term community growth, to preserve their cultural heritage, and to assist community members in securing employment and other social services. Many newly arrived refugees, who have come to the United States in recent years, have not yet organized; consequently, they may be experiencing barriers to accessing mainstream resources and full participation in the economic, social, and civic activities of the larger community. They are distinguished in part by a lack of information about the process of community organizing for self-help.

ORR has found that effective refugee self-help groups result in:

• A shared, dynamic vision of the community's future which inspires members to work together to secure that future;

• A perception of refugees not as needy recipients but as active partners in their integration into their communities;

• A link between individual self-sufficiency and community self-reliance;

• Local communities which apply their own cultural, civic and socio-economic values to long term strategies and programs;

• A role for refugees as decision-makers on community needs, program responses, and service delivery systems;

• Local resources (generated through service delivery or economic development) that stay within the community;

• Collaboration among refugee and mainstream service providers, policy makers, and public and private institutions.

In recognition of the special vulnerability of newly arrived populations, ORR intends to provide

support to refugee ethnic communities who have achieved significant populations in the United States within the last three years. Target populations will range from a minimum of 1000 to a maximum of 50,000 arrivals to the United States of a single nationality or ethnicity by FY 1999 [3] (the most recent year for which ORR has documentation at the time of this publication), and must have experienced significant new arrivals since that time.

According to ORR's data, this includes the following refugee nationalities or ethnicities: Afghans, Kosovar-Albanians, Bosnians, Burmese, Ethiopians, Haitians, Irani, Iraqi, Liberians, Nigerians, Sierra Leoneans, Somali, Sudanese, and any from the former Yugoslavia. Awards will not be based solely on population numbers, but will be based on the applicant's justification and documentation, including such factors as community service needs and available resources.

ORR expects applicants to match federal funds and to consider how they might document proposed receipt of funds from other (non-ORR) sources toward cost sharing of the project.[4] The requirement will be not less than 10% of the requested funding for the first year award, 15% for the second year award, and 25% for the third year award.

Allowable Activities

Successful *national organization applicants* to this notice may propose activities that may include, but are not limited to, the following:

- Organizing for self-help and civic participation;
- Inspiring self-determination;
- Linking technical assistance and resources to local ethnic communities;
- Supporting public education and agency linkage through an Internet site;
- Facilitating information dissemination on ethnic-specific issues; or
- Convening of national or regional meetings.

Successful *local ethnic self-help applicants* to this notice may propose any of the following activities:

- Public education activities designed to inform the refugee community about issues essential to functioning effectively in the new society;
- Orientation and assistance to parents in connecting with school systems and other local public or private institutions;
- Dissemination of information on access to community health and mental health services, including health care for the uninsured, health insurance, health maintenance organizations, the importance of preventive health, required immunizations, and available universal coverage;
- Pairing refugee individuals or families with community volunteers;
- Information and training on the roles of men and women in the U.S. culture; such as:

Information on laws regarding child welfare, child abuse and neglect;
Information on sexual harassment and coercion, and domestic violence;
Bilingual staff assistance for women's shelters, and
Techniques for self-protection;

- Activities designed to improve relations between refugees and the law enforcement communities;
- Community training for such activities as civic organizing, resource strategies, and non-profit management.

The above are examples of services. Applicants may propose other relevant services and may request funds to cover core or general operating expenses. In all instances, however, activities must be designed to supplement, rather than to supplant, the existing array of refugee services available in the community.

Applicants must give assurance that their governing bodies, boards of directors, or advisory bodies are knowledgeable and responsive to refugee concerns. This can be demonstrated through majority refugee representation on these bodies or through some other way. Women should be included on these representative bodies, as well.

Planning and coalition-building should be guided by the overarching goal of improving the economic condition of refugee families and of giving them the information needed to achieve social and civic integration into their new country and their new communities.

Non-Allowable Activities

Funds will not be awarded to applicants for the purpose of engaging in activities of a distinctly political nature, activities designed exclusively to promote the preservation of a specific cultural heritage, or activities with an international objective (i.e., activities related to events in the refugees' country of origin).

Review Criteria

1. Objectives and Need for Assistance—The applicant clearly describes the need for ethnic organizing in the community proposed and documents an understanding of the distinguishing characteristics of the relevant ethnic group. The principal and subordinate objectives are clearly stated; supporting documentation, such as letters of support from concerned interests are included. The applicant describes in detail how the ethnic community has been involved in the project planning, how project participants are identified, and provides evidence of their support for the plan of action. Planning studies incorporating demographic data and participant information are referenced or included as needed. (15 points)

2. Results or Benefits Expected—The applicant describes outcomes which are likely to be reached through community organizing. Two or more key indicators associated with ethnic community self-help are provided as measures of the impact of the proposed project. Proposed outcomes are measurable and achievable within the grant project period, and the proposed monitoring, information collection, and documentation are adequately planned. (20 points)

3. Approach—The Strategy and plan is likely to achieve the proposed results; the proposed activities and timeframes are reasonable and feasible. The reason for taking the proposed approach to community organizing is adequately described. Proposed activities are likely to lead to desired outcomes, and the project is likely to lead to increased ethnic community self-help. (25 points)

4. Organizational Profiles—Individual organization staff, including volunteers, proposed partners and consultants, if any, are well qualified. The administrative and management features of the project, including a plan for fiscal and programmatic management of each activity, is described in detail with proposed start-up times, ongoing timeliness, major milestones or benchmarks, a component/project organization chart, and a staffing chart. The applicant has provided a copy of its most recent audit report or fiscal management plan. If appropriate, written agreements between grantees and sub-grantees or other cooperating entities, detailing work to be performed,

[3] ORR has dedicated earlier resources toward ethnic populations experiencing 50,000 or more arrivals through 1999.

[4] ''Cost-sharing'' is used here to refer to any situation in which the grantee shares in the costs of a project. The term ''recipient contributions'' refers to costs borne by the grantee, either through cash outlay or the provision of services. ''In-kind contributions'' means the value of goods and/or services donated by third parties. Grantees are not considered as providing in-kind contributions. The cost-sharing or in-kind contribution costs are subject to the rules governing allowability in 45 CFR 74.23 or 92.24, including allowability under the applicable cost principles and conformance with other terms and conditions of the award that govern the expenditure of Federal funds.

remuneration, and other terms and conditions that structure or define the relationship to this project, are provided. (25 points)

5. Budget and Budget Justification—The budget and narrative justification are reasonable, clearly presented, and cost-effective in relation to the proposed activities and anticipated results. The cost-sharing plan is likely to be achieved and is appropriate to the overall funding request, and the level of activity—national or local. (15 points)

Part II: The Review Process

Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

Note: All States and Territories except Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, Wyoming, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-eight jurisdictions need take no action regarding Executive Order 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or indicate ''not applicable'' if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: ORR Grants Officer, U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, 370 L'Enfant Promenade SW., 6th floor, Washington DC, 20447.

A list of the Single Points of Contact for each participating State and Territory can be found on the web at: *http://www.whitehouse.gov/omb/index.html.*

Note: Please note that as States and Territories elect not to participate in Executive Order 12372, notification is given to OMB and changes are made in the listing. It would be beneficial to call a policy specialist in the Division of Financial and Grants Policy to obtain the most current information before submitting a program announcement through the clearance process).

Also Note: A program announcement may provide a longer comment period than 60 days, but a shorter comment period is not permitted unless a waiver has been granted by the Director, Division of Grants Policy and Oversight, ASMB before final publication.

Initial ACF Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date and submitted in accordance with the instructions in this announcement and (2) the applicant is eligible for funding.

Competitive Review and Evaluation Criteria

Applications which pass the initial ACF screening will be evaluated and rated by an independent review panel on the basis of evaluation criteria specified in Part I. The evaluation criteria were designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to the evaluation criteria within the context of this program announcement.

Applications received for each Category will be scored and ranked only within the Category designated on the SF 424, e.g. in one of the four program areas.

Part III: The Application

In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ACF. Selected elements of the ACF Uniform Project Description (UPD) relevant to this program announcement are attached as Appendix A.

Application Forms

Applicants for financial assistance under this announcement must file the Standard Form (SF) 424, Application for Federal Assistance; SF 424A, Budget Information—Non-construction Programs; SF 424B, Assurances—Non-Construction Programs. The forms may be reproduced for use in submitting applications. Application materials including forms and instructions are also available from the Contact named in the preamble of this announcement.

Application Submission And Deadlines

An application with an original signature and two clearly identified copies is required. Applicants must clearly indicate on the SF 424 the Category under which the application is submitted.

The closing date for submission of applications is June 30, 2001. Thereafter the Director will observe February 28, of each year as the closing date for applications. Mailed applications postmarked after the closing date will be classified as late.

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Attention: Grants Officer, 370 L'Enfant Promenade SW, 6th Floor, Washington, DC 20447.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

Applications hand-carried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between

the hours of 8 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, the Office of Refugee Resettlement, 6th Floor, Aerospace Building, 901 D Street, SW, Washington, DC 20447 between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note ''Attention: Grants Officer.'' (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 application will not be considered in the current competition.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

For Further Information on Application Deadlines Contact: ORR Grants Officer, Administration for Children and Families, Office of Refugee Resettlement, 370 L'Enfant Promenade SW, 6th Floor, Washington, DC 20447, Telephone: (202) 401–4577.

Certifications, Assurances, And Disclosure Required For Non Construction Programs

Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, ''Assurances: Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

Applicants must provide a signed certification regarding lobbying with their applications, when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form to report lobbying.

Applicants must make the appropriate certification of their compliance with the Drug Free Workplace Act of 1988. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for an award. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

General Instructions for Preparing a Full Project Description

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested. Please refer to the UPD sections in the appendix.

Length of Applications

Each application narrative should not exceed 20 pages in a 12-pitch font. Attachments and appendices should not exceed 25 pages and should be used only to provide supporting documentation such as administration charts, position descriptions, resumes, and letters of intent or partnership agreements. A table of contents and an executive summary should be included but will not count in the page limitations. Each page should be numbered sequentially, including the attachments or appendices. This limitation of 20 pages per program area should be considered as a maximum, and not necessarily a goal. Application forms are not to be counted in the page limit.

Please do not include books or videotapes as they are not easily reproduced and are, therefore, inaccessible to the reviewers.

Part IV: Post-Award

Applicable Regulations

Applicable DHHS regulations can be found in 45 CFR Part 74 or 92.

Treatment of Program Income

Program income from activities funded under this program may be retained by the recipient and added to the funds committed to the project, and used to further program objectives.

Reporting Requirements

Grantees are required to file the Financial Status Report (SF–269) semi-annually and the Program Performance Reports submitted quarterly, along with the Schedule C of the ORR Quarterly Performance Report. Category Three grantees should note the additional requirements for the final two Program Performance Reports noted under Category Three Purpose and Objectives above.

Funds issued under these awards must be accounted for and reported under the distinct grant number ascribed. Although ORR does not expect the proposed projects to include evaluation activities, it does expect grantees to maintain adequate records to track and report on project outcomes and expenditures. The official receipt point for all reports and correspondence is the ORR Grants Officer, Administration for Children and Families/Office of Refugee Resettlement, 370 L'Enfant Promenade SW., 6th Floor, Washington, DC 20447, Telephone: (202) 401–4577. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period directly to the Grants Officer.

A Final Financial and Program Report shall be due 90 days after the project expiration date or termination of Federal budget support.

Dated: May 4, 2001.

Carmel Clay-Thompson,

Acting Director, Office of Refugee Resettlement.

Appendix A—Uniform Project Description OMB No. 0970–0139

The project description is approved under OMB control number 0970–0139 which expires 12/31/03.

Part I: The Project Description Overview

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested.

Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

General Instructions

ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. Cross referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.

Pages should be numbered and a table of contents should be included for easy reference.

Part II: General Instructions for Preparing a Full Project Description

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Rresults or Benefits Expected

Identify the results and benefits to be derived.

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 is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Third-Party Agreements

Include written agreements between grantees and subgrantees or subcontractors or other cooperating entities. These agreements must detail scope of work to be performed, work schedules, remuneration, and other terms and conditions that structure or define the relationship.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application *OR* by application deadline.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, ''Federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 USC 403(11) currently set at $100,000. Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgment that the applicant is accepting a lower rate than allowed.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

Nonfederal 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.

Total Direct Charges, Total Indirect Charges, Total Project Costs.

[Self-explanatory]

[FR Doc. 01–11680 Filed 5–8–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0208]

Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary National Retail Food Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on FDA's collection of information from local, State, and tribal agencies concerning their use of or planned use of all or part of the Voluntary National Retail Food Regulatory Program Standards.

DATES: Submit written or electronic comments on the collection of information by July 9, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–26, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. Collection of information is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide

information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Voluntary National Retail Food Regulatory Program Standards

FDA has developed the Voluntary National Retail Food Regulatory Program Standards (the National Standards) to assist and promote the uniform application of provisions of the model FDA Food Code by several thousand local, State, and tribal jurisdictions that have primary responsibility for the regulation or oversight of retail level food operations. The National Standards are intended to serve as a guide to regulatory retail food program managers in the design and management of a retail food program that is focused on the reduction of risk factors know to cause foodborne illness. The National Standards also promote active management control by industry of all risk factors that may cause foodborne illness. Authority for providing such assistance is derived from section 311 of the Public Health Service Act (42 U.S.C. 243), and delegation of authority from the Public Health Service to the Commissioner of Food and Drugs related to food protection is contained in 21 CFR 5.10(a)(2) and (a)(4). Under 31 U.S.C. 1535, FDA provides financial assistance to other Federal agencies such as the Indian Health Service. FDA has established a section on the Internet at http://vm.cfsan.fda.gov/dms/ret-toc.html under ''Federal/State Food Programs—Retail Food Safety References'' to list jurisdictions that have voluntarily elected to use the National Standards.

Utilization of the National Standards by local, State, and tribal regulatory agencies is an important step to further the goals of the President's Council on Food Safety and FDA program goals. All regulatory agencies are encouraged to voluntarily utilize the National Standards as a guide for the design and management of a retail food safety program. There is no reporting or recordkeeping requirement for those jurisdictions that wish to utilize part or all of the National Standards to enhance or measure program performance. Reporting is only a requirement for those jurisdictions that request to be listed in the FDA National Registry.

Jurisdictions that request listing in the FDA National Registry of participating regulatory agencies will be expected to perform certain management tasks and periodically report the results to FDA. Voluntary listing in the FDA National Registry requires that the following tasks be performed by State, local, and tribal program managers: (1) Conduct a program self assessment, (2) conduct a baseline survey of the regulated industry, and (3) obtain an independent outside audit. All three tasks must be completed within a 3-year time span. The tasks must be performed in accordance with the guidance provided in the National Standards and the results reported to FDA.

FDA based its estimate on the number of State agencies (100) involved in Food Code related regulatory programs, 300 local agencies with local ordinance authority that may consider Food Code adoption in any one year and 100 tribal agencies. The presumption being that those agencies most likely to utilize the National Standards are also those agencies with authority to adopt and enforce the model FDA Food Code. There is only one required report, the FDA National Registry Report (Appendix I), which is used to report program self assessment, baseline surveys of industry, and outside audits. The time required to complete the actual reporting document is minimal, however, additional time is required to analyze and review existing records, conduct baseline inspections, and secure an outside audit. The hour burden estimate includes the time required to review the instructions in the National Standards, search existing data sources, gather and maintain the data needed, complete worksheets, and review the collected information. The estimate of 92 hours to complete a program self assessment is based on the average time reported by the four State and three local jurisdictions that participated in the National Standards Pilot. The amount of time expended by individual jurisdictions ranged from 40 to 215 hours. This range is reflective of the difference in size between jurisdictions. The baseline survey of industry and the outside audit are expected to require a similar amount of time to complete. Because only one of the three tasks is required per year, the average annual reporting burden is estimated to be 92 hours per year for each participating jurisdiction.

Because the records of establishment inspections, investigations, and enforcement activities are routinely maintained and accepted management practices already necessitate the collection of some required information and maintenance of records, the recordkeeping burden is minimal.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Standard No.	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
9[2]	500	1	500	92	46,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Includes the use of Forms FDA 3519 and 3520.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Standard No.	No. of Record-keepers	Annual Frequency per Record-keeping	Total Annual Records	Hours per Record-keeper	Total Hours
3, 4, and 6[2]	500	1	500	5	2,500

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.
[2]The standards incorporate the best program management practices currently in use in the regulatory community. The recommended policies, procedures, and standard operating procedures contained in the various national standards are considered usual and customary management practices for State, local, and tribal agencies that regulate the retail segment of the food industry.

Dated: May 4, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–11618 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0239]

Agency Information Collection Activities; Announcement of OMB Approval; Request for Resolution of Scientific Disputes Concerning the Regulation of Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Request for Resolution of Scientific Disputes Concerning the Regulation of Medical Devices'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 8, 2001 (66 FR 9585), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0467. The approval expires on April 30, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: May 3, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–11583 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0179]

Purina Mills, Inc., et al.; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 11 new animal drug applications (NADAs) listed below. In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to remove the portions reflecting approval of the NADAs because the products are no longer manufactured or marketed.

DATES: Withdrawal of approval is effective May 21, 2001.

FOR FURTHER INFORMATION CONTACT: Pamela K. Esposito, Center for Veterinary Medicine (HFV–210), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5593.

SUPPLEMENTARY INFORMATION: The following sponsors have requested that FDA withdraw approval of the NADAs listed below because the products are no longer manufactured or marketed:

Sponsor	NADA No. Product (Drug)	21 CFR Cite Affected (Sponsor Drug Labeler Code)
Purina Mills, Inc., P.O. Box 66812, St. Louis, MO 63166–6812.	NADA 48–915 Purina® Bot Control (trichlorfon)	520.2520a (017800)
Golden Sun Feeds, Inc., 111 South Fifth St., Estherville, IA 51334.	NADA 97–567 Tylan® 10 Premix (tylosin phosphate).	558.625(b)(17) (021780)
.....	NADA 97–615 Swine Med-A-Mix TS 8000 Premix, Tylan® 5, 10, 20, 40 Sulfa-G (tylosin phosphate and sulfamethazine).	558.630(b)(4) and (b)(10) (021780)
Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318–1093.	NADA 110–440 Hygromix Hygrowormer Hyanthelmix (hygromycin B).	558.274(a)(2), (a)(3), (a)(4), (c)(1)(i), and (c)(1)(ii) (016968)
Steris Laboratories, Inc., 620 North 51st Ave., Phoenix, AZ 85043–4705.	NADA 44–585 Oxytocin Injection	522.1680 (000402)
.....	NADA 45–578 Lidocaine Hydrochloride with Epi-nephrine Injection 2%.	522.1258 (000402)
.....	NADA 45–737 Sodium Pentobarbital Injection	522.1704(b) (000402)
.....	NADA 45–848 Phenylbutazone Injection	522.1720 (000402)
.....	NADA 110–349 Dexamethasone Injection	522.540(c)(2) (000402)

Sponsor	NADA No. Product (Drug)	21 CFR Cite Affected (Sponsor Drug Labeler Code)
.....	NADA 110–350 Dexamethasone Injection	522.540(b)(2)(ii) (000402)
.....	NADA 117–973 Prednisolone Sodium Succinate for Injection.	522.1884(c) (000402)

Therefore, under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADAs 44–585, 45–578, 45–737, 45–848, 48–915, 97–567, 97–615, 110–349, 110–350, 110–440, and 117–973, and all supplements and amendments thereto, is hereby withdrawn, effective May 21, 2001.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the withdrawal of approval of these NADAs.

Dated: May 2, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–11620 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Members on Public Advisory Committees in the Center for Drug Evaluation and Research

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for members to serve on the public advisory committees in the Center for Drug Evaluation and Research. Nominations will be accepted for current vacancies and vacancies that will or may occur on the committees during the next 16 months.

FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for receipt of nominations.

ADDRESSES: All nominations and curricula vitae should be sent to the addresses below.

FOR FURTHER INFORMATION CONTACT:

Regarding nominations, except for consumer representatives: John Treacy, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, e-mail: treacy@cder.fda.gov.

Regarding nominations for consumer representatives: Maureen Hess, Office of Consumer Affairs (HFE–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5006, e-mail: mhess@oc.fda.gov.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of members for the following 16 advisory committees for vacancies listed below. Individuals should have expertise in the activity of the committee.

1. *Advisory Committee for Pharmaceutical Science*: Two vacancies occurring immediately, two vacancies occurring October 31, 2001, and six vacancies occurring October 31, 2002, including that of the consumer-nominated member.

2. *Advisory Committee for Reproductive Health Drugs*: Four vacancies occurring immediately, four vacancies occurring June 30, 2001, and three vacancies occurring June 30, 2002.

3. *Anesthetic and Life Support Drugs Advisory Committee*: Five vacancies occurring immediately, and four vacancies occurring March 31, 2002, including that of the consumer-nominated member.

4. *Anti-Infective Drugs Advisory Committee*: Five vacancies occurring November 30, 2001, and three vacancies occurring November 30, 2002.

5. *Antiviral Drugs Advisory Committee*: Three vacancies occurring immediately, three vacancies occurring October 31, 2001, and two vacancies occurring October 31, 2002.

6. *Arthritis Advisory Committee*: Two vacancies occurring September 30, 2001, and four vacancies occurring September 30, 2002.

7. *Cardiovascular and Renal Drugs Advisory Committee*: Three vacancies occurring June 30, 2001, including that of the consumer-nominated member, and four vacancies occurring June 30, 2003.

8. *Dermatologic Drugs Advisory Committee*: Seven vacancies occurring immediately, four vacancies occurring August 31, 2001, and four vacancies occurring August 31, 2002, including that of the consumer-nominated member.

9. *Endocrinologic and Metabolic Drugs Advisory Committee*: One vacancy occurring immediately, one vacancy occurring June 30, 2001, and four vacancies occurring June 30, 2002.

10. *Gastrointestinal Drugs Advisory Committee*: Three vacancies occurring June 30, 2001, and two vacancies occurring June 30, 2002.

11. *Medical Imaging Drugs Advisory Committee*: Ten vacancies occurring immediately, three vacancies occurring June 30, 2001, and two vacancies occurring June 30, 2002, including that of the consumer-nominated member.

12. *Nonprescription Drugs Advisory Committee*: Four vacancies occurring immediately, including that of the consumer-nominated member, one vacancy occurring on May 30, 2001, and four vacancies occurring May 31, 2002.

13. *Oncologic Drugs Advisory Committee*: Two vacancies occurring June 30, 2001, and three vacancies occurring June 30, 2002.

14. *Peripheral and Central Nervous Systems Drugs Advisory Committee*: Seven vacancies occurring immediately.

15. *Psychopharmacologic Drugs Advisory Committee*: Two vacancies occurring June 30, 2001, and four vacancies occurring June 30, 2002, including that of the consumer-nominated member.

16. *Pulmonary-Allergy Drugs Advisory Committee*: Two vacancies occurring immediately, two vacancies occurring May 31, 2001, including that of the consumer-nominated member, and five vacancies occurring May 31, 2002.

Function

The functions of the 16 committees listed above are to review and evaluate available scientific, technical, and

medical data concerning the safety and effectiveness of marketed and investigational human drugs for use in the area of medical specialties, indicated by the title of the committee, and to make appropriate recommendations to the Commissioner of Food and Drugs.

Criteria for Members

Persons nominated for membership on the committees described above must have adequately diversified research and/or clinical experience appropriate to the work of the committee in such fields as anesthesiology, surgery, internal medicine, infectious disease, asthma, rheumatology, microbiology, pediatrics, ophthalmology, cardiology, clinical/medical oncology, hematology, radiology, nuclear medicine, biostatistics, epidemiology, dermatopathology/immunodermatology, dermatology, psychopharmacology, neurochemistry, neuropharmacology, endocrinology, obstetrics and gynecology, reproductive endocrinology, gastroenterology, pharmacology, clinical pharmacology, hepatology, virology, pharmaceutical manufacturing, bioavailability and bioequivalence research, pharmacokinetics, neurology, psychiatry, psychology, neuropharmacology, neuropathology, pulmonary disease, allergy, immunology, clinical immunology, or other appropriate areas of expertise.

The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, research, and/or public service relevant to the field of activity of the committee. The term of office is up to 4 years.

Criteria for Consumer-Nominated Members

FDA currently attempts to place on each of the committees described above one voting member who is nominated by consumer organizations. These members are recommended by a consortium of 12 consumer organizations which has the responsibility for screening, interviewing, and recommending consumer-nominated candidates with appropriate scientific credentials. Candidates are sought who are aware of the consumer impact of committee issues, but who also possess enough technical background to understand and contribute to the committee's work. This would involve, for example, an understanding of research design, benefit/risk and the legal requirements for safety and efficacy of the products under review, and considerations regarding individual products. The agency notes, however, that for some advisory committees, it may require such nominees to meet the same technical qualifications and specialized training required of other expert members of the committee. The term of office for these members is up to 4 years. Nominations for all committees listed above are invited for consideration for membership as openings become available.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: May 2, 2001.

Bonnie H. Malkin,

Special Assistant to the Senior Associate Commissioner.

[FR Doc. 01–11619 Filed 5–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of the Committee: Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 21, 2001, 1 p.m. to 5 p.m., and May 22, 2001, 8 a.m. to 5 p.m.

Location: Holiday Inn, Walker/Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Joyce M. Whang, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12524. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 21, 2001, the committee will discuss a supplement to a premarket approval application (PMA) for an intrapartum fetal pulse oximeter. The committee will also hear a presentation on the clinical trial of an intrapartum fundal pressure belt intended to reduce the incidence of operative deliveries. On May 22, 2001, in the morning session, the committee will discuss air and gas emboli associated with operative hysteroscopy. In the afternoon session, the committee will discuss uterine artery embolization. Background information and questions to the committee will be available to the public on May 18, 2001, on the Internet at http://www.fda.gov/cdrh/panelmtg.html.

Procedure: On May 21, 2001, from 1 p.m. to 5 p.m. and May 22, 2001, from 10 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 11, 2001. On May 21, 2001, oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2 p.m., and on May 22, 2001, oral presentations from the public will be scheduled between approximately 11:30 a.m. and 11:45 a.m., and between approximately 2:45 p.m. and 3 p.m. Time allotted for each presentation may be limited. Those desiring to make formal presentations should notify the contact person before May 11, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and address of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On May 22, 2001, from 8 a.m. to 10 a.m., the meeting will be closed to the public to permit FDA to present to the

committee trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)) regarding pending and future device issues. In addition, the committee will discuss and review trade secret and/or confidential commercial information presented by a sponsor.

FDA regrets that it was unable to publish this notice 15 days prior to the May 21 and 22, 2001, Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 4, 2001.

Bonnie Malkin,

Special Assistant to the Senior Associate Commissioner.

[FR Doc. 01–11732 Filed 5–4–01; 4:54 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee to the Director, National Cancer Institute, May 10, 2001, 12 pm to May 10, 2001, 1 pm, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 11A03, Bethesda, MD 20892 which was published in the **Federal Register** on April 19, 2001, 66 FR 20152.

The meeting will be held on Thursday, May 24, 2001. The meeting is open to the public.

Dated: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11595 Filed 5–8–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, April 30, 2001, 8 a.m. to May 1, 2001, 5 p.m., Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852 which was published in the **Federal Register** on April 19, 2001, 66 FR 20151.

The meeting will be held on Thursday, May 24 and Friday, May 25, 2001. The meeting is closed to the public.

Dated: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11599 Filed 5–8–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute, Special Emphasis Panel, Molecular Pathways of Bladder Cancer Progression.

Date: May 23, 2001.

Time: 12 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Cancer Institute, Grants Review Branch, Division of Extramural Activities, 6116 Executive Boulevard, Room 8127, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael B. Small, Ph.D, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8127, Bethesda, MD 20892, 301/402–0996.

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.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11600 Filed 5–8–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Advisory Board.

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.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory.

Date: May 22, 2001.

Open: 8:45 a.m. to 12 p.m..

Agenda: Program reports and presentations; Business of the board.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Open: 12 p.m. to 2 p.m.

Agenda: Joint meeting of the Subcommittee on Planning and Budget and the Ad Hoc Subcommittee on Communications followed by a meeting of the Subcommittee on Clinical Investigations.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person:

Ms. Cherie Nichols, Executive Secretary, Subcommittee on Planning and Budget, (301) 496–5515.

Dr. Susan Sieber, Executive Secretary, Ad Hoc Subcommittee on Communications (301) 496–5946.

Dr. Ellen Feigal, Executive Secretary, Subcommittee On Clinical Investigations, (301) 496–6711.

Name of Committee: National Cancer Advisory Board.

Open: May 22, 2001, 2 p.m. to 4 p.m.

Agenda: Program reports and presentations; Business of the board.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Name of Committee: National Cancer Advisory Board.

Closed: May 22, 2001, 4 p.m. to Adjournment.

Agenda: Review of grant applications; Discussion of confidential personnel issues.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 29892–8327, (301) 496–5147.

This meeting is being published less than 15 days prior to the meeting due to scheduling conflicts. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/ncab.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11601 Filed 5–8–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Drug Abuse, May 16, 2001, 1 p.m. to May 17, 2001, 4:30 p.m., Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD, 20852 which was published in the **Federal Register** on April 5, 2001, Volume 66 FR 18103.

The time of the meeting for the open session has been changed to 9 a.m. to 11 a.m. on May 17, 2001. The time of the closed session will remain the same, from 1 p.m. to 4:30 p.m. on May 16, 2001. The meeting is partially closed to the public.

Dated: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11596 Filed 5–8–01; 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 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: Center for Scientific Review Special Emphasis Panel.

Date: May 14, 2001.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gloria B. Levin, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435-1017, leving@csr.nih.gov.

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. 93.305, 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: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11597 Filed 5–8–01; 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 sections 552b(c)(4) and 552b(c)(6), Title 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: May 2, 2001.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7818, Bethesda, MD 20892, (301) 435–1169, dowellr@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: May 4, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael A. Lang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–11598 Filed 5–8–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–33]

Notice of Submission of Proposed Information Collection to OMB; Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECMs (FR–4667)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 8, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins_HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained form Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department. This Notice also lists the following information:

Title of Proposal: Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECMs (FR–4667).

OMB Approval Number: 2502–XXXX.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: HUD provides mortgages insurance for the refinancing of an existing HECM, and establishes several requirements concerning such refinancing. Regulatory provision requires that the mortgagee provide the mortgagors, a good faith estimate of the total cost of the refinancing and the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured less the current principal limit on the HECM that is being refinanced.

Respondents: Individual or households.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Application	4,000		1		2		2,000

Total Estimated Burden Hours: 2,000.

Status: New Collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 3, 2001.

Donna L. Eden,

Director, Office of Investments Strategies, Policy and Management.

[FR Doc. 01–11696 Filed 5–8–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) which requires the publication of a notice of each permit application received by the Fish and Wildlife Service. This notification requirement may be waived in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available to the applicant. However, notice of any such waiver must be published within ten days following the issuance of the permit.

Emergency Exemption Issuance

On April 27, 2001, the U.S. Fish and Wildlife Service (Service) issued a permit (PRT–40800) to the National Aviary in Pittsburgh, Pittsburgh, Pennsylvania to export viable, fertilized eggs of captive bred Manchurian crane (*Grus japonensis*) and White-naped crane (*Grus vipio*) to the Khiganski Nature Reserve, Arkhara, Russia. The fertilized eggs are used in establishing

reintroduced populations of these two crane species in Russia and the timely export of viable eggs is vital to the success of this conservation program. The Service determined that an emergency effecting the survival of the embryos existed and that no alternative was available to the applicant. Therefore, the 30-day public comment period required by section 10(c) of the Endangered Species Act was waived.

Written data or comments should be submitted to the director, U.S. Fish and Wildlife Service, division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the director within 30 days of the date of this publication.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX (703/358–2281).

Dated: April 30, 2001.

Tim Van Norman,

Chief, Branch of Permits, Division of Management Authority.

[FR Doc. 01–11647 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–960–1060–PF–01–24 1A]

OMB Approval Number 1004–0042; Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reductions Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On December 11, 2000, the BLM published a notice in the **Federal Register** (65 FR 77387) requesting comments on this proposed collection. The comment period ended on February 9, 2001. The BLM received no comments from the public in response to that notice. You may obtain copies of the proposed collection of information and related forms and explanatory material by contacting the BLM Information Collection Clearance Officer at the telephone number listed below.

The OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer, (1004–0042), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Information Clearance Officer (WO–630), 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240.

Nature of Comments: We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Application for Adoption of Wild Horse(s) or Burro(s) (43 CFR 4700).

OMB Approval Number: 1004–0042.

Bureau Form Number: 4710–10.

Abstract: BLM requires specific information must be furnished by individuals who wish to adopt a wild horse or burro. BLM uses this information to determine if the individuals qualify and are eligible to provide humane care and proper treatment of these animals.

Frequency: Once, on occasion.

Description of Respondents: Respondents are individuals who wish to adopt a wild horse or burro from the BLM.

Estimated Completion Time: 10 minutes.

Annual Responses: 30,000.

Filing Fee Per Response: $125 (this fee is not considered a filing fee, but we use the money for room, board, and veterinary care of the animal while under BLM management).

Annual Burden Hours: 5,000.

Bureau Clearance Officer: Michael Schwartz, (202) 452–5033.

Dated: March 7, 2001.

Michael H. Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 01–11694 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM091–9941–EK–HE931]

OMB Approval Number 1004–0180; Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On January 5, 2001, the BLM published a notice in the **Federal Register** (66 FR 1152) requesting comments on this proposed collection. The comment period ended on March 6, 2001. The BLM received no comments from the public in response to that notice. You may obtain copies of the proposed collection of information and related forms and explanatory material by contacting the BLM Information Collection Clearance Officer at the telephone number listed below.

The OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer, (1004–0180), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Information Clearance Officer (WO–630), 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240.

Nature of Comments: We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Gas Well Data Survey of Helium-Bearing Natural Gas (PL 104–273).

OMB Approval Number: 1004–0180.

Bureau Form Number: 3100–12.

Abstract: Respondents are owners and operators of the helium-bearing natural gas wells and transmission lines. BLM uses this information to evaluate the helium recourses of the United States.

Frequency: Annually.

Description of Respondents: Owners and operators of the helium-bearing gas wells and transmission lines.

Estimated Completion Time: 15 minutes.

Annual Responses: 200.

Filing Fee Per Response: 0.

Annual Burden Hours: 50.

Bureau Clearance Officer: Michael Schwartz, (202) 452–5033.

Dated: March 1, 2001.

Michael H. Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 01–11695 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–056–1430-ES; N–66293]

Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Segregation terminated, recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial number N–61855. The exchange segregation on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Clark County proposes to use the land for a regional park.

Mount Diablo Meridian, Nevada

T. 21 S., R. 62 E., M.D.M.

sec. 2, lot 7, excepting that portion both north of the centerline of American Beauty Road and west of the centerline of Hollywood Boulevard, W½ of lot 8,lots 13,14,16.

Containing 167.96 acres, more or less, located between Charleston Boulevard and Sahara Avenue, east and west of Hollywood Boulevard.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for gas line purposes which have been granted to South West Gas Corporation by Permit No. Nev-061333 under the Act of February 25, 1920(30 USC 185, sec. 28).

3. Those rights for water pipeline purposes which have been granted to the Bureau of Reclamation by Permit No. N–1521 under the Act of December 5, 1924. (43 Stat. 0672).

4. Those rights for road purposes which have been granted to Clark County by Permit No. N–56936 under the Act of October 21, 1976(43 USC 1761).

5. Those rights for drainage channel purposes which have been granted to Clark County by Permit No. N–59788 under the Act of October 21, 1976(43 USC 1761).

6. Those rights for road purposes which have been granted to Clark County by Permit No. N–61109 under the Act of October 21, 1976(43 USC 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada or by calling (702) 647–5088. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a regional park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor directly related to the suitability of the land for a regional park. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: April 27, 2001.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 01–11690 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–056–1430-ES; N–66361]

Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Segregation Terminated, Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial number N–61855 and on July 23, 1997 under serial number N–66364. The exchange segregations on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Clark County School District proposes to use the land for a middle school.

Mount Diablo Meridian, Nevada

T. 21 S., R. 62 E., M.D.M.
sec. 2, E½ of lot 8.

Containing 20.0 acres, more or less, located between Charleston Boulevard and Sahara Avenue, east of Hollywood Boulevard.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for drainage channel purposes which have been granted to Clark County by Permit No. N–59788 under the Act of October 21, 1976(43 USC 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada or by calling (702) 647–5088. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a middle school. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor directly related to the suitability of the land for a middle school. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: April 27, 2001.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 01–11691 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–056–1430–ES; N–74287]

Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Segregation Terminated, Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial numbers N–61855 and N–66364. The exchange segregations on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Clark County School District proposes to use the land for an elementary school.

Mount Diablo Meridian, Nevada

T. 21 S., R. 62 E., M.D.M.
sec. 2, Lot 7, north of the centerline of American Beauty Road and west of the centerline of Hollywood Boulevard.

Approximately 20.0 acres, located between Charleston Boulevard and Sahara Avenue, west of Hollywood Boulevard.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for water pipeline purposes which have been granted to the Bureau of Reclamation by Permit No. N–1521 under the Act of December 5, 1924 (43 Stat. 0672).

3. Those rights for road purposes which have been granted to Clark County by Permit No. N–56936 under the Act of October 21, 1976(43 USC 1761).

4. Those rights for drainage channel purposes which have been granted to Clark County by Permit No. N–59788 under the Act of October 21, 1976(43 USC 1761).

5. Those rights for road purposes which have been granted to Clark County by Permit No. N–61109 under the Act of October 21, 1976(43 USC 1761).

6. Those rights for road purposes which have been granted to Clark County by Permit No. N–61199 under the Act of October 21, 1976(43 USC 1761).

7. Those rights for gas line purposes which have been granted to Southwest Gas Corporation by Permit No. Nev-061333 under the Act of February 25, 1920 (30 USC 185 sec. 28).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada or by calling (702) 647–5088. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for an elementary school. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor directly related to the suitability of the land for an elementary school. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: April 27, 2001.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 01–11692 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. OR–957–00–1420–BJ: GP01–0171]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands were officially filed in the Oregon State Office, Portland, Oregon, on March 12, 2001.

Willamette Meridian

Oregon

T. 30 S., R. 5 W., accepted March 30, 2001
T. 27 S., R. 3 W., accepted March 30, 2001
T. 27 S., R. 4 W., accepted March 30, 2001
T. 13 S., R. 8 W., accepted April 4, 2001
T. 23 S., R. 7 W., accepted April 6, 2001

Washington

T. 11 N., R. 19 E., accepted February 12, 2001
T. 15 N., R. 4 W., accepted March 15, 2001

Copies of the plat(s) may be obtained from the Oregon State Office, Bureau of Land Management, 1515 SW. 5th Avenue, Portland, Oregon 97201, upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest.

The above-listed plats represent dependent resurveys, a survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 SW. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: April 19, 2001.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 01–11693 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Preparation of an Environmental Assessment for Kerr-McGee's Proposed Deepwater Development Plan Offshore Texas (Boomvang Project)

AGENCY: Minerals Management Service, Interior.

ACTION: Preparation of an environmental assessment.

SUMMARY: The Minerals Management Service (MMS) is preparing an environmental assessment (EA) for a proposed deepwater development plan to develop and produce hydrocarbon reserves about 114 miles offshore Texas in East Breaks, Blocks 642, 643, and 688.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Alvin Jones, telephone (504) 736–1713.

SUPPLEMENTARY INFORMATION: This EA implements the tiering process outlined in 40 CFR 1502.20, which encourages agencies to tier environmental documents, eliminating repetitive discussions of the same issue. By use of reference to the most recent Final Environmental Impact Statement (EIS) for the Gulf of Mexico Western Planning Area for Lease Sales 171, 174, 177, and 180 and by tiering to related environmental documents, this EA concentrates on environmental issues specific to the proposed action.

The MMS Gulf of Mexico Region received an Initial Development Operations Coordination Document (DOCD) from Kerr-McGee Oil and Gas Corporation (Kerr-McGee) that proposes to develop and produce hydrocarbon reserves located in East Breaks, Blocks 642, 643, and 688. The DOCD was assigned a plan control number of N–7077, and the project is referred to as the Boomvang Project. Kerr-McGee will complete and produce a total of 10 wells that were drilled under previously-approved Exploration Plans for the subject blocks. No new drilling operations are proposed as a part of this DOCD. All of the wells will share a common surface location (a truss spar floating production system) in East Breaks, Block 643.

The Boomvang truss spar is a manned floating production facility that will be permanently anchored on location by a 9-leg, taut catenary system composed of conventional wire, chain, and anchor piles. The hull portion of the spar

measures approximately 90 feet in diameter and has an overall length of 543 feet. No hydrocarbons will be stored in the hull of the spar. The spar is not drilling rig capable; however, a 1,000-hp completion/workover platform rig will be installed and used for the initial completion operations. If any additional drilling would be necessary, a mobile offshore drilling unit (MODU) would be utilized. The spar will have a 20-person permanent accommodation unit installed. Temporary, portable quarters for up to 48 people may be provided.

The water depth at the truss spar location is approximately 3,457 feet. The project will use an existing onshore support base in Sabine Pass, Texas, to support the production activities. During completion or workover operations, either the onshore base in Sabine Pass, Texas, or an existing onshore base in Galveston, Texas, will be used to support these activities.

Oil and gas produced at the Boomvang project will be transported off lease by third-party owned and operated right-of-way pipelines.

The proposed action analyzed in the EA will be the development plan as proposed by Kerr-McGee. Alternatives will include the proposed action with additional mitigations and no action (i.e., disapproval of the plan). The analyses in the EA will examine the potential environmental effects of the proposal and alternatives.

Public Comments

MMS requests interested parties to submit comments regarding issues that should be addressed in the EA to Minerals Management Service, Gulf of Mexico OCS Region, Office of Leasing and Environment, Attention: Regional Supervisor (MS 5410), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Comments must be submitted no later than 30 days from the publication of this Notice.

Dated: April 26, 2001.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 01–11582 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Preparation of an Environmental Assessment for Kerr-McGee's Proposed Deepwater Development Plan Offshore Texas (Nansen Project)

AGENCY: Minerals Management Service, Interior.

ACTION: Preparation of an environmental assessment.

SUMMARY: The Minerals Management Service (MMS) is preparing an environmental assessment (EA) for a proposed deepwater development plan to develop and produce hydrocarbon reserves about 117 miles offshore Texas in East Breaks, Blocks 602 and 646. This EA is being prepared in accordance with MMS's comprehensive deepwater strategy approach, which includes the preparation of comprehensive EA's, referred to as Grid EA's, in each of 17 grids in deepwater areas of the Central and Western Gulf of Mexico. This comprehensive deepwater strategy is described in detail at *http:/www.gomr.mms.gov/homepg/regulate/environ/ea_grid/NEPADWSTRATEGY.PDF.*

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Ed Richardson, telephone (504) 736–2605.

SUPPLEMENTAL INFORMATION: This EA implements the tiering process outlined in 40 CFR 1502.20, which encourages agencies to tier environmental documents, eliminating repetitive discussions of the same issue. By use of reference to the most recent Final Environmental Impact Statement (EIS) for the Gulf of Mexico Western Planning Area for Lease Sales 171, 174, 177, and 180 and by tiering to related environmental documents, this EA concentrates on environmental issues specific to the proposed action.

The MMS Gulf of Mexico Region received an Initial Development Operations Coordination Document (DOCD) from Kerr-McGee Oil and Gas Corporation (Kerr-McGee) that proposes to develop and produce hydrocarbon reserves located in East Breaks, Blocks 602 and 646. The DOCD was assigned a plan control number of N–7045 and the project is referred to as the Nansen Project. Kerr-McGee will complete and produce a total of 12 wells that were drilled under previously-approved Exploration Plans for the subject blocks. No new drilling operations are proposed as a part of this DOCD. All of the wells, except the three subsea wells, will share a common surface location (a truss spar floating production system) in East Breaks, Block 602.

The Nansen truss spar is a manned floating production facility that will be permanently anchored on location by a 9-leg, taut catenary system composed of conventional wire, chain, and anchor piles. The hull portion of the spar measures approximately 90 feet in diameter and has an overall length of 543 feet. No hydrocarbons will be stored in the hull of the spar. The spar is not drilling rig capable; however, a 1,000-hp completion/workover platform rig will be installed and used for the initial completion operations. If any additional drilling would be necessary, a mobile offshore drilling unit (MODU) would be utilized. The spar will have a 20-person permanent accommodation unit installed. Temporary, portable quarters for up to 48 people may be provided.

The water depth at the truss spar location is approximately 3,675 feet. The project will use an existing onshore support base in Sabine Pass, Texas, to support the production activities. During completion or workover operations, either the onshore base in Sabine Pass, Texas, or an existing onshore base in Galveston, Texas, will be used to support these activities.

Oil and gas produced at the Nansen project will be transported off lease by third-party owned and operated right-of-way pipelines.

The proposed action analyzed in the EA will be the development plan as proposed by Kerr-McGee. Alternatives will include the proposed action with additional mitigation measures and no action (*i.e.,* disapproval of the plan). The analyses in the EA will examine the potential environmental effects of the proposal and alternatives.

Public Comment

MMS requests interested parties to submit comments regarding issues that should be addressed in the EA to Minerals Management Service, Gulf of Mexico OCS Region, Office of Leasing and Environment, Attention: Regional Supervisor (MS 5410), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Comments must be submitted no later than 30 days from the publication of this Notice.

Dated: April 26, 2001.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 01–11579 Filed 5–8–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–891 (Final)]

Foundry Coke From China

AGENCY: International Trade Commission.

ACTION: Scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–891 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from China of foundry coke, provided for in subheading 2701.00.00 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: D.J. Na (202–708–4727), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

The final phase of this investigation is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of foundry coke from China are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on September 20, 2001, by ABC Coke, Birmingham, AL; Citizens Gas and Coke Utility, Indianapolis, IN; Erie Coke Corp., Erie, PA; Tonawanda Coke Corp., Tonawanda, NY; and the United Steelworkers of America, AFL–CIO.

Participation in the Investigation and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on June 29, 2001, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on July 26, 2001, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 12, 2001. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on July 16, 2001, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is July 20, 2001. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is August 2, 2001; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before July 20, 2001. On August 22, 2001, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 24, 2001, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not

[1] For purposes of this investigation, Commerce has defined the subject merchandise as ''coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100-mm (4-inch) sieve, of a kind used in foundries.''

accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.
Issued: May 3, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11677 Filed 5–8–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–431]

Certain Circular Welded Carbon Quality Line Pipe: Effects of Import Relief Action on the Domestic Industry and Principal Users in the United States

AGENCY: International Trade Commission.

ACTION: Institution of investigation.

EFFECTIVE DATE: April 26, 2001.

SUMMARY: Following receipt, on April 26, 2001, of a request from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–431, Certain Circular Welded Carbon Quality Line Pipe: Effects of Import Relief Action on the Domestic Industry and Principal Users in the United States, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION CONTACT: Diane J. Mazur (202–205–3184), Office of Investigations, U.S. International Trade Commission, 500 E St., SW., Washington, DC 20436. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

Following receipt of a report from the Commission in December 1999 under section 202 of the Trade Act of 1974 (19 U.S.C. § 2252),[1] the President, on February 18, 2000, issued Proclamation 7274, imposing import relief in the form of a tariff on imports of circular welded carbon quality line pipe (65 FR 9193, February 23, 2000). In his memorandum to the Secretary of the Treasury and the USTR that accompanied the proclamation for the line pipe relief action, the President instructed that the USTR request that the Commission, pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), examine the effects of the relief action on the domestic line pipe industry and the principal users of line pipe in the United States. As requested by the USTR, the Commission's report on the investigation will focus on the effects of action on the domestic welded line pipe industry and on principal users of line pipe in the United States since March 1, 2000, when the President increased tariffs on imports of certain circular welded carbon quality line pipe[2] pursuant to section 203 of the Trade Act of 1974. As requested by the USTR, the Commission will transmit its report to the USTR no later than August 30, 2001, the date that the Commission is scheduled to submit its report to the President under section 204(a)(2) of the Trade Act of 1974 (Certain Circular Welded Carbon Quality Line Pipe: Monitoring Developments in the Domestic Industry, Investigation No. TA–204–5).

Written Submissions

Interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than July 6, 2001. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436.

The Commission may wish to use the confidential business information you provide in this investigation in other investigations conducted under other statutory authority arising out of the relief action taken by the President as a result of the Commission's determination in investigation No. TA–201–70 concerning welded carbon quality line pipe, but will do so only with your consent. Any confidential business information so used will be afforded the protection provided under the appropriate statutory authority. In your request for confidential treatment, please state whether you consent to such use.

Issued: May 3, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11678 Filed 5–8–01; 8:45 am]

BILLING CODE 7020–02–P

[1] Circular Welded Carbon Quality Line Pipe, USITC Pub. 3261, Dec. 1999.

[2] Includes welded carbon quality line pipe of circular cross section, of a kind used for oil and gas pipelines, whether or not stenciled, and not more than 16 inches (406.4 mm) in outside diameter. This investigation excludes goods commonly described in commercial usage as arctic grade line pipe. The products are classified in subheadings 7306.10.10 and 7306.10.50 of the Harmonized Tariff Schedule of the United States. For a detailed description of the subject merchandise, *see* the annex to Presidential Proclamation 7274 (65 FR 9195, February 23, 2000).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–432]

Certain Steel Wire Rod: Effects of Import Relief Action on the Domestic Industry and Principal Users in the United States

AGENCY: International Trade Commission.

ACTION: Institution of investigation.

EFFECTIVE DATE: April 26, 2001.

SUMMARY: Following receipt, on April 26, 2001, of a request from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–432, Certain Steel Wire Rod: Effects of Import Relief Action on the Domestic Industry and Principal Users in the United States, under section 332(g) of the Tariff Act of 1930 (19 U.S. C. 1332(g)).

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E St., SW., Washington, DC 20436. Hearing

impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background

Following receipt of a report from the Commission in July 1999 under section 202 of the Trade Act of 1974 (19 U.S.C. 2252),[1] the President, on February 16, 2000, issued Proclamation 7273, imposing import relief in the form of a tariff-rate quota on imports of certain steel wire rod (65 FR 8621, February 18, 2000). In his memorandum to the Secretary of the Treasury and the USTR that accompanied the proclamation for the wire rod relief action, the President instructed that the USTR request that the Commission, pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), examine the effects of the relief action on the domestic wire rod industry and the principal users of wire rod in the United States. As requested by the USTR, the Commission's report on the investigation will focus on the effects of the action on the domestic wire rod industry and on principal users of wire rod in the United States since March 1, 2000, when the President imposed a tariff-rate quota on imports of certain steel wire rod[2] pursuant to section 203 of the Trade Act of 1974. As requested by the USTR, the Commission will transmit its report to the USTR no later than August 23, 2001, the date that the Commission is scheduled to submit its report to the President under section 204(a)(2) of the Trade Act of 1974 (Certain Steel Wire Rod: Monitoring Developments in the Domestic Industry, Investigation No. TA–204–6).

Written Submissions

Interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than July 18, 2001. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

The Commission may wish to use the confidential business information you provide in this investigation in other investigations conducted under other statutory authority arising out of the relief action taken by the President as a result of the Commission's determination in investigation No. TA–201–69 concerning steel wire rod, but will do so only with your consent. Any confidential business information so used will be afforded the protection provided under the appropriate statutory authority. In your request for confidential treatment, please state whether you consent to such use.

By order of the Commission.

Issued: May 3, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11676 Filed 5–8–01; 8:45 am]

BILLING CODE 7020–02–P

[1] Circular Steel Wire Rod, USITC Pub. 3207, July 1999.

[2] The imported article covered by this investigation is defined as hot-rolled bars and rods, in irregularly wound coils, of circular or approximately circular solid cross section, having a diameter of 5 mm or more but less than 19 mm, of non-alloy or alloy steel, except such bars and rods of free-machining steel or of alloy steel containing by weight 24 percent or more of nickel. Free-machining steel is any steel product containing by weight one or more of the following elements, in the specified proportions: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, and/or more than 0.01 percent of tellurium. Certain steel wire rod is provided for in subheadings 7213.91, 7213.99, 7227.20, and 7227.90.60 of the Harmonized Schedule of the United States (HTS). The scope of this investigation does not cover concrete reinforcing bars and rods, or bars and rods of stainless steel or tool steel, which are provided for in other HTS subheadings. Also excluded from the scope of the investigation are wire rod of tire cord quality, valve spring quality, class III pipe wrap quality, aircraft cold heading quality, aluminum cable steel reinforced (''ACSR'') quality, piano wire string quality, grade 1085 annealed bearing quality, and grade 1080 tire bead wire quality. These products are described in detail in the annex to Presidential Proclamation 7273 (65 FR 8624, February 18, 2000).

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–018]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: May 15, 2001 at 11 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. Nos. 731–TA–875, 879, 880, and 882 (Final) (Certain Steel Concrete Reinforcing Bars from Indonesia, Moldova, Poland, and Ukraine)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on May 25, 2001.)
5. Outstanding action jackets:
1. Document No. GC–01–042: Regarding Inv. No. 337–TA–429 (Certain Bar Clamps, Bar Clamp Pads, and Related Packaging, Display, and Other Materials).

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.

By order of the Commission.

Issued: May 4, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11826 Filed 5–7–01; 2:16 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–019]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: May 16, 2001 at 11 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. Nos. 701–TA–414 and 731–TA–928 (Preliminary) (Softwood Lumber from Canada)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on May 17, 2001; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on May 24, 2001.)
5. Outstanding action jackets:
1. Document No. GC–01–042: Regarding Inv. No. 337–TA–429 (Certain Bar Clamps, Bar Clamp Pads, and Related Packaging, Display, and Other Materials).

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.

By order of the Commission.

Issued: May 4, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11827 Filed 5–7–01; 2:16 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–020]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: May 18, 2001 at 2 p.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. Nos. 731–TA–929–931 (Preliminary) (Silicomanganese from India, Kazakhstan, and Venezuela)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on May 21, 2001; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on May 29, 2001.)
5. Outstanding action jackets:
1. Document No. GC–01–042: Regarding Inv. No. 337–TA–429 (Certain Bar Clamps, Bar Clamp Pads, and Related Packaging, Display, and Other Materials).

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.

By order of the Commission.

Issued: May 4, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11828 Filed 5–7–01; 2:16 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,439 and NAFTA–4365]

Eastern Fine Paper; Brewer, Maine; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of March 16, 2001, the company requested administrative reconsideration of the Department of Labor's Notices of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance (TA–W–38,439) and NAFTA-Transitional Adjustment Assistance (NAFTA–4365) for workers of the subject firm. The denial notices applicable to workers of Eastern Fine Paper, Inc., Brewer, Maine, were signed on February 7, 2001, and published in the **Federal Register** on March 2, 2001, TA–W–48,439 (66 FR 13086) and NAFTA–4319 (66 FR 13087).

The company presents new information regaridng production at the plant that warrants further petition investigation.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Depratment of Labor's prior decision. The application is, threfore, granted.

Dated: Signed at Washington, D.C., this 27th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–11629 Filed 5?–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,360 and NAFTA–4319]

Georgia Pacific Corp. Structural Panel Division—OSB, Baileyville, Maine; Notice of Negative Determination Regarding Application for Reconsideration

By application of February 20, 2001, the Paper, Allied-Industrial, Chemical & Energy Workers International Union (PACE) request administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) and North American Free Trade Agreement—Transitional Adjustment Assistance (NAFTA–TAA). The denial notices applicable to workers of Georgia Pacific Corporation, Structural Panel Division—OSB, Baileyville, Maine, were signed on January 5, 2001, and published in the **Federal Register** on February 8, 2001, TA–W–38,360 (66 FR 9599) and NAFTA–4319 (66 FR 9600).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers producing oriented strand board at Georgia Pacific, OSB Operations in Baileyville, Maine, was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm's. None of the customers reported increasing import purchases of OSB while decreasing purchases from Georgia Pacific, OSB Operations in Baileyville, Maine.

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. A survey of the major declining customers of Georgia

Pacific, Structural Panel Division, showed that none of the respondents increased import purchases of oriented strand board from Mexico or Canada, while reducing purchases from the subject firm. The subject firm did not import oriented strand board, nor was production of oriented strand board shifted from the workers' firm to Mexico or Canada.

The petitioner supplemented the application for reconsideration with information on U.S. imports of OSB-Waferboard and suggested that increased imports of these articles from Canada negatively impacted the OSB producers in the northeastern part of the United States. The Department, when determining import impact for a worker group, does not break out import statistics by port of entry but instead use aggregate import data. For NAFTA–TAA petition investigations the Department examines aggregate U.S. imports from Mexico and Canada. While U.S. import data are helpful in identifying trends in imports of specific products, in most cases, the Department relies a survey of the major declining customers of the subject firm.

The petitioner adds that the Department's survey results regarding customer purchases of oriented strand board are erroneous, citing that a federal official informed PACE that only three customers were surveyed, two of which were other Georgia Pacific divisions, and that Georgia Pacific imports oriented strand board.

The information collected by the Department during the petition investigation is business confidential and cannot be released to the public without express written consent of the individual and/or company official providing the information. The Department cannot release how many customers of the subject firm were surveyed or who responded. The respondents of the survey group for Georgia Pacific represented the majority of the subject firm sales of OSB during the time period when the Baileyville plant had sales and production declines.

The petitioner believes that the subject firm imports OSB. The Department stands corrected in that Georgia Pacific Corporation does import oriented strand board, including purchases from Canada. The investigation, however, showed that company imports of OSB declined.

The petitioner also states that the Department totally disregarded the Maine Department of Labor preliminary affirmative finding that all eligibility criteria for NAFTA–TAA have been met. The petitioner's statement is true, but all preliminary findings for NAFTA–TAA petitions are forwarded to the Department of Labor for a final determination.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of April 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–11627 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,461 and NAFTA–4357]

Oxford Automotive, Argos, Indiana; Notice of Negative Determination Regarding Application for Reconsideration

By application of February 1, 2001, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Local 2088, request administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA). The denial notices applicable to workers of Oxford Automotive, Argos, Indiana, were signed on January 24, 2001. The TAA decision will soon be published in the **Federal Register**. The notice for the NAFTA–TAA decision was published in the **Federal Register** on February 20, 2001 (66 FR 10917).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers producing side panels for vehicles in Argos, Indiana, was denied because the ''contributed importantly'' criterion of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. The primary customer of the subject firm is going to produce the side panels at their own U.S. plants and ceased doing business with Oxford Automotive.

The NAFTA–TAA petition for the same worker group was defined because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There were no company or customer imports from Mexico or Canada of side panels for vehicles. The subject firm did not shift the production of side panels for vehicles from Argos, Indiana to Mexico or Canada.

The petitioner provided a copy of a memorandum dated August 1, 2000, addressed to Local 2988 from an individual (title not provided), notifying the Union of equipment that will be moving to another Oxford Automotive location, or a request for equipment from another Oxford Automotive location. In that listing, it is noted that authorization was being sought to move the 180″ press line and two single post spot welders to Mexico.

During the investigation that information was available and the Department found that some of the machinery was sent to Mexico but it was not being used. The shift of production of equipment to Mexico or Canada, or any other foreign country, does not in of itself provide a basis for worker group certification under TAA or NAFTA–TAA. With respect to the TAA petition, the Department could issue a certification only if the equipment shifted is being used to produce the articles and replace the production at the workers' firm and that there are increases in imports of articles like or directly competitive with side panels for vehicles produced on that machinery. With respect to the NAFTA–TAA petition, the Department could issue a certification only if the equipment shifted is being used to produce the articles and replace the production at the workers' firm. This is not the case for the petitioning workers, as was described in the initial findings.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify

reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–11628 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of April, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38, 557; Southern Webbing Mills, Inc., Floyd, VA

TA–W–38, 791; Sierra Pacific Industries, Loyalton, CA

TA–W–38, 784; Joseph L. Schlessinger, T/A Schlessinger Industries Ridgefield Machine, Inc., P & G Machinery Repair Corp., Ridgefield, NJ

TA–W–38, 470; Plum Creek Timber Co., Pablo, MT

TA–W–38, 599; Sherwood Harso Corp., Lockport, NY

TA–W–38, 615; Koppel Steel Corp., Koppel, PA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–38, 965; Ingersoll Milling Machine Co., High Velocity Machine Div., Rockford, IL

TA–W–38, 493 & A; Creative Products, Inc., Potomac, IL and Rossville, IL

TA–W–38, 983; Zapata Technologies, Inc., Hazelton, PA

TA–W–39, 059; Ludlow Building Products, Inc., Adrian, MI

TA–W–38, 873; Kodak Polychrome Graphics, Holyoke, MA

TA–W–38, 885; Grote Industries, LLC, Harness Div., Madison, IN

TA–W–39, 001; Accuride International, Inc., Charlotte, NC

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–38, 818; STS Systems, Inc., d/b/a 3DFX Interactive of Texas, Inc., El Paso, TX

TA–W–38, 808; Hit or Miss Stoughton, MA

TA–W–38, 461; Oxford Automotive, Argos, IN

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–38, 758; PerkinElmer Optoelectronics, St. Louis, MO

TA–W–39, 028; M&G Polymer USA, LLC, Apple Grove, WV

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38, 987; GIGI of Carolina, Inc., Cherryville, NC: March 22, 2000.

TA–W–38, 718; Weyerhauser Co., Mt. Pine Wood Products, Mt Pine, AR: February 8, 2000.

TA–W–38, 472; Mid-American Electro Cords, Decatur, AL: December 12, 1999.

TA–W–38, 530; The Fletcher Corp., Fletcher Paper Co and Fletcher Coated Products, Alpena, MI: December 21, 1999.

TA–W–38, 903; United Design Corp., Noble, OK: March 5, 2000.

TA–W–38, 841; Pathfinders U.S.A., LLC, Sedro Woolley, WA: February 7, 2000.

TA–W–38, 552; North Star Steel-Kentucky, Calvert City, KY: December 29, 1999.

TA–W–38, 857; Erie Coke Corp., Erie, PA: February 22, 2000.

TA–W–38, 867; Kerr-McGee Chemical LLC, Electrolytic Div., Hamilton, MS: March 2, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of April, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04376 & A, B; Armtex, Inc., Pilot Mountain, NC, Gastonia, NC and Surry Industries, LLC, Pilot Mountain, NC
NAFTA–TAA–04530; Sterling Last LLC, Henderson, TN
NAFTA–TAA–04616; Standard Forged Products, Inc., Johnsontown, PA
NAFTA–TAA–04727; Ludlow Building Products, Inc., Adrian, MI
NAFTA–TAA–04521; Prodica LLC, Kennewick, WA
NAFTA–TAA–04728; Crawford Furniture Manufacturing Corp., New Bethlehem, PA

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

NAFTA–TAA–04650; Avecia, Inc., Research and Development Group, Mount Pleasant, TN
NAFTA–TAA–04692; Textile Sales and Repair, Inc., Gastonia, NC
NAFTA–TAA–04622; STB Systems, Inc., d/b/a 3DFX Interactive of Texas, Inc., El Paso, TX

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04592; Corning Cable Systems, Kernersville, NC: February 27, 2000.
NAFTA–TAA–04427; The Fletch Corp., Fletcher Paper Co and Fletcher Coated Products, Alpena, MI: January 4, 2000.
NAFTA–TAA–04682; ISP Minerals, Kremlin Plant, Pembine, WI: March 14, 2000.
NAFTA–TAA–04427; The Fletch Corp., Fletcher Paper Co and Fletcher Coated Products, Alpena, MI: January 4, 2000.
NAFTA–TAA–04682; ISP Minerals, Kremlin Plant, Pembine, WI: March 14, 2000.
NAFTA–TAA–04593; The William Carter Co., Griffin, GA: January 29, 2000.
NAFTA–TAA–04571; PerkinElmer Optoelectronics, St. Louis, MO Facility, St. Louis, MO: February 22, 2000.
NAFTA–TAA–04591; Pathfinders U.S.A. LLC, Sedro Wooley, AS: February 10, 2000.
NAFTA–TAA–04603; IEC Electronics Corp., Edinburg, TX: February 21, 2000.
NAFTA–TAA–04652; Grote Industries, LLC, Harness Div., Madison, IN: March 6, 2000.
NAFTA–TAA–047378; C–Cor.Net, Tipton, PA: April 3, 2000.
NAFTA–TAA–04677; Accuride International, Inc., Charlotte, NC: March 23, 2000.

I hereby certify that the aforementioned determinations were issued during the month of April, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 30, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–11630 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 21, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 21, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of April, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

Appendix—Petitions Instituted on 04/09/2001

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,967	Conexant (Wkrs)	El Paso, TX	03/22/2001	Modems.
38,968	Lincoln Brass Works (Co.)	Waynesboro, TN	03/01/2001	Gas valves.
38,969	Textron Golf, Turf Care (UAW)	Racine, WI	03/14/2001	Turf care equipment.
38,970	Superior Lumber (Wkrs)	Glendale, OR	03/13/2001	Plywood.
38,971	William Carter Co. (The) (Wkrs)	Harlingen, TX	03/23/2001	Children's clothing.
38,972	KoSa (Co.)	Shelby, NC	03/22/2001	Polyester textile filament yarn.
38,973	Robinson Fiddler's Green (CWAUIE)	Springville, NY	03/12/2001	Kitchen ware.
38,974	Randy Industries, Inc. (Co.)	New York, NY	03/26/2001	Children's sportswear.
38,975	Fox River Paper Co. (USWA)	Vicksbury, MI	03/22/2001	Text and cover paper, writing paper.
38,976	Cummins Power Generation (Co.)	St. Peter, MN	03/20/2001	Transfer switches for generators.
38,977	Doe Run Company (The) (Co.)	Herculaneum, MO	03/16/2001	Lead.
38,978	AmeriCo (Co.)	New York, NY	01/02/2001	Sports Clothing.
38,979	SKF USA (Wkrs)	Bethlehem, PA	03/21/2001	Bearing seals.
38,980	Orion Bus Industries (UAW)	Oriskany, NY	03/22/2001	Transit buses.
38,981	Equatorial Tonopah, Inc. (Co.)	Tonopah, NV	03/21/2001	Copper cathode.

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,982	Lyons Falls Pulp & Paper (PACE)	Lyons Falls, NY	02/28/2001	Paper and pulp.
38,983	Zapata Technologies (Wkrs)	Hazelton, PA	02/14/2001	Bottle cap manufacturing machinery.
38,984	AVX Tantalum Corp. (Wkrs)	Biddeford, ME	03/27/2001	Tantalum capacitors.
38,985	Dunbrooke Industries (Co.)	Orange City, IA	03/23/2001	Shirts and jackets.
38,986	Gilda Activewear (Wkrs)	Miami, FL	03/29/2001	Activewear.
38,987	Gigi of Carolina (Wkrs)	Cherryville, NC	03/22/2001	Knitted ladies' sweaters.
38,988	Delta Dental Plan of MN (Wkrs)	Eagan, MN	03/27/2001	Dental insurance.
38,989	Trico Steel (Wkrs)	Decatur, AL	03/23/2001	Hot rolled steel coils.
38,990	Ami Candle, Inc. (Wkrs)	Fall River, MA	03/24/2001	Taper, pillar and votive candles.
38,991	VF Imagewear (West) (Co.)	Nashville, TN	03/09/2001	Men's & ladies' work clothing.
38,992	Coastal Machnery (IAMAW)	Portland, OR	03/23/2001	Lumber planer machines.
38,993	Jake Shook Logging (Co.)	Newcastle, WY	03/13/2001	Logs.
38,994	Irwin Manufacturing Corp. (Co.)	Ocilla, GA	03/26/2001	Crib bedding.
38,995	Penn Metal Stamping (Wkrs)	St. Marys, PA	03/27/2001	Automotive parts.
38,996	Kellwood New England (Co.)	Brockton, MA	03/27/2001	Ladies' woven and knit apparel.
38,997	Emsig Corporation (UNITE)	Villas, NJ	03/26/2001	Buttons.
38,998	Dye Works, Inc. (Co.)	Trenton, NJ	03/21/2001	Wet processing of garments.
38,999	Detroit Tool (Wkrs)	Lebanon, MO	03/26/2001	Tooling, die work, special machines.
39,000	American Nickeloid Co. (USWA)	Walnutport, PA	03/26/2001	Crome, Nickel, copper plated steel.
39,001	Accuride International (Co.)	Charlotte, NC	03/23/2001	Metal drawer slides.
39,002	Ohio Moulding Corp. (UAW)	Wickliffe, OH	03/20/2001	Moulding.
39,003	Cajun Bag and Supply (Co.)	Rayne, LA	03/23/2001	Flexible bulk containers.
39,004	AgriFrozen (IBT)	Grandview, WA	03/23/2001	Frozen vegetabales.
39,005	Rayovac Corp. (Wkrs)	Fennimore, WI	02/21/2001	Alkaline batteries.
39,006	ASF Keystone (USWA)	East Chicago, IN	03/22/2001	Railroad cars.
39,007	Fruit of the Loom (Co.)	Jacksonville, AL	03/26/2001	Spinning of yarn.
39,008	Camrose Technologies (Wkrs)	Ada, OK	04/02/2001	Door handles.
39,009	Astaris, LLC (IAM)	Pocatello, ID	04/02/2001	Elemental phosphorus.

[FR Doc. 01–11624 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,848]

Genicom Corporation Currently Known as IER, Inc., Temple, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 18, 2000, applicable to workers of Genicom Corporation, Temple, Texas. The notice was published in the **Federal Register** on September 12, 2000 (65 FR 55050).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New findings show that the Department inadvertently failed to identify the subject firm title name in its entirety. The Department is amending the certification determination to correctly identify the subject firm title name to read ''Genicom Corporation, currently known as IER, Inc.''.

The amended notice applicable to TA–W–37,848 is hereby issued as follows:

All workers of Genicom Corporation, currently known as IER, Inc., Temple, Texas who became totally or partially separated from employment on or after June 16, 1999 through August 18, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 18th day of April, 2001.

Linda G. Poole,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 01–11626 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Correction

SUMMARY: In notice document 01–11011 (66 FR 22009) beginning on page 22009 in the issue of Wednesday, May 2, 2001, make the following correction:

On page 22009 in the second column, the **BACKGROUND** should be changed to read: ''**BACKGROUND:** Form ETA–9042, Petition for NAFTA Transitional Adjustment Assistance, establishes the format which has been used by the Governor to facilitate such filings.''

On page 22009 in the third column, under **CURRENT ACTIONS,** the Title should be changed to read: ''Petition for NAFTA-Transitional Adjustment Assistance.''

On page 22009 in the third column the *OMB Number* should be changed to read: ''1205–0342.''

On page 22009 in the third column the *Agency Number* should be changed to read: ''ETA 9042 and ETA 9042–1.''

On page 22009 in the third column the *Affected Public* should read: ''Individuals or Households.''

Dated: May 4, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–11632 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called

(NAFTA–TAA), have been filed with State Governors under section 250(b)(1) of subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than May 21, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than May 21, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 1st day of May, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

Appendix

Subject Firm	Location	Date received at Governor's Office	Petition number	Articles produced
Flexfab (Wkrs)	Hastings, MI	04/18/2001	NAFTA–4,769	silicone hoses.
Alken Ziegler Novi (Co.)	Novi, MI	04/18/2001	NAFTA–4,770	coldformed automotive parts.
Ansell Protective Products (Co.)	Tarboro, NC	04/18/2001	NAFTA–4,771	industrial work gloves.
ECM Motor (IUNAW)	Elkhorn, WI	04/16/2001	NAFTA–4,772	horse power motors.
PSC Scanning (Wkrs)	Eugene, OR	04/11/2001	NAFTA–4,773	bar code scanners.
Commtouch (Co.)	Mountain View, GA	04/16/2001	NAFTA–4,774	software technology & services.
Jonathan Engineered Solutions (UAW).	Fullerton, CA	04/15/2001	NAFTA–4,775	aluminium.
Southern Tee's (Wkrs)	Rockingham, NC	04/18/2001	NAFTA–4,776	t-shirts.
Monona Wire (Wkrs)	Edgewood, IA	04/19/2001	NAFTA–4,777	wiring harness.
Shasta View (Co.)	Malin, OR	04/09/2001	NAFTA–4,778	potatoes.
Mar-Bax Shirt (Co.)	Gassville, AR	04/16/2001	NAFTA–4,779	men's woven dress shirts.
WSW of Sharon of Tennessee (Wkrs).	Sharon, TN	04/23/2001	NAFTA–4,780	children sleepware and playware.
Globe Building Materials (Co.)	Cornell, WI	04/20/2001	NAFTA–4,781	roofing felt.
Tyco Electronics (Co.)	Harrisonburg, VA	04/23/2001	NAFTA–4,782	electronics.
Prairie Wood Products (Wkrs)	Prairie City, OR	04/23/2001	NAFTA–4,783	logs lumber products.
Williamson Dickie (Wkrs)	Eagle Pass, TX	04/23/2001	NAFTA–4,784	work pants and shorts.
Challenge Machinery (The) (PACE)	Grand Haven, MI	04/20/2001	NAFTA–4,785	paper cutters & paper drills.
Rubber Urethanes (Co.)	Grainesville, TX	04/02/2001	NAFTA–4,786	rubber rollers.
BBA Nonwovens (PACE)	Lewisburg, PA	04/19/2001	NAFTA–4,787	thermobond and chembond nonwoven.
J and L Specialty Steel (USWA)	Midland, PA	04/18/2001	NAFTA–4,788	stainless steel strip.
Horace Small Apparel (Co.)	Brownsville, TX	04/20/2001	NAFTA–4,789	garments.
J.C. Viramontes (Co.)	El Paso, TX	04/20/2001	NAFTA–4,790	denim garments.
Southwire (Co.)	Osceola, AR	04/20/2001	NAFTA–4,791	wire and cable products.
Novo Knitting (Co.)	Mansfield, OH	04/19/2001	NAFTA–4,792	knitted outerwear.
Johnstown America (USWA)	Johnstown, PA	04/24/2001	NAFTA–4,793	railroad cars.
Wright's (Co.)	Allentown, PA	04/24/2001	NAFTA–4,794	men's and boy's knitted outerwear.
Prime Cast (USWA)	South Beloit, IL	04/17/2001	NAFTA–4,795	gary iron casting.
Erie Coke Corporation (Wkrs)	Erie, PA	04/23/2001	NAFTA–4,796	steel.
Epic Components (Co.)	New Boston, MI	04/24/2001	NAFTA–4,797	plastic injection molded.
Tyco Electronics (Co.)	Shrewsburg, PA	04/24/2001	NAFTA–4,798	injection molded components.
BF Goodrich Performance Materials (Co.).	Taylors, SC	04/13/2001	NAFTA–4,799	specialty chemicals.
Magnetek (Co.)	Madison, AL	04/25/2001	NAFTA–4,800	electronic ballasts.
Southern Glove—Mountain City Glove (Co.).	Newton, NC	04/24/2001	NAFTA–4,801	gloves.
Pro Manufacturing (Wkrs)	Killeen, TX	04/29/2001	NAFTA–4,802	men's jackets and vests.
Northwest Fourslide (Co.)	Sherwood, OR	04/24/2001	NAFTA–4,803	wire forms and metal stampings.
Dirmingham Steel (USWA)	Joliet, IL	04/24/2001	NAFTA–4,804	steel merchant bar.
Access Electronics (Wkrs)	Gurnee, IL	04/25/2001	NAFTA–4,805	electronics.
Nypro Alabama (Co.)	Dothan, AL	04/26/2001	NAFTA–4,806	lead acid battery.
Eagle Electric (Wkrs)	Long Island, NY	04/02/2001	NAFTA–4,807	electric switches, plugs, sockets etc.
Texas Instruments (Wkrs)	San Jose, CA	04/10/2001	NAFTA–4,808	map products.
TechnoTrim (Co.)	Stockton, CA	04/17/2001	NAFTA–4,809	automobile seat covers.
Lobelson and McCabe (Wkrs)	Chapel Hill, TN	04/26/2001	NAFTA–4,810	dance wear, ballet shoes, tap shoes.

Subject Firm	Location	Date received at Governor's Office	Petition number	Articles produced
Emerson Power Transmission (Wkrs).	Valparaiso, IN	04/26/2001	NAFTA–4,811	bearing.
Cemex Kosmos Cement (IBM)	Pittsburgh, PA	04/26/2001	NAFTA–4,812	cement.
Tycom (Co.)	Owego, NY	04/27/2001	NAFTA–4,813	precision cutting tools.
Maurice Silvera (Co.)	Lumberton, NC	04/26/2001	NAFTA–4,814	men's golf shirts, kid's sportswear.
Penridge Manufacturing (Co.)	Freeland, PA	04/27/2001	NAFTA–4,815	men's and ladies outerwear.
Lady Hope Dress (UNITE)	Kulpment, PA	04/27/2001	NAFTA–4,816	dresses.
Square D (Co.)	Ashville, NC	04/30/2001	NAFTA–4,817	molds.
McGinley Mills (UNITE)	Easton, PA	04/26/2001	NAFTA–4,818	ribbon goods.
Woodstock Lamp and Shade (UFCW).	Oldforge, PA	04/30/2001	NAFTA–4,819	lamp shades and lampshade frames.
Tridelta Industries (Co.)	Mentor, OH	04/13/2001	NAFTA–4,820	pressure controls.
Nokia Mobile Phones (Wkrs)	Fort Worth, TX	04/30/2001	NAFTA–4,821	cellular phones.
MEI International (USWA)	Duluth, MN	04/30/2001	NAFTA–4,822	consumable wear parts.
Brillcast (Co.)	Grand Rapids, MI	04/30/2001	NAFTA–4,823	functional and decorative parts.
Mother Parker's Tea and Coffee (Wkrs).	Amherst, NY	04/30/2001	NAFTA–4,824	microwave coffee singles.

[FR Doc. 01–11625 Filed 5–8–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act; Lower Living Standard Income Level

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of determination of lower living standard income level.

SUMMARY: Under Title I of the Workforce Investment Act of 1998 (Public Law 105–220), the Secretary of Labor annually determines the Lower Living Standard Income Level (LLSIL) for uses described in the Law. WIA defines the term ''Low Income Individual'' as one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level. This issuance provides the Secretary's annual LLSIL for 2001 and references the current 2001 Health and Human Services ''Poverty Guidelines.''

EFFECTIVE DATE: This notice is effective on May 9, 2001.

ADDRESSES: Send written comments to: Mr. Ron Putz, Office of Adult Services, Employment and Training Administration, Department of Labor, Room C–5325, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Putz, Telephone 202–693–3575; Fax (202) 693–3589 (these are not toll free numbers).

SUPPLEMENTARY INFORMATION: It is the purpose of the Workforce Investment Act of 1998 (WIA) ''to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.''

The LLSIL is used for several purposes under WIA: specifically, WIA Section 101(25) defines the term ''low income individual'' for eligibility purposes, Sections 127(b)(2)(C) and 132(b)(1)(IV) define the terms ''disadvantaged adult,'' and ''disadvantaged youth'' in terms of the poverty line of LLSIL for purpose of State allotments. The Governor and State/Local Workforce Investment Boards need the LLSIL for determining eligibility for youth, eligibility for employed adult workers for certain services, and for the Work Opportunity Tax Credit (WOTC). We encourage the Governors and State/Local Workforce Investment Boards to consult WIA and its Regulations and Preamble at 29 CFR Part 652 et al., for more specific guidance in applying the LLSIL to program requirements. The Department of Health and Human Services published the annual update of the poverty-level guidelines in the **Federal Register** at 65 Fed. Reg. 7555, (Feb. 16, 2001), The HHS 2001 Poverty guidelines may also be found on the Internet at: *http://www.aspe.os.dhhs.gov/poverty/01poverty.htm.*

ETA plans to have the 1001 LLSIL available on its web site at: *http://www.wdsc.org/llsil/llsi101.htm*

WIA Section 101(24) defines the LLSIL as ''that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent lower living family budget issued by the Secretary.'' The most recent lower living family budget was issued by the Secretary of labor in the fall of 1981. The four-person urban family budget estimates, previously published by the Bureau of Labor Statistics (BLS), provided the basis for the Secretary to determine the LLSIL. BLS terminated the four-person family budget series in 1982, after publication of the fall 1981 estimates. Currently BLS provides data to ETA, from which it develops the LLSIL tables.

The Employment and Training Administration (ETA) published the 2000 updates to the LLSIL in the **Federal Register** of May 12, 2000, at 65 FR 30630. This notice again updates the LLSIL to reflect cost of living increases for 2000 by applying the percentage change in the December 2000 Consumer Price Index for All Urban Consumers (CPI–U), compared with the December 1999 CPI–U, to each of the May 12, 2000, LLSIL figures. Those updated figures for a family of four are listed in Table 1 below by region for both metropolitan and nonmetropolitan areas. Figures in all of the accompanying tables are rounded up to the nearest ten. Since ''low income individual,'' ''disadvantaged adult,'' and ''disadvantaged youth'' may be determined by family income at 70 percent of the LLSIL, pursuant to WIA Sections, 101(25), 127(b)(2)(C) and 132(b)(1)(B)(v)(IV), respectively, those figures are listed below as well.

Jurisdictions included in the various regions, based generally on Census Divisions of the U.S. Department of Commerce, are as follows:

Northeast

Connecticut
Maine
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
Virgin Islands

Midwest

Illinois
Indiana
Iowa
Kansas
Michigan
Minnesota
Missouri
Nebraska
North Dakota
Ohio
South Dakota
Wisconsin

South

Alabama
American Samoa
Arkansas
Delaware
District of Columbia
Florida
Georgia
Northern Marianas
Oklahoma
Palau
Puerto Rico
South Carolina
Kentucky
Louisiana
Marshall Islands
Maryland
Mississippi
Micronesia
North Carolina
Tennessee
Texas
Virginia
West Virginia

West

Arizona
California
Colorado
Idaho
Montana
Nevada
New Mexico
Oregon
Utah
Washington
Wyoming

Additionally, separate figures have been provided for Alaska, Hawaii, and Guam as indicated in Table 2 below.

For Alaska, Hawaii, and Guam, the year 2001 figures were updated from the May 12, 2000, ''State Index'' based on the ratio of the urban change in the State (using Anchorage for Alaska and Honolulu for Hawaii and Guam) compared to the West regional metropolitan change, and then applying that index to the West regional metropolitan change.

Data on 23 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on semiannual CPI–U changes for a 12 month period ending in December 2000. The updated LLSIL figures for these MSAs and 70 percent of the LLSIL are reported in Table 3 below.

Table 4 below lists each of the various figures at 70 percent of the updated 2000 LLSIL for family sizes of one to six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level for a particular family size is greater than the corresponding LLSIL figure, the figure is indicated in parentheses. Table 5, 100 percent of LLSIL, is used to determine self-sufficiency as noted at 20 CFR § 663.230 of WIA Regulations and WIA section 134(d)(3)(A)(ii).

Use of These Date

Governors should designate the appropriate LLSILs for use within the State from Tables 1 through 3. Tables 4 and 5 may be used with any of the levels designated. The Governor's designation may be provided by disseminating information on Metropolitan Statistical Areas (MSAs) and metropolitan and nonmetropolitan areas within the State, or it may involve further calculations. For example, the State of New Jersey may have four or more LLSIL figures: metropolitan, nonmetropolitan, for portions of the State in the New York City MSA, and for those in the Philadelphia MSA. If a workforce investment area includes areas that would be covered by more than one figure, the Governor may determine which is to be used. Under 20 CFR 661.220, a State's policies and measures for the workforce investment system shall be accepted by the Secretary to the extent that they are consistent with the WIA and the WIA regulations.

Disclaimer on Statistical Uses

It should be noted that the publication of these figures is only for the purpose of meeting the requirements specified by WIA as defined in the law and regulations. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI–U adjustments used to update the LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL, but are not in the CPI–U. Thus, these figures should not be used for any statistical purposes, and are valid only for those purposes under the WIA as defined in the law and regulations.

Signed at Washington, DC, this 3rd day of May, 2001.

Shirley M. Smith,

Administrator, Office of Adult Service.

BILLING CODE 4510–30–M

Table 1: Lower Living Standard Income Level (for a family of four persons) by Region[1]

Region[2]	2001 Adjusted LLSIL	70 percent LLSIL
Northeast		
Metro	$30,360	$21,260
Non-Metro[3]	$29,870	$20,910
Midwest		
Metro	$28,320	$19,830
Non-Metro	$26,760	$18,740
South		
Metro	$26,580	$18,610
Non-Metro	$25,300	$17,710
West		
Metro	$30,230	$21,160
Non-Metro[4]	$29,300	$20,510

[1]For ease of use, these figures have been rounded to the next highest ten dollars.

[2]Metropolitan area measures were calculated from the weighted average CPI-Us for city size classes A and B/C. Non-metropolitan area measures were calculated from the CPI-Us for city size class D.

[3]Nonmetropolitan area percent changes for the Northeast region are no longer available. The Non-metropolitan percent change was calculated using the U.S. average CPI-U for city size Class D.

[4]Non-metropolitan area percent changes for the West region are unpublished data.

Table 2: Lower Living Standard Income Level (for a family of four persons) -- Alaska, Hawaii and Guam[1]

Region	2001 Adjusted LLSIL	70 percent LLSIL
Alaska		
Metro	$37,020	$25,920
Non-Metro[2]	$36,780	$25,750
Hawaii, Guam		
Metro	$38,540	$26,980
NonMetro[2]	$39,270	$27,490

[1]Rounded to next highest ten dollars.

[2]Non-Metropolitan percent changes for Alaska, Hawaii and Guam were calculated from the CPI-Us for city size Class D in the Western Region.

Table 3: Lower Living Standard Income Level (for a family of four persons) 23 MSAs[1]

Metropolitan Statistical Areas (MSAs)	2001 Adjusted LLSIL	70 percent LLSIL
Anchorage, AK	$37,020	$25,920
Atlanta, GA	$26,800	$18,760
Boston--Brockton--Nashua, MA/NH/ME/CT	$32,720	$22,910
Chicago--Gary--Kenosha, IL/IN/WI	$29,580	$20,710
Cincinnati--Hamilton, OH/KY/IN	$28,470	$19,930
Cleveland--Akron, OH	$29,260	$20,480
Dallas--Ft. Worth, TX	$25,830	$18,080
Denver--Boulder--Greeley, CO	$29,930	$20,960
Detroit--Ann Arbor--Flint, MI	$27,510	$19,260
Honolulu, HI	$38,540	$26,980
Houston--Galveston--Brazoria, TX	$24,680	$17,280
Kansas City, MO/KS	$27,460	$19,220
Los Angeles--Riverside--Orange County, CA	$30,410	$21,290
Milwaukee--Racine, WI	$28,340	$19,840
Minneapolis--St. Paul, MN/WI	$28,220	$19,760
New York--Northern NJ--Long Island, NY/NJ/CT/PA	$31,630	$22,140
Philadelphia--Wilmington--Atlantic City, PA/NJ/DE/MD	$29,310	$20,520
Pittsburgh, PA	$28,340	$19,840
St. Louis, MO/IL	$26,640	$18,650
San Diego, CA	$32,370	$22,660
San Francisco--Oakland--San Jose, CA	$32,490	$22,750
Seattle--Tacoma--Bremerton, WA	$33,230	$23,260
Washington--Baltimore, DC/MD/VA/WV[2]	$32,050	$22,440

[1]Rounded to next highest ten dollars.

[2] Baltimore and Washington are now calculated as a single metropolitan statistical area.

Table 4 - Seventy Percent of Updated 2001 Lower Living Standard Income Level (LLSIL), by Family Size

To use the seventy percent LLSIL value, where it is stipulated for WIA programs, individuals must begin by locating the region or metropolitan area where they reside. These are listed in Tables 1, 2 and 3. Individuals must locate their region or metropolitan statistical area and then find the seventy percent LLSIL amount for that location. The seventy percent LLSIL figures are listed in the last column to the right on each of the three tables. These figures apply to a family of four. Larger and smaller family eligibility is based on a percentage of the family of four. To determine eligibility for other size families consult the table below.

To use Table 4, locate the seventy percent LLSIL value that applies to the individual's region or metropolitan area from Tables 1, 2 or 3. Find the same number in the "family of four" column of Table 4. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the maximum household income the individual is permitted in order to qualify as economically disadvantaged under WIA.

Where the HHS poverty level for a particular family size is greater than the corresponding LLSIL figure, the LLSIL figure is indicated in parentheses. Individuals from these size families may consult the 2001 HHS poverty guidelines found in the Federal Register, Vol. 66, No. 33, February 16, 2001, pp. 10695-10697 (on the Internet at http://aspe.hhs.gov/poverty/01poverty.htm) to find the higher eligibility standard. Individuals from Alaska and Hawaii should consult the HHS guidelines for the generally higher poverty levels that apply in their states.

Family of One	Family of Two	Family of Three	Family of Four	Family of Five	Family of Six
($6,230)	($10,200)	($14,000)	($17,280)	$20,390	$23,840
($6,380)	($10,450)	($14,350)	$17,710	$20,900	$24,440
($6,510)	($10,670)	$14,650	$18,080	$21,340	$24,960
($6,700)	($10,980)	$15,080	$18,610	$21,960	$25,690
($6,720)	($11,010)	$15,110	$18,650	$22,010	$25,740
($6,750)	($11,060)	$15,180	$18,740	$22,120	$25,870
($6,760)	($11,070)	$15,200	$18,760	$22,140	$25,890
($6,920)	($11,340)	$15,570	$19,220	$22,680	$26,530
($6,940)	($11,370)	$15,610	$19,260	$22,730	$26,580
($7,120)	$11,660	$16,010	$19,760	$23,320	$27,270
($7,140)	$11,700	$16,070	$19,830	$23,400	$27,370
($7,150)	$11,710	$16,080	$19,840	$23,420	$27,380
($7,180)	$11,760	$16,150	$19,930	$23,520	$27,510
($7,380)	$12,090	$16,590	$20,480	$24,170	$28,270
($7,390)	$12,110	$16,620	$20,510	$24,210	$28,310
($7,390)	$12,110	$16,630	$20,520	$24,220	$28,320
($7,460)	$12,220	$16,780	$20,710	$24,440	$28,580
($7,530)	$12,340	$16,940	$20,910	$24,680	$28,860
($7,550)	$12,370	$16,980	$20,960	$24,740	$28,930
($7,620)	$12,490	$17,140	$21,160	$24,970	$29,210
($7,660)	$12,550	$17,230	$21,260	$25,090	$29,340
($7,670)	$12,570	$17,250	$21,290	$25,130	$29,390
($7,980)	$13,070	$17,940	$22,140	$26,130	$30,560
($8,080)	$13,240	$18,180	$22,440	$26,480	$30,970
($8,160)	$13,370	$18,360	$22,660	$26,740	$31,280
($8,190)	$13,430	$18,430	$22,750	$26,850	$31,400
($8,250)	$13,520	$18,560	$22,910	$27,040	$31,620
($8,380)	$13,730	$18,850	$23,260	$27,450	$32,100
$9,270	$15,200	$20,860	$25,750	$30,390	$35,540
$9,340	$15,300	$21,000	$25,920	$30,590	$35,770
$9,720	$15,920	$21,860	$26,980	$31,840	$37,240
$9,900	$16,220	$22,270	$27,490	$32,440	$37,940

Table 5 - Updated 2001 LLSIL (100%), By Family Size

To use the LLSIL to determine the minimum level for establishing self-sufficiency criteria at the state or local level, begin by locating the metropolitan area or region from Table 1, 2 or 3. The individual must locate their region or metropolitan statistical area and then find the 2001 Adjusted LLSIL amount for that location. These figures apply to a family of four. Locate the corresponding number in the family of four column below. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the minimum figure States must set for determining whether employment leads to self-sufficiency under WIA programs.

Family of One	Family of Two	Family of Three	Family of Four	Family of Five	Family of Six
$8,890	$14,570	$20,000	$24,680	$29,130	$34,060
$9,110	$14,930	$20,500	$25,300	$29,860	$34,920
$9,300	$15,240	$20,930	$25,830	$30,480	$35,650
$9,570	$15,690	$21,530	$26,580	$31,370	$36,690
$9,600	$15,720	$21,580	$26,640	$31,440	$36,770
$9,640	$15,790	$21,680	$26,760	$31,580	$36,930
$9,650	$15,820	$21,710	$26,800	$31,630	$36,990
$9,890	$16,210	$22,250	$27,460	$32,410	$37,900
$9,910	$16,240	$22,290	$27,510	$32,470	$37,970
$10,160	$16,650	$22,860	$28,220	$33,300	$38,950
$10,200	$16,710	$22,940	$28,320	$33,420	$39,090
$10,210	$16,730	$22,960	$28,340	$33,450	$39,110
$10,250	$16,800	$23,070	$28,470	$33,600	$39,290
$10,540	$17,270	$23,710	$29,260	$34,530	$40,380
$10,550	$17,290	$23,740	$29,300	$34,580	$40,440
$10,560	$17,300	$23,750	$29,310	$34,590	$40,450
$10,650	$17,460	$23,960	$29,580	$34,910	$40,830
$10,760	$17,630	$24,200	$29,870	$35,250	$41,230
$10,780	$17,660	$24,250	$29,930	$35,320	$41,310
$10,890	$17,840	$24,490	$30,230	$35,680	$41,720
$10,930	$17,920	$24,600	$30,360	$35,830	$41,900
$10,950	$17,950	$24,640	$30,410	$35,890	$41,970
$11,390	$18,670	$25,630	$31,630	$37,330	$43,650
$11,540	$18,910	$25,970	$32,050	$37,820	$44,230
$11,660	$19,100	$26,220	$32,370	$38,200	$44,680
$11,700	$19,170	$26,320	$32,490	$38,340	$44,840
$11,780	$19,310	$26,510	$32,720	$38,610	$45,160
$11,970	$19,610	$26,920	$33,230	$39,220	$45,860
$13,250	$21,710	$29,800	$36,780	$43,410	$50,760
$13,330	$21,850	$29,990	$37,020	$43,690	$51,090
$13,880	$22,740	$31,220	$38,540	$45,480	$53,190
$14,140	$23,170	$31,810	$39,270	$46,340	$54,200

[FR Doc. 01–11631 Filed 5–8–01; 8:45 am]
BILLING CODE 4510–30–C

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Representative of Miners

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with 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.

DATES: Submit comments on or before July 9, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at bteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile)

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, *et. seq.*, (Mine Act) requires the Secretary of Labor to exercise many of his/her duties under the Act in cooperation with miners' representatives. The Act also establishes miners' rights which may be exercised through a representative. Title 30, CFR Part 40 contains procedures which a person or organization must follow in order to be designated as a representative of miners.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Representative of Miners. MSHA is particularly interested in comments which:

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

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (http://www.msha.gov) and selecting ''Statutory and Regulatory Information'' then ''Paperwork Reduction Act submission (http://www.msha.gov/regspwork.htm)'', or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

The information is used to identify the designated representative of miners at a specific mine. The Mine Act gives the miner or the representative of miners the right to accompany an MSHA inspector without any loss of pay.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: 30 C.F.R. § 40.3, 40.4, and 40.5, Representative of Miners.

OMB Number: 1219–0042.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc.: 30 CFR § 40.3, 40.4, 40.5.

Total Respondents: 15,837.

Frequency: On occasion.

Total Responses: 108.

Average Time Per Response: .75 hours.

Estimated Total Burden Hours: 63 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining: $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 will also become a matter of public record.

Dated: May 1, 2001.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 01–11623 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Slope and Shaft Sinking Plans

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with 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.

DATES: Submit comments on or before July 9, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsmile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at *bteaster@msha.gov* (Internet E-mail),

(703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The standard 30 CFR section 77.1900 was enacted in 1971 and was amended in 1982 and again in 1995. The standard requires underground coal mine operators to develop a prudent engineered design plan to develop a slope or shaft whenever an operator decides to open such a coal mine. The plan is required by the standard and is to be reviewed and approved by MSHA before the actual hazardous work begins.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Slope and Shaft Sinking Plans. MSHA is particularly interested in comments which:

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

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (*http://www.msha.gov*) and selecting ''Statutory and Regulatory Information'' then ''Paperwork Reduction Act submission (*http://www.msha.gov/regspwork.htm*)'', or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

The average 25 slope or shaft development plans that MSHA receives on an annual basis, are reviewed to ensure that the required work is performed in a safe manner, and it protects those miners performing the work. Prudent engineering design does evolve along with improved machinery to perform the work, but there has not been any revision to the requirements for such a plan.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Slope and Shaft Sinking Plans.

OMB Number: 1219–0019.

Recordkeeping: records are normally required to be kept for 3 years.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 77.1900.

Total Respondents: 887.

Frequency: whenever an operator decides to develop a slope or shaft.

Total Responses: 48.

Average Time Per Response: 20 hours.

Estimated Total Burden Hours: 960.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $720.

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 will also become a matter of public record.

Dated: May 1, 2001.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 01–11636 Filed 5–8–01; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL INSTITUTE FOR LITERACY

Submission for OMB Review; Comment Request

AGENCY: National Institute for Literacy (NIFL).

ACTION: Notice of information collection.

SUMMARY: The NIFL Director invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 8, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503, or should be electronically mailed to the internet address lwittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION:

Title: Application for Literacy Leader Fellowship Program.

Abstract: The National Institute for Literacy (NIFL) was created by the National Literacy Act of 1991 and amended by the Workforce Investment Act of 1998 and authorized the NIFL to award fellowships to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation. Evaluations to determine successful applications will be made by a panel of literacy experts and information specialists using the published criteria. The NIFL will use this information to issue a minimum of 2–3 fellowships for a period of up to one year.

Burden Statement: The burden for this collection of information is estimated at 52 hours per response for the first year. This estimate includes the time needed to review instructions, complete the form, and review the collection of information. No more than 2–3 applicants will be awarded a fellowship grant. Each awardee will have an annual update of the application requiring an average of 40 hours per response for each continuation year.

Respondents: Public and private nonprofit organizations.

Estimated Number of Respondents: 50.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 40 hours.

Frequency of Collection: One time.

Send comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden to Jennifer Cromley at the above address.

Request for Comments

Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The NIFL Director publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains a burden statement that includes the

estimated burden hours and other relevant information.

Requests for copies of the proposed information collection request may be accessed from *http://www.nifl.gov/activities/fllwhome.htm* or comments regarding burden and/or the collection activity requirements should be addressed to Jennifer Cromley, National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006. Requests also may be electronically mailed to the internet *jcromley@nifl.gov* or faxed to 202–233–2050. Please specify the complete title of the information collection when making your request.

Dated: May 4, 2001.

Carolyn Y. Staley,

Acting Director, NIFL.

[FR Doc. 01–11646 Filed 5–8–01; 8:45 am]

BILLING CODE 6055–01–M

NATIONAL TRANSPORTAITON SAFETY BOARD

Sunshine Act Meeting

TIME AND PLACE: 9:30 a.m., Tuesday, May 15, 2001.

PLACES: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is Open to the Public.

MATTER TO BE CONSIDERED: 5299G Most wanted Safety Recommendations Program—2001 Update.

News Media Contact: Telephone: (202) 314–6100

Individuals requesting specific accommodation should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, May 11, 2001.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6065.

Dated: May 4, 2001.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 01–11751 Filed 5–7–01; 11:03 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Notice of Public Meeting to Solicit Stakeholder Input on the Use of Risk Information in the Nuclear Materials Regulatory Process: Case Study on Uranium Recovery facilities

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Meeting.

SUMMARY: The Nuclear Regulatory Commission's (NRC's) Office of Nuclear Materials Safety and Safeguards is developing criteria for determining when risk information should be used in the regulation of nuclear waste and materials. As part of this effort, the NRC staff is conducting case studies on a spectrum of activities in the nuclear materials and waste arenas, including uranium recovery facilities. The purpose of the case studies is (1) to illustrate what has been done and what could be done in the materials and waste arenas to alter the regulatory approach in a risk-informed manner and (2) to establish a framework for using a risk-informed approach in the materials and waste arenas by testing a set of draft screening criteria, and determining the feasibility of safety goals.

NRC staff is in the initial phase of its case study on uranium recovery facilities. The purpose of this meeting is to (1) communicate to stakeholders the status of this case study, and (2) to solicit recommendations and comments on how NRC should proceed with the case study, apply the draft screening criteria, develop safety goals, and incorporate risk information into its regulatory program. The tentative agenda for the meeting is as follows:

1. Opening remarks.
2. Provide background information on the case study effort.
3. Present status of case study.
4. Receive comments, feedback, and recommendations.
5. Closing remarks.

The meeting is open to the public; all interested parties may attend and provide comments. Persons who wish to attend the meeting should contact Marissa Bailey no later than June 7, 2001.

DATES: The meeting will be held on June 13, 2001, from 7 p.m. to 9 p.m., at the Executive Tower Hotel, 1405 Curtis Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION, CONTACT: Marissa Bailey, Mail Stop T–8-A–23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–7648; Internet: MGB@NRC.GOV.

SUPPLEMENTARY INFORMATION: The NRC staff's case study approach, the draft screening criteria, and the case study areas under consideration are described in the ''Plan for Using Risk Information in the Materials and Waste Arenas: Case Studies'' which has been published in the **Federal Register** (65 FR 66782, November 7, 2000). Copies of this plan are also available on the Internet at http://www.nrc.gov/NMSS/IMNS/riskassessment.html. Written requests for single copies of this plan may also be submitted to the U. S. Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Risk Task Group, Mail Stop T–8-A–23, Washington, DC 20555–0001.

Dated at Rockville, MD, this 2nd day of May 2001.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Section Chief, Risk Task Group, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–11698 Filed 5–8–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27390]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

May 2, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 29, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issue in the matter. After May 29, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Allegheny Energy, Inc., et al. (70–9833)

Allegheny Energy, Inc. (''Allegheny''), 10435 Downsville Pike, Hagerstown, Maryland 21740, a registered holding company, and Allegheny Energy Supply

Company, LLC (''AE Supply''), R.R. 12, P.O. Box 1000, Roseytown Road, Greensburg, Pennsylvania 15601, a utility subsidiary of Allegheny, (collectively, ''Applicants'') have filed a declaration under sections 6(a), 7, and 12(d) of the Act and rules 44 and 54 under the Act.

In accordance with an Asset Contribution and Purchase Agreement dated January 8, 2001 (''Agreement''), AE Supply and Allegheny Energy Global Markets, LLC, AE Supply's newly formed rule 58 company, acquired Global Energy Markets (''GEM''), the energy commodity marketing and trading unit of Merrill Lynch & Co., Inc. (''Merrill Lynch''), on March 16, 2001 (''Closing Date'').[1] The purchase price for GEM was $490 million, paid on the Closing Date, and 2% of the membership interests in AE Supply (''Membership Interests''). The sale of the Membership Interests is contingent upon the approval of the Commission. The Agreement further provides that if the Commission does not approve the sale of the Membership Interests, Allegheny, AE Supply, and Allegheny Energy Global Markets, LLC, are obligated to make an additional cash payment to Merrill Lynch. Accordingly, Applicants request authorization to sell the Membership Interests to Merrill Lynch.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 01–11594 Filed 5–8–01; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicants state that the acquisition of GEM was exempt from section 9(a) of the Act because GEM is an energy-related company under rule 58 of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27392]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

May 3, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 28, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 28, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northeast Utilities, et al. (70–9883)

Notice of Proposal To Issue Securities; Order Authorizing Solicitation of Proxies

Northeast Utilities (''NU''), 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, a registered holding company, has filed a declaration under sections 6(a), 7, and 12(e) of the Act and Rules 54, 62, and 65 under the Act.

NU seeks the Commission's approval for: (1) The solicitation of proxies from NU's common shareholders seeking adoption of the Northeast Utilities Employee Share Purchase Plan (''Plan''), which contemplates the issuance of NU's common shares, $5.00 par value (''Common Shares'') and (2) the issuance each year, during the ten year term of the Plan, of NU Common Shares (either authorized, but previously unissued shares or reacquired shares) not to exceed one-half percent (0.5%) of the number of shares outstanding as of the end of the preceding year[1] and derivatives of such shares.

On April 9, 2001, NU's Board of Trustees (''Board'') adopted an Employee Share Purchase Plan (''Plan''). This Plan replaces an earlier Employee Share Purchase Plan adopted in 1 998 by order of the Commission dated April 29, 1998 (HCAR No. 26865) (''Prior 1998 Plan''), which NU discontinued in December of 2000 in anticipation of the merger with Consolidated Edison, Inc. The Prior 1998 Plan allowed officers to participate, but only as optional participants, which in effect required that the officers purchase the share at 100% rather than 85% of the market value as of a designated date determined by the Plan's committee. Under the current Plan officers may participate under the same terms as other eligible participants. NU proposes to submit the Plan to its shareholders for approval at NU's Annual Meeting of Shareholders to be held on June 28, 2001. If approved by NU's shareholders, the Plan will be effective as of August 1, 2001. The Plan will terminate ten years from its effective date, unless terminated earlier by the Board.

The Plan will be administered by the Compensation Committee of NU's Board of Trustees or by a delegate (''Committee''). The Plan is intended to be an employee stock purchase plan under Section 423 of the Internal Revenue Code of 1986, as amended. Through programs established by the Committee from time to time eligible employees may purchase newly issued Common Shares through payroll deduction. The purchase price will be determined by the Committee and will be between 85 percent and 100 percent of the lower of closing market value on the first and last days of the purchase period. Shares purchased under the Employee Share Purchase Plan may not be transferred for six months following the purchase date.

Additionally, NU requests authority to solicit proxies approving the Plan from the holders of NU Common Shares, for use at the Annual Meeting of Shareholders to be held June 28, 2001. It is anticipated that solicitation materials will be mailed to shareholders commencing on or about May 11, 2001.

NU proposes to mail the notice of meeting, statement relating to the Plan, proxy statement and proxy to its shareholders for the annual meeting, and has filed its proxy solicitation material relating to the Plan. NU requests that an order authorizing the solicitation of proxies be issued as soon as practicable under rule 62(d). It appears to the Commission that NU's declaration as it pertains to the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

Rule 54 states that the Commission will not consider the effect of the capitalization or earnings of any subsidiary which is an exempt wholesale generator (''EWG'') or foreign utility company (''FUCO'') upon the

[1] Based on the number of issued and outstanding Common Shares on December 31, 2000 this restriction will permit 719,181 Common Shares to be issued to fund purchases by Plan participants in 2001 and 7,191,818 Common Shares over the ten year life of the Plan. The issuance each year is subject to appropriate adjustment in the event of recapitalizations, mergers, splits or similar corporate transactions.

registered holding company system if rule 53(a), (b), and (c) are met. NU states, for purposes of rule 54, that it meets all of the conditions of rule 53 under the Act, except for rule 53(a)(1). By order dated March 7, 2000 (HCAR No. 27148)(''EWG Investment Order''), the Commission determined that NU's financing of its investment in Northeast Generation Company (''NGC''), NU's only current EWG or FUCO investment, in an amount not to exceed 83% of its ''average consolidated retained earnings,'' would not have the adverse effects set forth in rule 53(c) based on the representations NU set forth at that time. As of December 31, 2000, NU's ''aggregate investment,'' as defined in rule 53(a)(1) (''Aggregate Investment''), in EWGs and FUCOs was approximately $469.5 million, or about 76.1% of NU's consolidated retained earnings (''CRE''). For the four quarters ending December 31, 2000, NU's CRE was $617.3 million.

The proposed transactions are subject to rule 54. Under rule 54, because NU does not meet rule 53(a)(1), the Commission must consider the effect of the capitalization and earnings of EWGs and FUCOs. Applicants state the proposed transactions, considered in conjunction with the effect of the capitalization and earnings of NU's EWGs and FUCOs, would not have a material adverse effect on the financial integrity of the NU system, or an adverse impact on NU's public-utility subsidiaries, their customers, or the ability of state commissions to protect such public-utility customers. NU's consolidated capitalization ratio and its retained earnings, both have improved since the date of the EWG Investment Order. NU's consolidated capitalization consists of 36.1% common equity and 63.9% debt (including long- and short-term debt, preferred stock, capital leases and guarantees). NU's consolidated retained earnings have decreased from $581.8 million as of the December 31, 1999 to 495.9 million as of December 31, 2000. NU's interest in NGC has made a positive contribution to earnings in that time by contributing $26.4 million to NU's retained earnings with revenues of $108.5 million and net income of $26.4 million. The capitalization and earnings attributable to NU's investments in EWGs and FUCOs has not had an adverse impact on NU's financial integrity.

Fees, commissions, and expenses to be incurred in connection with the solicitation of proxies are estimated not to exceed $70,000. NU states that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It Is Ordered, under rule 62 under the Act, that the declaration to the extent that it relates to the proposed solicitation of proxies is permitted to become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–11639 Filed 5–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27394]

Filings Under the Public Utility Holding Company Act of 1935, as amended (''Act''

May 4, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 24, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 24, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northeast Utilities (70–9853

Northeast Utilities (''NU''), 174 Brush Hill Road, West Springfield, Massachusetts 01089, a registered holding company, has filed a declaration under sections 6(a), 7, and 12(b) and rules 45 and 54 under the Act.

By prior Commission orders dated November 9, 1988, December 20, 1990, December 3, 1992, and December 29, 1994 (HCAR Nos. 24742, 25219, 25692, and 26208, respectively) (collectively, ''Prior Orders''), Holyoke Water Power Company (''HWP''), a utility subsidiary of NU, was authorized, among other things, to issue and sell notes, in an aggregate outstanding amount not exceeding $38.3 million, in connection with the issuance and sale of pollution control revenue bonds (''Bonds'') and to enter into a series of related reimbursement agreements (''Reimbursement Agreements'') with various banking institutions (''Banks'') in exchange for the issuance of irrevocable letters of credit (''LOCs''). In addition, in connection with each of the Reimbursement Agreements, NU entered into equity support agreements on behalf of HWP. These agreements were in the nature of contractual undertakings on the part of NU to maintain specified ownership levels in HWP and to cause HWP to maintain a minimum common equity to capitalization ratio.

In accordance with provisions in each of the Reimbursement Agreements, HWP agreed, among other things, that, so long as the LOCs were outstanding, HWP would not allow the ratio of its common equity to total capitalization to fall below 30%. As of December 31, 2000, HWP recognized a reduction in the carrying value of certain of its assets. Accordingly, its common equity ratio failed to meet certain consolidated common equity maintenance covenants contained in each of the Reimbursement Agreements. The Banks have consented to the decline in HWP's common equity ratio provided that NU provide further assurances that HWP will meet its obligations under the Reimbursement Agreements.

Consequently, NU now proposes, through June 30, 2004 (''Authorization Period'') to issue guarantees and other forms of credit support (collectively, ''Guarantees''), in an aggregate amount not to exceed $45 million, in order to guarantee HWP's obligations under the Reimbursement Agreements. NU states that the Guarantees may take the form of NU agreeing to undertake reimbursement obligations or to assume liabilities or other obligations with respect to the LOCs. NU also states that the Guarantees will be without recourse to any other operating company in the NU system.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–11707 Filed 5–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44249; File No. SR–NASD–2001–22]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers Regulation, Inc. Revising the Investment Company Products/ Variable Contracts Limited Principal (Series 26) Examination

May 3, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 27, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation.[3] NASD Regulation has designated this proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization under section 19(b)(3)(A)(i) of the Act[4] and Rule 19b–4(f)(1),[5] which renders the rule effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing revisons to the Investment Company Products/Variable Contracts Limited Principal (Series 26) examination.[6] The proposed revisions consist of general revisions to update the examination to reflect changes in the rules, regulations, and practices covered by the examination. The text of the Study Outline for the Series 26 examination is available at NASD Regulation and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to section 15A(g)(3) of the Act,[7] which requires the NASD to prescribe standards of training, experience, and competence for persons associated with NASD members, the NASD has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with NASD members have attained specified levels of competence and knowledge. NASD Regulation periodically reviews the contents of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The NASD's Series 26 Limited Principal examination qualifies individuals to function as a principal in a member's securities business limited to investment company products and variable contracts. This examination tests a candidate's knowledge of securities industry rules and regulations pertinent to such products.

A committee of industry representatives, in conjunction with NASD Regulation staff, recently undertook a review of the Series 26 examination. As a result of this review, NASD Regulation is proposing revisions to the Series 26 test selection specifications, study outline, and question bank to reflect changes in relevant laws, rules, and regulations and the development of new products, and to more accurately reflect the duties and responsibilities of a Series 26 principal. The examination also has been revised to focus more closely on the supervision of sales activities. In addition, the material has been reorganized into five substantive categories of critical functions that a Series 26 principal may be required to perform. These categories are: hiring and qualification; training of representatives; supervision; sales practices; and business processing and record-keeping. In order to adequately test the material on the revised Series 26 examination, the number of questions will be increased to 110 questions from 100 questions. The allowed testing time will change to 2½ hours from 2 hours. The passing score for the examination will continue to be 70 percent.[8]

2. Statutory Basis

NASD Regulation believes that the proposed revisions are consistent with the provisions of sections 15A(b)(6)[9] and 15A(g)(3) of the Act,[10] which authorize the NASD to prescribe standards of training, experience, and competence for persons associated with NASD members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[11] and subparagraph (f)(1) of Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000. Revisions to the Series 26 Examination were originally filed with the Commission in SR–NASD–99–51. NASD Regulation has withdrawn SR–NASD–99–51 and refiled the revisions in the instant proposed rule change.

[4] 15 U.S.C. 78s(b)(3)(A)(i).

[5] 17 CFR 240.19b–4(f)(1).

[6] The revised examination specifications were filed with the Commission under separate cover pursuant to a request by NASD Regulation for confidential treatment. *See* 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

[8] *See* telephone conversation between Rebekah Liu, Special Counsel, SEC, Cyndi Nguyen, Attorney, SEC and Eric Moss, Office of General Counsel, NASD Regulation on May 3, 2001.

[9] 15 U.S.C. 78o–3(b)(6).

[10] 15 U.S.C. 78o–3(g)(3).

[11] 15 U.S.C. 78s(b)(3)(A)(i).

thereunder,[12] in that the foregoing proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. NASD Regulation proposes to implement the revised Series 26 examination program on July 2, 2001.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–2001–22 and should be submitted by May 30, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–11637 Filed 5–8–01; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 240.19b–4(f)(1).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44248; File No. SR–NASD–2001–23]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers Regulation, Inc. Revising the General Securities Principal (Series 24) and Corporate Securities Limited Representative (Series 62) Examinations

May 3, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 27, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation.[3] NASD Regulation has designated the proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization under section 19(b)(3)(A)(i) of the Act[4] and Rule 19b–4(f)(1),[5] which renders the rule effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing revisions to the General Securities Principal (Series 24) and Corporate Securities Limited Representative (Series 62) examinations.[6] The proposed revisions consists of general revisions to update the examination programs to reflect changes in the rules, regulations, and practices covered by the examinations. The proposed revisions are reflected in the question bank for the Series 24 and 62 examinations and are available for Commission review. The text of the Study Outlines for the Series 24 and Series 62 examinations are available at NASD Regulation and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to section 15A(g)(3) of the Act,[7] which requires the NASD to prescribe standards of training, experience, and competence for persons associated with NASD members, the NASD has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with NASD members have attained specified levels of competence and knowledge. NASD Regulation periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The NASD's Series 24 General Securities Principal examination qualifies individuals to manage or supervise the member's investment banking or securities business for corporate securities, direct participation programs, and investment company products/variable contracts. The Series 62 Corporate Securities Limited Representative examination is an NASD examination that qualifies an individual as a representative for the sale of corporate stocks, corporate bonds, rights, warrants, real estate investment

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000. Revisions to the Series 24 and Series 62 Examinations were originally filed with the Commission in SR–NASD–99–55. NASD Regulation has withdrawn SR–NASD–99–55 and refiled the revisions in the instant proposed rule change.

[4] 15 U.S.C. 78s(b)(3)(A)(i).

[5] 17 CFR 240.19b–4(f)(1).

[6] The revised examination specifications were filed with the Commission under separate cover pursuant to a request by NASD Regulation for confidential treatment. *See* 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

trusts, collateralized mortgage obligations, and securities of closed-end companies registered pursuant to the Investment Company Act of 1940. These exams test candidates' knowledge of securities industry rules and regulations pertinent to the respective products listed above.

The staff of the Qualifications Department of NASD Regulation, in conjunction with an industry committee, recently undertook a review of the General Securities Principal and Corporate Securities Limited Representative examination programs. As a result of this review, NASD Regulation is proposing revisions to the examination specifications, study outlines, and question banks for the Series 24 and Series 62 examination programs to reflect changes to the rules and regulations covered by the examinations, including Commission rules relating to Regulation M, the Investment Advisers Act of 1940, and section 11A of the Act [8] and the rules thereunder. The proposed revisions also reflect changes to NASD rules and regulations, as well as to the Municipal Securities Rulemaking Board Rules G–37 and G–38.

To adequately test the material covered in the revised programs, the number of questions on the Series 24 examination has increased from 125 to 150 questions, and the number of questions on the Series 62 examination has increased from 100 to 115 questions. The allowed testing time will change to 3½ hours for the Series 24 examination and 2½ hours for the Series 62 examination. The passing score for the examinations will continue to be 70 percent .[9]

2. Statutory Basis

NASD Regulation believes that the proposed revisions are consistent with the provisions of sections 15A(b)(6) [10] and 15A(g)(3) of the Act,[11] which authorize the NASD to prescribe standards of training, experience, and competence for persons associated with NASD members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[8] 15 U.S.C. 78k–1.

[9] *See* telephone conversation between Rebekah Liu, Special Counsel, SEC, Cyndi Nguyen, Attorney, SEC and Eric Moss, Office of General Counsel, NASD Regulation on May 3, 2001.

[10] 15 U.S.C. 78o–3(b)(6).

[11] 15 U.S.C. 78o–3(g)(3).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act [12] and subparagraph (f)(1) of Rule 19b–4 thereunder,[13] in that the foregoing proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. NASD Regulation proposes to implement the revised Series 24 and 62 examination programs on July 2, 2001.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–2001–23 and should be submitted by May 30, 2001.

[12] 15 U.S.C. 78s(b)(3)(A)(i).

[13] 17 CFR 240.19b–4(f)(1).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–11638 Filed 5–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44251; File No. SR–NASD–2001–19]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Reporting Requirements for Clearing Members

May 3, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 21, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to adopt Rule 3150 to require all members that are clearing firms to report certain data to the NASD Regulation Department of Member Regulation (''Member Regulation'') on a daily basis.

Proposed new language is in italics.

* * * * *

3100. BOOKS AND RECORDS, AND FINANCIAL CONDITION

* * * * *

3150. Reporting Requirements for Clearing Firms

Each member that is a clearing firm shall be required to report to the Association on a daily basis and in such format as the Association may require, prescribed data pertaining to the member and any broker-dealer for which it clears. A clearing firm may enter into an agreement with a third party pursuant to which the third party agrees to fulfill the clearing firm's obligations

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

under this Rule. Notwithstanding the existence of such an agreement, each clearing firm remains responsible for complying with the requirements of this Rule.

* * * * *

I. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD Member Regulation is developing a new business model regarding the surveillance and examination of NASD members. The new program's official title is Integrated National Surveillance and Information Technology Enhancements (commonly referred to as ''INSITE''). INSITE will allow NASD Regulation to concentrate its examinations on higher-risk segments of the industry; focus the content of each examination on higher-risk topics; streamline the examination process for the examiners and members; better coordinate regulatory findings with other NASD Regulation departments; and provide specialized training to enhance and maintain examiners' competency levels.

The surveillance component of the INSITE program will produce reports that identify member ''exceptions'' based on historical and current comparisons of member data. The exceptions will trigger follow-up reviews and possible member examinations. In order for the surveillance component of INSITE to work, it is essential that members that are clearing firms (both those that are self-clearing and those that clear for other firms) provide certain data to NASD Regulation on a daily basis. Proposed Rule 3150 would establish the INSITE reporting requirements and would require members that are clearing firms to provide the necessary data directly to NASD Regulation.[3] A clearing firm member may enter into an agreement with a third party pursuant to which the third party agrees to fulfill the clearing firm's obligations under proposed Rule 3150. Notwithstanding the existence of such an agreement, each member that is a clearing firm will be responsible for complying with the requirements of the proposed rule change.

The text proposed Rule 3150 does not specify the data that must be reported to NASD Regulation. The data elements that NASD Regulation currently expects to require its members that are clearing firms to submit to the Association pursuant to proposed Rule 3150 include items such as trade cancellations (T+1 forward) and as-of-trades, aggregate net liquidating equity in each firms's proprietary accounts, and unsecured customer debits. The Association will continue to work with its clearing firm members and the SEC staff in identifying the data that is needed in order to operate the surveillance component of INSITE. The Association will also provide its clearing firms members with advance notice through the NASD Notice to Members process (or similar guidance) of any changes to the required data elements. Moreover, NASD Regulation will advise its clearing firm members of the format to be used in transmitting information pursuant to proposed rule 3150, and the methodology by which NASD Regulation will require its clearing firm members to submit the following to the Association.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,[4] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NASD Regulation has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing and Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD.

All submissions should refer to File No. SR–NASD–2001–19 and should be submitted by May 30, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–11640 Filed 5–8–01; 8:45 am]

BILLING CODE 8010–01–M

[3] The Association anticipates requesting members that are clearing firms to submit data electronically.

Telephone conversations between Shirley H. Weiss, Office of General Counsel, NASD Regulation, and Heidi Pilpel, Special Counsel, and Lisa Jones, Attorney, Division of Market Regulation, Commission (May 2, 2001).

[4] 15 U.S.C. 78*o*–3(b)(6).

[5] 17 CFR 200.30–2(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3337]

State of Iowa

As a result of the President's major disaster declaration on May 2, 2001, I find that the following Counties in the State of Iowa constitute a disaster area due to damages caused by flooding, severe storms and tornadoes beginning on April 8, 2001 and continuing: Allamakee, Buchanan, Clayton, Clinton, Des Moines, Dubuque, Jackson, Lee, Louisa, Muscatine, Ringgold, Scott and Wapello Counties. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on July 1, 2001, and for loans for economic injury until the close of business on February 1, 2002 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, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Adams, Appanoose, Benton, Black Hawk, Bremer, Cedar, Clarke, Davis, Decatur, Delaware, Fayette, Henry, Jefferson, Johnson, Jones, Keokuk, Linn, Mahaska, Monroe, Taylor, Union, Van Buren, Washington and Winneshiek Counties in Iowa; Carroll, Hancock, Henderson, Jo Daviess, Mercer, Rock Island, and Whiteside Counties in Illinois; Houston County in Minnesota; Clark, Harrison and Worth Counties in Missouri; and Crawford, Grant and Vernon Counties in Wisconsin.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	6.625
Homeowners Without Credit Available Elsewhere	3.312
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 333706. For economic injury the numbers are 9L6100 for Iowa, 9L6200 for Illinois, 9L6300 for Minnesota, 9L6400 for Missouri, and 9L6500 for Wisconsin.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

May 3, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–11603 Filed 5–8–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD01–01–020]

Environmental Assessment and Finding of No Significant Impact for Installation of Temporary Radio Direction Finding Equipment and Associated Property Use Acquisition At Five Non-Coast Guard Owned Facilities Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: The U.S. Coast Guard (USCG) announces the availability of the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) that address the environmental impacts expected to result from the use of five facilities, not owned by the Coast Guard, for temporary installation of radio direction finding equipment. Use of this temporary equipment is an interim measure designed to improve the Coast Guard's ability to locate the source of emergency distress radio signals until the long term improvements to the National Distress System (NDS) are implemented. The five facilities are located within the First Coast Guard District in coastal areas of the States of Massachusetts, Rhode Island and New York. This FEA evaluates the environmental and socioeconomic impacts of utilizing the five facilities for installation of the radio direction finding equipment. Due to the minimal environmental impacts anticipated, a draft of this Environmental Assessment was not circulated for comment. The FEA evaluates the Preferred Alternative to install the temporary radio direction finding equipment; the No Action Alternative in which the equipment would never be deployed; and what could be considered the ''delayed action'' alternative in which no interim measures would be taken until the permanent improvements to the NDS are in place. The FONSI determined that the Preferred Alternative action will have no significant effects on the human environment.

ADDRESSES: Written requests for copies of the Final Environmental Assessment and FONSI, or requests for information, should be directed to: Mr. Luke Dlhopolsky, U.S. Coast Guard Civil Engineering Unit Providence, 300 Metro Center Boulevard, Warwick, Rhode Island 02886 or by calling (401) 736–1743.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, the FEA or FONSI, or for general information on the U.S. Coast Guard's National Environmental Policy Act (NEPA) process, please contact Mr. Luke Dlhopolsky, U.S. Coast Guard Civil Engineering Unit Providence, 300 Metro Center Boulevard, Warwick, Rhode Island 02886 or by calling (401) 736–1743.

SUPPLEMENTARY INFORMATION: Temporary RDF equipment will be installed on a number of waterfront sites throughout the First Coast Guard District Area of Responsibility (AOR). This AOR includes all six New England States, eastern New York State, and northern New Jersey (north of the Shrewsbury River). Most of the RDF equipment will be installed on facilities that are Coast Guard owned. However, to ensure effective coverage of the coastal areas, the Coast Guard determined that some equipment must be installed at locations where there is no Coast Guard owned facility. The Coast Guard identified suitable sites where the RDF equipment could be installed and will enter into lease agreements with the property owners. These sites, owned by other government agencies or private parties, are located in Buzzards Bay (Bourne) and New Bedford, Massachusetts; Newport, Rhode Island; and Mamaroneck and Great River, New York.

Under the Coast Guard's Procedures for Implementing the National Environmental Policy Act (NEPA), the actions to install the RDF equipment at Coast Guard owned facilities are Categorically Excluded from further environmental analysis and documentation due to minimal expected environmental impact. However, there is no established Categorical Exclusion that addresses acquisition of property for such uses. As a result, these NEPA implementing procedures require that an environmental assessment be prepared. The FEA and FONSI are available for public inspection at the following locations: USCG Civil Engineering Unit Providence, 300 Metro Center Boulevard, Warwick, Rhode Island 02886 (401) 736–1743

First Coast Guard District Operations Division, 408 Atlantic Avenue, Boston Massachusetts 02110 (617) 223–8458 Commandant (G-SEC), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593

Dated: March 9, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–11715 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) 25.981–1B, Fuel Tank Ignition Source Prevention Guidelines; and AC 25.981–2, Fuel Tank Flammability Minimization

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circulars.

SUMMARY: The FAA announces the issuance of Advisory Circular (AC) 25.981–1B, ''Fuel Tank Ignition Source Prevention Guidelines,'' and AC 25.981–2, ''Fuel Tank Flammability Minimization.'' These advisory circulars provide information and guidance for compliance with recently issued amendments concerning a review of transport airplane fuel tank system designs, the development and implementation of maintenance and inspection to assure the safety of the fuel tank system, and the minimization of the formation or mitigation of hazards from flammable fuel air mixtures within fuel tanks.

DATES: The subject advisory circulars were issued in the FAA Transport Airplane Directorate in Renton, Washington, on April 18, 2001.

HOW TO OBTAIN COPIES: Copies of both AC's can be found and downloaded from the Internet at *http://www.faa.gov/avr/air/acs/achome.htm.* Paper copies of the AC's will be available in approximately 6–8 weeks from U.S. Department of Transportation, Subsequent Distribution Office, SVC–121.23, Ardmore East Business Center, 3341, Q 75th Avenue, Landover, MD 20785.

FOR FURTHER INFORMATION CONTACT: Pat Siegrist, FAA Standardization Branch, ANM–113, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2126.

Issued in Renton, Washington, on April 26, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–11725 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–36]

Petitions for Exemption; Summary of Disposition of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2000–8571.

Petitioner: Ryan International Airlines, Inc.

Section of 14 CFR Affected: 14 CFR 25.857(c), 25.858, and 121.314(c).

Description of Relief Sought/Disposition: To permit six Model A320–200 airplanes to operate from March 20, 2001, until April 30, 2001, without being fitted with fire suppression equipment. *Denial, 03/02/2001, Exemption No. 7451.*

Docket No.: FAA–2001–9233.

Petitioner: Air Charter.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Air Charter to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 04/25/2001, Exemption No. 7516.*

Docket No.: FAA–2001–9227.

Petitioner: TDM, Inc. dba Colgan Air Services.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit CAS to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 04/25/2001, Exemption No. 7515.*

Docket No.: FAA–2001–9229.

Petitioner: Trail Ridge Air, Inc.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit TRA to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 04/24/2001, Exemption No. 7514.*

Docket No.: FAA–2001–9339.

Petitioner: MOAT, LLC dba Eastern Aviation.

Section of 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Eastern Aviation to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 04/25/2001, Exemption No. 7513.*

Docket No.: FAA–2000–8419 (previously Docket No. 26478).

Petitioner: U.S. Air Force.

Section of 14 CFR Affected: 14 CFR 91.209(a)(1) and (b).

Description of Relief Sought/Disposition: To permit USAF to conduct counternarcotics aircrew flight training operations in support of drug law enforcement and drug traffic interdiction, without lighted aircraft position or anticollision lights. *Grant, 04/19/2001, Exemption No. 5305D.*

Docket No.: 30172.

Petitioner: Raytheon Aerospace Support Services.

Section of 14 CFR Affected: 14 CFR 145.61.

Description of Relief Sought/Disposition: To permit Raytheon to perform work on U.S. Customs aircraft without retaining a copy of the records of the work performed. *Denial, 04/19/2001, Exemption No. 7511.*

[FR Doc. 01–11727 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 195; Flight Information Services Communications (FISC)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–195 meeting to be held May 31–June 1, 2001, starting at 8:30 a.m. each day. The meeting will be held at RTCA, Inc., 1140 Connecticut Ave., NW., Suite 1020, Washington, DC 20036.

The agenda will include: May 31: Plenary convenes: (1) Welcome and Introductory Remarks; (2) Review Meeting Agenda; (3) Working Group (WG)–1, Aircraft Cockpit Weather Display; Plenary reconvenes: (4) Review of Previous Meeting Minutes; (5) Report from WG–1 on Activities; (6) Review of Product Registry Guidance Draft Document; June 1: (7) Review of NOTAMS and D–ATIS Draft Specification; (8) Work on Change 1, RTCA Minimum Aviation System Performance Standards (MASPS) for FIS/B; (9) Other Business; (10) Date and place of Next Meeting; (11) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 2, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–11719 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 172; Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 172 meeting to be held May 22–24, 2001, starting at 9 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: May 22: Plenary Session Convenes; (1) Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Disposition the Final Review and Comment (FRAC) Form comments for DO–224A, Change 1 (VHF Data Link MASPS); (5) Disposition the FRAC Form comments for VHF Data Link MOPS Mode 3. May 23 and 24: (6) Disposition of the FRAC Form comments continues; (7) Review ICAO Aeronautical Mobile Communications Panel (AMCP) and EUROCAE WG–47 Activities; (a) Aeronautical Operational Control Over Aircraft Communications Addressing and Reporting Systems (AOA) in MOPS; (b) Ground Reference Station requirements; (c) ARINC 631 Specification vs. SARPs vs. MOPS/MASPS maintenance issues; (8) Report on Next Generation Communications (NEXCOM) Advisory Rulemaking Committee (NARC) and other FAA digital activities; (9) Report on Airline Electronic Engineering Committee Systems Architecture Interfaces Sub-committee (AEEC SAI) work on NEXCOM; (10) Other Business; (11) Date and Location of Next Meeting; (13) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 2, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–11720 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Bolivar, Sunflower, Coahoma, and Tunica Counties, Mississippi

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration is issuing this notice to advise the public that an environmental impact statement will be prepared for the I–69 Corridor Study in the above referenced counties in Mississippi.

FOR FURTHER INFORMATION CONTACT: Mr. Cecil Vick, Realty Officer/Environmental Coordinator, Federal Highway Administration, 666 North Street, Suite 105, Jackson, MS 39202–3199, Telephone: (601) 965–4217. Contacts at the State and local level, respectively are: Mr. Claiborne Barnwell, Environmental/Location Division Engineer, Mississippi Department of Transportation, P.O. Box 1850, Jackson, MS 39215–1850, telephone: (601) 359–7920; Mr. James Dickerson III, District 2 Engineer, Mississippi Department of Transportation, P.O. Box 660, Batesville, MS 38606, telephone (662) 563–4541; and Mr. Walter Lyons, District 3 Engineer, Mississippi Department of Transportation, P.O. Box 630, Yazoo City, MS, 39194, telephone (662) 746–2513.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Mississippi Department of Transportation (MDOT) will prepare an Environmental Impact Statement (EIS) for a segment of the proposed Interstate 69 corridor in Mississippi.

This segment of the proposed interstate would be located in one of at least three identified corridor areas. It has logical termini at the Great River Bridge crossing of the Mississippi River near Benoit, Mississippi, and at Mississippi Highway 304 east of Robinsonville in Tunica County, Mississippi.

This approximately 100-mile section of I–69 in Mississippi is a part of the much larger transcontinental highway 69 project extending from Canada to Mexico. The purpose of the I–69 project in Mississippi is very similar to the national purpose of improving international and interstate trade and facilitating economic development. I–69 is also a transportation recommendation of the Delta Initiative. The Delta Initiative is aimed at the revitalization and economic development of the Lower Mississippi Delta. The I–69 corridor, after crossing the Mississippi River, will enter Mississippi at its western termini in Bolivar County and extend in a generally northerly direction through several Mississippi Delta counties exiting Desoto County to Memphis, Tennessee. The highway is a proposed full control of access facility, and interchanges will be studied at various locations.

Alternatives under consideration include (1) taking no action and (2) build alternatives.

The FHWA and MDOT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting with federal, state, and local agencies, and other interested parties will be held in the near future.

Coordination will be continued with appropriate federal, state, and local agencies, tribes, and private organizations and citizens who have previously expressed or are known to have an interest in this proposal. Of paramount importance to this effort is the public participation process. Several public involvement meetings will be held, a newsletter will be developed, and a website will be created to keep the public informed. The draft EIS will be available for public and agency review and comment prior to the official public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Andrew H. Hughes,

Division Administrator, Jackson, Mississippi.

[FR Doc. 01–11586 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2001–9615]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ISABELLA.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 8, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9615. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW, Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: *Isabella.* Owner: A B Creel, LLC.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Length 58 feet, Breadth 16.1 feet, Depth 11.7 feet, Gross Tons 54, Net Tons 49, Measurement pursuant to 46 U.S.C. 14502''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Vessel will be used for six to twelve passenger charters. Vessels' intended market is corporate charters for full day sails and meetings and overnight or weekend charters for one or two couples. Areas will be out of Fajardo, Puerto Rico and local islands, Culebra and Vieques November through June and the mid-Chesapeake Bay and local waters July through October.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1997. Place of construction: Kaohsiung Hsien Taiwan, Republic of China.''

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''Fajardo, Puerto Rico. The industry in Puerto Rico is limited to sports fishing vessels, large multi-hulls, bare boats, and a single mono-hull vessel of which I am aware. There will be no impact on the sports fishing vessels. There will be no impact on the large multi-hulls as these are big catamarans, which * * * take out large groups * * * for hotel guests. There is no impact on the bare boat charter fleet as they are all foreign manufactured vessels and are strictly for rent with the renter being the captain. The single mono-hull in the same area is overbooked most of the time and turns down enough charters that the overflow to my vessel alone would keep me in business with out competing for customers. * * * There are no other vessels like the one I operate in Puerto Rico and there is a high demand, since most vessels of my size and quality charter out of the U.S. or British Virgin islands * * * If my analysis of this market is as accurate * * * I alone will not be able to fill the demand and my presence will not unduly adversely affect existing operations * * *

Chesapeake Bay: I intend my primary base to be in the Solomon Island area of the Chesapeake Bay. There are some very large day sail vessels in the Norfolk area and the Baltimore and Annapolis area of the bay however these are mostly to take out large groups 20 to 100 on

harbor tours. Other area interests are powerboat harbor tours, ferry boats, or bare boats none of which will be competing for the same customer base. In my inquiries I have found no other crewed vessels in the area, which will compete, for the same clientele * * * My presence in this market area will not unduly adversely affect other commercial passenger vessels.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''For over five years I searched intently for the vessel I would choose to charter. * * * I found that less than one percent of the yachts in the 50 ton category are U.S. manufactured, and of those which are supposedly U.S. manufactured many have the subcomponents including hulls manufactured in foreign countries and only the final assemble is done in the U.S. * * * The fact that no U.S. shipyard is manufacturing this vessel or a similar design with a deck salon would indicate that the presence of this vessel does not unduly adversely affect U.S. shipyards. * * * As a practicable matter this vessel, which was not available in the U.S., was delivered into the U.S. and commissioned entirely by U.S. labor in U.S. yards with U.S. purchased components, which amounted to about 1/6 the cost of the vessel. Every year thousands of dollars in yard work and slip fees are paid by this vessel to U.S. shipyards. This will continue for the life of the vessel as long as it is U.S. flagged. I can only view this as a positive impact to U.S. shipyards that otherwise would not have enjoyed any revenue from this vessel.''

Dated: May 3, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–11709 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meetings

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA will conduct a public meeting in preparation for the nineteenth session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE) to be held July 2–6, 2000 in Geneva, Switzerland and the first session of the United Nation's Sub-Committee on the Globally Harmonized System of Classification and Labeling of Chemicals (Geneva, Switzerland—July 9–11, 2001).

DATES: June 19, 2001, 9:30 am–12:30 pm, Room 6332–6336.

ADDRESSES: The meeting will be held at DOT Headquarters, Nassif Building, Room 6332–6336, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bob Richard, Acting International Standards Coordinator, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366–0656.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting will be to prepare and discuss positions for the nineteenth session of the UNSCOE and the first session of the United Nation's Sub-Committee on the Globally Harmonized System of Classification and Labeling of Chemicals. Topics to be covered during the public meeting will include (1) Global harmonization of classification criteria, (2) Criteria for Environmentally Hazardous Substances, (3) Intermodal requirements for the transport of solids in bulk containers, (4) Harmonized requirements for compressed gas cylinders, (5) Classification of individual substances, (6) Requirements for packagings used to transport hazardous materials, (7) Requirements for infectious substances, and (8) Hazard communication requirements. The meeting will be held in conjunction with the Coast Guard's public meeting in preparation for the sixth session of the Dangerous Goods, Solid Cargoes and Containers Sub-Committee. This public meeting will be held from 1:00–3:30 pm on June 19, 2001 in Nassif Bldg. Room 6332–6336.

The public is invited to attend without prior notification.

Documents

Copies of documents for the UNSCOE meeting may be obtained by downloading them from the United Nations Transport Division's web site at http://www.unece.org/trans/main/dgdb/dgsubc/c3doc.html. Information concerning UN dangerous goods meetings include agendas can be downloaded at http://www.unece.org/trans/main/dgdb/dgsubc/c3.html. These sites may also be accessed through RSPA's Hazardous Materials Safety Homepage at http://hazmat.dot.gov/intstandards.htm. RSPA's site provides information regarding the UNSCOE and the Globally Harmonized System of Classification and Labeling for Chemicals, a summary of decisions taken at the 21st session of the UN Committee of Experts, meeting dates and a summary of the primary topics which are to be addressed in the 2001–2002 biennium.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 01–11708 Filed 5–8–01; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20981]

Laidlaw Inc.—Continuance in Control—Victoria Tours Limited

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: Laidlaw Inc. (Laidlaw), a noncarrier, filed an application under 49 U.S.C. 14303 for Laidlaw to continue in indirect control of Victoria Tours Limited (Victoria), upon Victoria's becoming a regulated motor passenger carrier. Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by June 25, 2001. Applicant may file a reply by July 9, 2001. If no comments are filed by June 25, 2001, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F–20981 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of comments to applicant's representative: Fritz R. Kahn, 1920 N Street, NW. (8th floor), Washington, DC 20036–1601.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. (TDD for the hearing impaired: 1–800–877–8339.)

SUPPLEMENTARY INFORMATION: Laidlaw controls, either directly or indirectly, a family of motor passenger carriers, including Greyhound Lines, Inc. (Greyhound) (MC–1515). With the exception of Greyhound, which conducts mainly nationwide, scheduled, regular-route operations, the controlled carriers are engaged

primarily in charter and special operations.

Laidlaw indirectly controls Victoria through Laidlaw Transit Ltd. (Laidlaw Ltd.), which is authorized to transport passengers, in charter and special operations, pursuant to authority in MC–102189. Victoria conducts charter and special passenger carrier operations within Canada, and it has filed an application with the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, for authority to conduct similar operations within the United States. Laidlaw seeks authority from the Board to continue in indirect control of Victoria, through Laidlaw Ltd., upon Victoria's becoming a regulated U.S. carrier.

Laidlaw asserts that Victoria will be able to offer its passengers tour and sightseeing services over an expanded area. The affiliation of Victoria with the Laidlaw family of regulated carriers will ensure that Victoria will have an adequate number of buses to meet the travel needs of its passengers. Conversely, whenever its buses are underutilized, Victoria will be able to make them available to its Laidlaw affiliates. Laidlaw maintains that such arrangements will improve the performance of Victoria, which will inure to the benefit of the public.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicant has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicant has stated that the proposed transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges and no changes in employment. *See* 49 CFR 1182.2(a)(7). Additional information, including a copy of the application, may be obtained from applicant's representative.

On the basis of the application, we find that the proposed transaction is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed continuance in control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on June 25, 2001, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration—MC–RI, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: May 2, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–11526 Filed 5–8–01; 8:45 am]

BILLING CODE 4915–00–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34000]

Canadian National Railway Company, Grand Trunk Corporation, and WC Merger Sub, Inc.—Control—Wisconsin Central Transportation Corporation, Wisconsin Central Ltd., Fox Valley & Western Ltd., Sault Ste. Marie Bridge Company, and Wisconsin Chicago Link Ltd.

AGENCY: Surface Transportation Board, DOT.

ACTION: Decision No. 2 in STB Finance Docket No. 34000; Notice of Acceptance of Application; Issuance of Procedural Schedule.

SUMMARY: The Surface Transportation Board (Board) is accepting for consideration the application filed April 9, 2001, by Canadian National Railway Company (CNR), Grand Trunk Corporation (GTC), and WC Merger Sub, Inc. (Merger Sub),[1] and by Wisconsin Central Transportation Corporation (WCTC), Wisconsin Central Ltd. (WCL), Fox Valley & Western Ltd. (FVW), Sault Ste. Marie Bridge Company (SSMB), and Wisconsin Chicago Link Ltd. (WCLL).[2] The application seeks Board approval and authorization under 49 U.S.C. 11321–26 for the acquisition of control by CNR and GTC of WCTC and through it of WCTC's rail carrier subsidiaries WCL, FVW, SSMB, and WCLL.[3] As a result of the transaction, WCTC and its rail carrier subsidiaries would become indirect wholly owned subsidiaries of CN. The Board further finds that this is a ''minor transaction'' under 49 CFR 1180.2(c).

The Board has considered applicants'' petition for scheduling order, filed April 9, 2001. With a modification to provide additional time for public comments, the Board is adopting the procedural schedule applicants have proposed (which, as modified, would result in a decision being issued some 28 days prior to the statutory deadline, assuming as explained later on that no oral argument is held and no unanticipated environmental review is required). The Board's schedule provides for the issuance of a final decision no later than 45 days after the close of the record.

DATES: The effective date of this decision is May 9, 2001. Applicants must submit their Safety Integration Plan (SIP) to the Board by May 9, 2001. Applicants also must distribute their Environmental Appendix and SIP to the public and initiate publication of newspaper notices by May 14, 2001. Any person who wishes to participate in this proceeding as a party of record must file, no later than May 25, 2001, a notice of intent to participate. All comments on applicants Environmental Appendix and SIP must be filed no later than June 13, 2001. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings by the U.S. Department of Justice (DOJ) and U.S. Department of Transportation (DOT) must be filed by June 25, 2001. Response to comments, protests, requested conditions, and other opposition, response to comments

[1] CNR, GTC, and Merger Sub are referred to collectively as CN.

[2] WCTC, WCL, FVW, SSMB, and WCLL are referred to collectively as WC. CN and WC are referred to collectively as applicants.

[3] Merger Sub, an indirect wholly owned subsidiary of CNR, will be merged into WCTC, whereupon the separate existence of Merger Sub will cease.

of DOJ and DOT, and rebuttal in support of the application must be filed by July 25, 2001. For further information respecting dates, see Appendix A (Procedural Schedule).

ADDRESSES: Send an original and 25 copies of all pleadings referring to STB Finance Docket No. 34000 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001.[4] In addition, one copy of all documents in this proceeding must be sent to: (1) Secretary of the United States Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3645, Department of Justice, Washington, DC 20530; (3) Paul A. Cunningham, Esq., Harkins Cunningham, 801 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004–2664; and (4) William C. Sippel, Esq., Fletcher & Sippel LLC, Two Prudential Plaza, 180 North Stetson Avenue, Chicago, IL 60601–6721.

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties also must submit, on 3.5-inch IBM-compatible floppy diskettes (disks) or on compact discs (CDs),[5] copies of all textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence. Textual materials must be in WordPerfect 9.0 or compatible with this version of WordPerfect.[6] Electronic spreadsheets must be in Lotus 1–2–3 Release 9 or Microsoft Excel 97 or compatible with these versions of the software. In the past, the Board has encountered problems with the ''links'' in spreadsheets functioning properly when the spreadsheets are installed on desktop computers or network servers. To avoid such problems, naming and linking conventions should be used that will permit the spreadsheets to operate on the Board's computers.[7] Electronic data bases should be compatible with the Microsoft Open Database Connectivity (ODBC) standard.[8] The Board currently uses Microsoft Access 97, and data bases submitted should be either in this format or another ODBC compatible format. Otherwise, submitters should explain why it is not possible to submit the data base in this format and seek a determination as to whether it is feasible for us to accept the data base in another format. A copy of each disk or CD submitted to the Board should be provided to any other party upon request. Further details are discussed below.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565–1613. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Applicants are seeking approval of a proposed transaction set forth in their application (CN/WC–2) filed on April 9, 2001.[9] The proposed transaction involves the acquisition of control by CNR and GTC of WCTC and through it of WCTC's rail carrier subsidiaries WCL, FVW, SSMB, and WCLL. As a result of the transaction, WCTC and its rail carrier subsidiaries would become indirect wholly owned subsidiaries of CN.

Applicants state that, because the proposed transaction does not involve the merger or control of two or more Class I railroads, their application is subject to 49 U.S.C. 11324(d). Applicants also assert that this is a ''minor transaction'' as defined in 49 CFR part 1180.[10]

Applicants argue that the proposed transaction would have no anticompetitive effects, noting that it would result in the end-to-end connection of two railroad systems that do not overlap. Applicants also state that there would be no 2-to-1 or 3-to-2 shippers on the CN/WC system,[11] no reduction in geographic or product competition and no increase in market power. According to applicants, the transaction will enhance competition and provide significant benefits to the shipping public.

On April 9, 2001, applicants also filed a petition for a scheduling order, as discussed below, that would provide for a more expedited processing of the application than the maximum time allotted for consideration of minor transaction applications. On May 1, 2001, Great Lakes Transportation, LLC (Great Lakes), late-filed a reply in opposition to the applicants' expedited scheduling petition, requesting also that the Board find that the proposed transaction is significant and dismiss the application as incomplete or require supplemental information.[12] Great Lakes also sought leave to file its reply one day late. Given our statutory deadline for publishing notice of acceptance of the application in the **Federal Register**, it is difficult to understand why Great Lakes waited so long to make this filing in connection with the much-publicized transaction. Nevertheless, the filing will be accepted.

Great Lakes indirectly controls: (1) USS Great Lakes Fleet, Inc. (USS Fleet), a water carrier that operates on the Great Lakes; (2) The Duluth, Missabe & Iron Range Railway Company (DM&IR), a Class II railroad; (3) The Bessemer & Lake Erie Railroad Company (B&LE), also a Class II railroad; and (4) The Pittsburgh & Conneaut Dock Company (P&C Dock), a dock company that is also a Class III rail carrier. Great Lakes, entirely owned by the Blackstone Group and the management team at Great Lakes, is primarily concerned about the

[4] In order for a document to be considered a formal filing, the Board must receive an original and 25 copies of the document, which must show that it has been properly served. Documents transmitted by facsimile (FAX) will not be considered formal filings and are not encouraged because they will result in unnecessarily burdensome, duplicative processing. In addition, each formal filing must be accompanied by an electronic submission per our requirements as discussed in detail in this decision. As an exception to these requirements, parties filing comments to environmental documents should follow procedures as provided with such documents.

[5] Parties must clearly label each formal filing with an identification acronym and number. *See* 49 CFR 1180.4(a)(2). Each disk or CD should be clearly labeled with the identification acronym and number of the corresponding paper document, and labeled as containing confidential or redacted materials. These electronic filing requirements do not apply to filings addressing environmental documents.

[6] Absent a waiver for good cause, we require submissions to be in WordPerfect format so that they can be quickly and accurately disseminated electronically to Board staff.

[7] We will not specify a particular naming and linking convention. It is incumbent upon the submitter to use generic naming and linking conventions that will permit the spreadsheets to operate on desktop computers or from a network server. Questions concerning naming and linking matters and/or compatibility with our computers can be addressed to William Washburn, Office of Economics, Environmental Analysis, and Administration, at (202) 565–1550.

[8] ODBC is a Windows technology that allows a data base software package, such as Microsoft Access, to import data from a data base created using a different software package. All data bases must be supported with adequate documentation on data attributes, SQL queries, programmed reports, etc.

[9] On April 27, 2001, applicants filed a list of errata (CN/WC–4) to their CN/WC–2 application.

[10] In proceedings not involving the merger or control of at least two Class I railroads, a transaction is minor if a determination can be made either (1) that the transaction clearly will not have any anticompetitive effects, or (2) that any anticompetitive effects of the transaction will clearly be outweighed by the transaction's anticipated contribution to the public interest in meeting significant transportation needs. 49 CFR 1180.2(b).

[11] A 2-to-1 shipper would be a shipper served by both CN and WC, but by no other railroad, and a 3-to-2 shipper would be a shipper served by CN, WC, and a third railroad. As a result of a merger between applicants into one railroad entity, a 2-to-1 shipper would have only one serving railroad and a 3-to-2 shipper would have two serving railroads. While applicants state there are no such shippers on the CN/WC system, applicants note that Oba, Ontario, is technically a 2-to-1 location, but that there are no industries served by either of the two railroads at that point and therefore no adverse effect on competition for rail service there.

[12] We also have received correspondence asking us to find that the proposed transaction is significant, and not minor.

effects of the CN/WC transaction on the transportation of taconite pellets from Northeastern Minnesota to steel plants in the Midwest. According to Great Lakes, DM&IR moves taconite from taconite plants in Minnesota to dock facilities at Duluth and Two Harbors, MN, where it is loaded onto USS Fleet boats for movement on the Great Lakes. Great Lakes indicates that some of the taconite is then unloaded at P&C Dock and loaded onto B&LE trains for movement to U.S. Steel's Edgar Thomson steel mill in Pittsburgh, PA. Great Lakes maintains that the CN/WC's possible diversion of this taconite traffic to all-rail movements threatens to undermine the economics of water transportation service on the lakes and to eliminate essential rail and water services now provided by Great Lakes' affiliated carriers, as well as employment on those carriers. Great Lakes also asserts that all-rail movements would be less efficient and less safe than transportation that includes water movements across the Great Lakes. Because of the expressed concerns about the possible effects of the transaction on its companies, and potentially on users of their services, Great Lakes asserts that the applicants have not demonstrated that the proposed transaction is minor, and thus that the Board should find it to be significant and the application incomplete. Great Lakes also argues that we should require applicants to submit more detailed environmental information.

The applicants filed a reply to Great Lakes' filing on May 2, 2001. The applicants oppose Great Lakes' request for a finding that the transaction should be deemed ''significant'' and its request that the application be dismissed.

On April 27, 2001, The National Industrial Transportation League (NITL) filed a statement in support of approval of the application and in support of finding that it involves a minor transaction. NITL states that it has entered into an agreement with CN, by which CN has agreed to provide certain protections for rail shippers.

The Applicants

CN is a major Canadian railroad [13] that operates a rail network consisting of 3,912 route miles in 14 states in the United States, and 11,620 route miles in eight Canadian provinces. CN has principal routes (1) to every major metropolitan area in Canada; (2) to the major U.S. cities of Buffalo, NY; Detroit, MI; Duluth, MN/Superior, WI; and Chicago, IL; (3) north-south between Chicago and the Gulf of Mexico, reaching every major metropolitan area on the Mississippi River, including Chicago, IL, East St. Louis, IL/St. Louis, MO, Memphis, TN, and New Orleans, LA; and (4) east-west between Chicago and Nebraska and Iowa, extending from Sioux City, IA, and Omaha, NE/Council Bluffs, IA, in the West to Chicago in the East. The eastern terminus of CN's network is Halifax, Nova Scotia; the western termini are Vancouver and Prince Rupert, British Columbia; and the southern terminus is New Orleans. CN's traffic, between Duluth/Superior and Chicago, is carried under haulage agreements over the lines of WC.

WC [14] operates over 2,464 route miles in Wisconsin, Minnesota, Northeastern Illinois, and the Upper Peninsula of Michigan, and over 296 route miles in the Province of Ontario. WC's main route extends from outside Chicago north through the Fox River Valley region of Wisconsin through Fond du Lac to Neenah and then northwestward through Stevens Point to Superior, WI. Another main route diverges from this line and extends to Withrow, MN, via trackage rights over CP to Minneapolis/St. Paul, MN. Other WC lines extend to Green Bay, Milwaukee, Wausau, Wisconsin Rapids, Ashland, and East Winona, WI; to Sault Ste. Marie, MI; and between the iron ore ranges around Ishpeming, MI, and the lake docks at Escanaba, MI. WC, through its ACRI subsidiary, also operates 296 miles of rail line in Canada between Sault Ste. Marie and Hearst, ON. WC's principal yard terminals and shop facilities are located at Fond du Lac and Stevens Point, WI, and Sault Ste. Marie, ON. Major interchange locations on WC's routes are Chicago, Superior, Minneapolis/St. Paul, and Sault Ste. Marie, ON.

The principal routes of the combined CN/WC rail system would be identical to those of the individual railroads, with the addition of through routes where interchange or haulage is now required. Applicants state that no track redundancies would be created by the transaction, and no abandonments would result from the combination of the two systems.

CN/WC Agreement

According to the applicants, on January 29, 2001, CNR, Merger Sub, and WCTC entered into an Agreement and Plan of Merger (Agreement). Subject to the Board's authorization and other conditions, Merger Sub (a Delaware corporation and an indirect wholly owned subsidiary of CN) will be merged into WCTC in accordance with Delaware law, whereupon the separate existence of Merger Sub will cease, and WCTC will be an indirect wholly owned subsidiary of CNR. The Agreement provides that, upon the merger of Merger Sub into WCTC, each share of WCTC that was outstanding immediately before the merger will be converted into the right to receive $17.15 in cash.[15] On April 4, 2001, approximately 79% of WCTC's outstanding shares were voted on the proposal, and 99% of those shares voted were in favor of the Agreement.

Public Interest

Applicants assert that the transaction will further the public interest by improving the quality of rail transportation service to the public with an extended unified network, offering more efficient single-line routings linking markets in the United States and Canada, improving or eliminating interchanges, and improving equipment utilization, which will reduce operating costs and reduce terminal dwell time and overall cycle times for both cars and locomotives. Applicants claim that quantified public benefits arising from efficiencies of the transaction would be approximately $52 million per year.

Labor Impact

Applicants have submitted one Labor Impact Statement which shows the projected effects of the CN/WC merger on all categories of employment, including both agreement and nonagreement personnel of the combined CN/WC system. The Labor Impact Statement is organized by location and, for each location, reflects job classification(s) that will be created, eliminated, or transferred. Also indicated are the number of positions affected at each location by classification and the year in which positions will be moved to another location, abolished, or added. If a position is to be relocated, the Labor Impact Statement identifies the new location.

As explained in the Operating Plan,[16] the transaction will have a relatively small impact on CN/WC's employment levels. The applicants foresee that

[13] CN indirectly controls two Class I railroads—Grand Trunk Western Railroad Incorporated and Illinois Central Railroad Company—and several non-Class I railroads operating in the United States.

[14] WC consists of three Class II railroads (WCL, FVW, and SSMB), one Class III railroad (WCLL), and a Canadian carrier (Algoma Central Railway Inc. (ACRI)). WCTC is a noncarrier holding company.

[15] Applicants stated that all monetary amounts listed in the application are stated in U.S. dollars, unless otherwise noted.

[16] *See* CN/WC–2, Vol. 1, at 410–13.

throughout the implementation period the major mechanical shops in Stevens Point and Fond du Lac will remain in place, as will the Stevens Point customer service, train dispatching, crew management and clearance bureau operations.[17] As new systems are implemented, applicants will focus significantly on training to ensure that all present employees acquire the necessary skills to continue operating safely and efficiently in their new environments.

Applicants anticipate that the merger will likely affect employment levels in three primary areas. First, duplicative administrative activities will be streamlined, which primarily will affect executive and senior management personnel in WC's Rosemont corporate headquarters. Second, the transaction will give rise to significant improvements in equipment utilization and maintenance activities, which will reduce the need for mechanical shop employees. Third, the greater maintenance-of-way resources of the larger system can support meaningful maintenance-of-way efficiencies, thereby reducing that work force, which mostly will affect temporary and seasonal employees across the WC service territory. Applicants believe that some of these expected employment reductions will be accomplished through normal attrition.

Applicants acknowledge that, if we approve the transaction proposed in the application, the transaction would be subject to the employee protective conditions and other procedures adopted in *New York Dock—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60, *aff'd sub nom. New York Dock Ry.* v. *United States*, 609 F.2d 83 (2d Cir. 1979).

Acceptance of Application

Under 49 CFR part 1180, the Board must determine whether a proposed transaction is major, significant, or minor. Great Lakes opposes the designation of the transaction as minor, based on the alleged impact on taconite traffic that it handles in combined rail-water service. Great Lakes' own submission appears to show that this taconite traffic can already move in all-rail service, whether or not the application is approved. Great Lakes' filing does not make enough of a showing that the proposed transaction, as described, has regional or national transportation significance as referenced in 49 U.S.C. 11325 or that there would be anticompetitive effects that would outweigh the transaction's anticipated contribution to the public interest in meeting significant transportation needs pursuant to 49 CFR 1180.2(b)(2). But Great Lakes' concerns (including environmental concerns) can be fully addressed in the submissions of all interested parties and considered by the Board within the schedule we are establishing for this proceeding. Accordingly, we will treat the proposal as a minor transaction under 49 CFR 1180.2(c) subject to the procedural provisions of 49 U.S.C. 11325(a)(3) and 11325(d). Because the application complies with the applicable regulations governing minor transactions, we accept the application for consideration.

Public Inspection

The application, including various accompanying exhibits, are available for inspection in the Docket File Reading Room (Room 755) at the offices of the Surface Transportation Board, 1925 K Street, NW., in Washington, DC. In addition, they may be obtained from applicants' representatives named above.

Procedural Schedule

In their petition for a scheduling order, applicants request that we issue a final decision in this proceeding within 180 days from the filing of the application. Applicants propose that all comments, protests, and requests for conditions, and any other evidence or argument in opposition to the application by all parties be due June 8, 2001 (30 days after publication of the **Federal Register** notice accepting the application), and that applicants' rebuttal or other responses to those filings be due July 9, 2001 (30 days later). According to applicants, this schedule leaves ample time for the Board to schedule an oral argument if warranted and to render a decision within the statutory deadline. As noted above, Great Lakes opposes the applicants' proposed schedule.

We will adopt a procedural schedule that provides some additional time to that proposed by applicants for comments on their application, but still provides for less total time than that provided by the deadlines set forth at 49 U.S.C. 11325(d), to ensure proper review of the transaction, including consideration of the position of Great Lakes. The statute allows for 6 months for the processing of minor consolidation proceedings. Under 49 U.S.C. 11325(d)(2), the Board must conclude the evidentiary stage of the proceeding by the 105th day after publication of the **Federal Register** notice accepting the application, and must issue the final decision by the 45th day after the conclusion of the evidentiary stage.

Accordingly, all comments, protests, and requests for conditions, and any other evidence or argument in opposition to the application by all parties will be due 45 days after publication of the **Federal Register** notice accepting the application, which will be on June 25, 2001. As suggested by applicants, applicants' rebuttal and other responses to those filings will be due 30 days later, on July 25, 2001. The final written decision addressing the application will be issued within 45 days thereafter. If we determine that an Environmental Assessment or Environmental Impact Statement is required, we will adjust the procedural schedule as necessary. Also, if oral argument is held, then the final decision will be issued within 45 days after the argument. Other relevant due dates are discussed in detail under our discussion of filing due dates.

Notice of Intent to Participate

Any person who wishes to participate in this proceeding as a party of record (POR) must file with the Secretary of the Board, no later than May 25, 2001, an original and 25 copies of a notice of intent to participate, accompanied by a certificate of service indicating that the notice has been properly served on the Secretary of the United States Department of Transportation, Attorney General of the United States, and on applicants' representatives. In addition, as previously noted, parties must submit one electronic copy of each document filed with the Board. Further details respecting such electronic submissions are provided below.

We will serve, as soon as practicable, a notice containing the official service list (the service list notice). Each party of record will be required to serve upon all other parties of record, within 10 days of the service date of the service list notice, copies of all filings previously submitted by that party (to the extent such filings have not previously been served upon such other parties). Each party of record also will be required to file with the Secretary of the Board, within 10 days of the service date of the service list notice, an original plus 10 copies of a certificate of service, along with an electronic copy, indicating that the service required by

[17] Applicants expect that improved productivity of the locomotive and car fleets will allow CN/WC to eliminate most locomotive repair work at Stevens Point, relying instead on Fond du Lac, and to reduce the need for car repair work at Stevens Point and Fond du Lac. Applicants state that they do not currently plan any major changes in the day-to-day maintenance of way and signal maintenance operations as a result of the transaction. CN/WC–2, Vol. 1, at 403–04.

the preceding sentence has been accomplished. Every filing made by a party of record after the service date of the service list notice must have its own certificate of service indicating that all PORs on the service list have been served with a copy of the filing. Members of the United States Congress (MOCs) and Governors (GOVs) are not parties of record (PORs), and therefore, need not be served with copies of filings, unless any such Member or Governor has requested to be, and is designated as, a POR.

We will serve copies of our decisions, orders, and notices only on those persons who are designated on the official service list as either POR, MOC, or GOV. All other interested persons are encouraged to make advance arrangements with the Board's copy contractor, Dā-to-Dā Office Solutions, to receive copies of Board decisions, orders, and notices served in this proceeding. Dā-to-Dā Office Solutions will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service. The telephone number for Dā-to-Dā Office Solutions is: (202) 756–1649.[18]

Comments, Protests, Requests for Conditions, and Other Opposition Evidence and Argument, Including Filings by DOJ and DOT

Any interested persons, including the U.S. Attorney General and the U.S. Secretary of Transportation, may file written comments, protests, requests for conditions, and any other opposition evidence and argument no later than June 25, 2001. This deadline applies to comments, etc., addressing the application.

Parties addressing the application, filing comments, protests, requests for conditions, and any other opposition evidence and argument (including filings by DOJ and DOT) must submit an original and 25 copies of such documents, referring to STB Finance Docket No. 34000 (lead docket). All submissions must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, as previously noted, parties must submit one electronic copy of each document filed with the Board. Further details respecting such electronic submissions are provided below.

Written comments, etc., must be concurrently served by first class mail on the U.S. Attorney General and the U.S. Secretary of Transportation, applicants' representatives, and all other parties of record.

Consistent with 49 CFR 1180.4(d)(1)(iii), written comments, etc., must include:

(A) The docket number and title of the proceeding;

(B) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(C) The commenting party's position, *i.e.*, whether it supports or opposes the proposed transaction;

(D) A statement whether the commenting party intends to participate formally in the proceeding, or merely to comment on the proposal;

(E) If desired, a request for an oral hearing with reasons supporting this request; the request must indicate the disputed material facts that can be resolved only at a hearing; and

(F) a list of all information sought to be discovered from applicant carriers.

Because we have determined that this proposal is a minor transaction, no responsive applications will be permitted. See 49 CFR 1180.4(d)(4)(i).

Protesting parties are advised that, if they seek either the denial of the application or the imposition of conditions upon any approval thereof, on the theory that approval without imposition of conditions will harm either their ability to provide essential services and/or competition, they must present substantial evidence in support of their positions. *See Lamoille Valley R.R. Co.* v. *ICC*, 711 F.2d 295 (D.C. Cir 1983).

Response to Comments, Protests, Requested Conditions, and Other Opposition, Including DOJ and DOT; Rebuttal in Support of Application

Parties submitting responses to comments, protests, requested conditions, and other opposition, including DOJ and DOT, and rebuttal in support of the application must be filed with the Board by July 25, 2001.

Other Dates

The procedural schedule adopted in this decision further provides: (1) That applicants must file a SIP on May 9, 2001, as they have proposed; (2) that applicants must distribute copies of their Environmental Appendix and SIP to the public and initiate publication of newspaper notices by May 14, 2001 (within 5 days of service of this decision); (3) that all comments on applicants' Environmental Appendix and SIP are due on June 13, 2001; and (4) that the final written decision, addressing the application will be served on September 7, 2001, if we determine that no Environmental Assessment or Environmental Impact Statement is required and that there will be no oral argument. If oral argument is held, the decision will be served 45 days thereafter.

Discovery

Discovery may begin immediately. We encourage the parties to resolve all discovery matters expeditiously and amicably.

Environmental Matters

Applicants assert in their application that the proposed transaction will have insignificant environmental effects and therefore does not require a formal environmental review under the National Environmental Policy Act of 1969 (NEPA). Applicants state that the transaction will cause only modest changes in carrier operations, none of which would exceed the thresholds triggering environmental review established in our environmental rules at 49 CFR 1105.7(e)(4) or (5). Applicants further state that the transaction is exempt under 49 CFR 1105.6(c)(2)(i) from environmental reporting requirements and exempt under 49 CFR 1105.8(b)(1) and (3) from historic preservation reporting requirements.

To assist the Board's Section of Environmental Analysis (SEA) in determining whether there is a need for environmental review of this transaction, SEA directed applicants to prepare an Environmental Appendix providing additional details and explanation, including maps, supporting applicants' conclusion that this transaction does not warrant environmental documentation. SEA has reviewed the Environmental Appendix.

Applicants also have been working with the Federal Railroad Administration (FRA) to develop a Safety Integration Plan (SIP), under FRA guidelines, specifically addressing the process of safely combining applicants' two separate systems, if the proposed

[18] An interested person does not need to be on the service list to obtain a copy of the application or any other filing made in this proceeding. Our Railroad Consolidation Procedures provide: ''Any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order.'' *See* 49 CFR 1180.4(a)(3), as recently amended in *Railroad Consolidation Procedures-Modification of Fee Policy*, STB Ex Parte No. 556, 62 FR 9714, 9717 (Mar. 4, 1997) (interim rules), 62 FR 28375 (May 23, 1997) (final rules). The application and other filings in this proceeding also will be available on the Board's website at ''www.stb.dot.gov'' under ''Filings.'' Furthermore, Dā-to-Dā Office Solutions will provide, for a charge, copies of the application or any other filing made in this proceeding, except to the extent any such filing is subject to the protective order entered heretofore in this proceeding.

transaction is approved. Applicants indicate that they will submit the SIP to SEA by May 9, 2001.

To facilitate public review and comment on all aspects of the Environmental Appendix and the SIP, we are directing applicants, within 5 days of the service date of this decision (*i.e.,* May 14, 2001), to mail copies of these materials to appropriate federal, state, and local agencies and other interested parties and to announce that we are providing a 30-day period for interested parties to submit comments by June 13, 2001, to SEA. In addition, we direct applicants to publish a notice in newspapers of general circulation in each county in the United States through which affected rail line segments pass alerting the public that the Environmental Appendix and SIP are available, and how to obtain copies and submit comments. We will further ensure broad access to the Environmental Appendix and SIP by making them available on the Board's web site at *www.stb.dot.gov.* Applicants shall certify that they have met these mailing and newspaper notice requirements.

Based on its consideration of all timely comments and its own independent review of all available environmental information, including the SIP, SEA will recommend to the Board whether there is a need for formal environmental review in this case. We will then determine whether to issue a finding of no significant environmental impact, or, alternatively, whether an Environmental Assessment (EA) or Environmental Impact Statement (EIS) should be prepared. If it appears that an EA or EIS is required to meet the Board's NEPA obligations, the procedural schedule set forth here will be adjusted accordingly. Even if no EA or EIS is warranted, consistent with our recent practice, we intend to impose a condition on any decision approving the transaction requiring applicants to comply with the SIP.

Electronic Submissions [19]

As already mentioned, in addition to submitting an original and 25 paper copies of each document filed with the Board, parties must submit, on disks or CDs, copies of all textual materials, electronic work papers, data bases and spreadsheets used to develop quantitative evidence. Data must be submitted on 3.5 inch IBM-compatible floppy disks or CDs. Textual materials must be in, or compatible with, WordPerfect 9.0. Electronic spreadsheets must be in, or compatible with, Lotus 1–2–3 Release 9, or Microsoft Excel 97. Each disk or CD should be clearly labeled with the identification acronym and number of the corresponding paper document, *see* 49 CFR 1180.4(a)(2), and a copy of such disk or CD should be provided to any other party upon request. Also, each disk or CD should be clearly labeled as containing confidential or redacted materials. The data contained on the disks and CDs submitted to the Board will be subject to the protective order granted in Decision No. 1, served February 5, 2001, and will be for the exclusive use of Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data will facilitate timely review by the Board and its staff.[20]

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The application is accepted for consideration under 49 U.S.C. 11321–26 as a minor transaction under 49 CFR 1180.2(c).
2. Great Lakes' filing of May 1, 2001, is accepted.
3. Great Lakes' request for dismissal of the CN/WC application is denied.
4. Parties must comply with the Procedural Schedule adopted by the Board in this proceeding as shown in Appendix A.
5. Parties must comply with the procedural requirements described in this decision.
6. This decision is effective on May 9, 2001.

Decided: May 3, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

Appendix A: Procedural Schedule

April 9, 2001 Application and Petition for Scheduling Order filed.

May 9, 2001 Board notice of acceptance of application published in the **Federal Register**.

May 9, 2001 Safety Integration Plan (SIP) due.

May 14, 2001 Applicants distribute Environmental Appendix and SIP to public and initiate publication of newspaper notices.

May 25, 2001 Notice of intent to participate due.

June 13, 2001 All comments on Environmental Appendix and SIP due.

June 25, 2001 All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application due, including filings of the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT).

July 25, 2001 Response to comments, protests, requested conditions, and other opposition due. Response to comments of DOJ and DOT due. Rebuttal in support of application due (close of record).

September 7, 2001 Date of service of final decision (if no Environmental Assessment or Environmental Impact Statement is required and there is no oral argument).

[FR Doc. 01–11689 Filed 5–8–01; 8:45 am]

BILLING CODE 4915–00–P

[19] As noted previously, these requirements do not apply to filings addressing environmental documents. Parties submitting comments to applicants' Environmental Appendix and SIP should follow procedures as provided with such documents.

[20] The electronic submission requirements set forth in this decision supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in our regulations. *See* 49 CFR 1104.3(a), as amended in *Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings*, STB Ex Parte No. 527, 61 FR 52710, 52711 (Oct. 8, 1996), 61 FR 58490, 58491 (Nov. 15, 1996).

Corrections

Federal Register

Vol. 66, No. 90

Wednesday, May 9, 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.

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection; Comment Request–Testing and Recordkeeping Requirements Under the Standard for the Flammability of Mattresses and Mattress Pads

Correction

In notice document 01–10695 beginning on page 21375, in the issue of Monday, April 30, 2001, make the following correction:

On page 21375, in the third column, under the **DATES** heading, in the third line, ''June 29, 2000'' should read ''June 29, 2001''.

[FR Doc. C1–10695 Filed 5–8–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ99

Review of Benefit Claims Decisions

Correction

In rule document 01–11028 beginning on page 21871, in the issue of Wednesday, May 2, 2001, make the following correction:

§ 3.104 [Corrected]

On page 21874, in the second column, §3.104, in amendatory instruction 2., remove the third line which reads '' ''§3.105'' and adding in its place,''.

[FR Doc. C1–11028 Filed 5–8–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
May 9, 2001

Part II

Department of Education

Office of Educational Research and Improvement, International Education Exchange Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.304A]

Office of Educational Research and Improvement, International Education Exchange Program; Notice

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001.

Purpose of Program

To support international education exchange activities between the United States and eligible countries in civics and government education and economic education.

For FY 2001 the competition for new awards focuses on projects designed to meet the priorities referenced in the Priorities section of this notice.

Eligible Applicants

Independent nonprofit educational organizations that—

(a) Have expertise in international achievement comparisons, and are experienced in—

(1) The development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities and private sector organizations;

(2) The development and implementation of cooperative university and school-based inservice training programs for teachers of grades kindergarten through 12 using scholars from such relevant disciplines as political science, political philosophy, history, law, and economics;

(3) The development of model curricular frameworks in civics and government education and economic education;

(4) The administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(5) The evaluation of civics and government education or economic education programs; and

(b) Have authority to subcontract with other organizations to carry out these provisions.

Applications Available: May 7, 2001.

Deadline for Transmittal of Applications: July 9, 2001.

Deadline for Intergovernmental Review: September 10, 2001.

Estimated Available Funds: $8,780,000.

Estimated Range of Awards: $4,190,600 to $4,590,000.

Estimated Average Size of Awards: $4,390,000.

Maximum Award: We will reject any application that proposes a budget exceeding $4,590,000 for a single budget period of 12 months.

Estimated Number of Awards: 2.

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

Project Period: Up to 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, 86, 97, 98, and 99. (b) The regulations in 34 CFR part 700.

Priorities

This competition focuses on projects designed to carry out the authorized activities listed in Title VI of the Goals 2000: Educate America Act, 20 U.S.C. 5951. Title VI is the International Education Program.

Absolute Priority 1—International Education Exchange Program in Civics and Government Education.

Absolute Priority 2—International Education Exchange Program in Economic Education.

Under 34 CFR 75.105(c)(3) we consider only applications that meet one of these two priorities.

Authorized Activities

To meet one of these two priorities, each applicant must propose to carry out the following activities, in either civics and government education or economic education:

(A) Provide eligible countries with—

(1) Seminars on the basic principles of the United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(2) Visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(3) Home stays in United States communities;

(4) Translation and adaptations regarding the United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(5) Translation of basic documents of United States constitutional government for use in eligible countries, such as The Federalist Papers, selected writings of Presidents Adams and Jefferson, and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(6) Research and evaluation assistance to determine—

(i) The effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(ii) Effective participation in and the preservation and improvement of an efficient market economy;

(B) Provide United States participants with—

(1) Seminars on the histories, economics, and governments of eligible countries;

(2) Visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(3) Home stays in eligible countries;

(4) Assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economics of such countries that are useful in United States classrooms;

(5) Opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(6) Research and evaluation assistance to determine—

(i) The effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(ii) Effective participation in and improvement of an efficient market economy; and

(C) Assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines and educational policymakers.

The primary participants in the international education program shall be leading educators in the areas of

civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

Note: For this program, the term ''eligible country'' means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

Selection Criteria

The Secretary selects from the criteria in 34 CFR 700.30(e) to evaluate applications for new grants under this competition. Under 34 CFR 700.30(a), the Secretary will announce in the application package the evaluation criteria selected for this competition and the maximum weight assigned to each criterion.

FOR APPLICATIONS AND FURTHER INFORMATION CONTACT: Dr. Ram N. Singh (email: ram.singh@ed.gov) or Ms. Rita Foy (email: rita.foy@ed.gov), U.S. Department of Education, 555 New Jersey Avenue, NW., room 510, Washington, DC 20208–5573. Telephone: (202) 219–2079.

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 either of the program contact persons listed under **FOR APPLICATIONS AND FURTHER INFORMATION CONTACT.**

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

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister*

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. 5951.

Dated: May 3, 2001.

Sue Betka,

Deputy Assistant Secretary for Educational Research and Improvement.

[FR Doc. 01–11617 Filed 5–8–01; 8:45 am]

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Federal Register

Wednesday,
May 9, 2001

Part III

Department of Housing and Urban Development

24 CFR Part 888

Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program: Fiscal Year 2002; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 888

[Docket No. FR–4680–N–01]

Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program: Fiscal Year 2002

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of proposed fiscal year (FY) 2002 fair market rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish FMRs annually to be effective on October 1 of each year. FMRs are used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, and to determine initial rents for HAP contracts in the Moderate Rehabilitation Single Room Occupancy program. Other programs may require use of FMRs for other purposes. Today's notice proposes revised FMRs that reflect estimated 40th and 50th percentile rent levels trended to April 1, 2002.

DATES: *Comments Due Date:* July 9, 2001.

Electronic Data Availability

This **Federal Register** Notice is available electronically from the HUD news page: http://www.hudclips.org/cgi/index.cgi. **Federal Register** Notices also are available electronically from the U.S. Government Printing Office web site: http://www.access.gpo.gov/su__docs/aces/aces140.html.

ADDRESSES: Interested persons are invited to submit comments regarding HUD's estimates of the FMRs as published in this Notice to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' section. To ensure that the information is fully considered by all of the reviewers, each commenter is requested to submit two copies of its comments, one to the Rules Docket Clerk and the other to the Economic and Market Analysis Staff in the appropriate HUD Field Office. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m.—5:30 p.m. Eastern Time) at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald Benoit, Director, Real Estate and Housing Performance Division, Office of Public and Assisted Housing Delivery, telephone (202) 708–0477, is responsible for decisions on how fair market rents are used. For technical information on the methodology used to develop fair market rents or a listing of all fair market rents, please call HUD USER at 1–800–245–2691 or access the information on the HUD Web site, http:\\www.huduser.org/datasets/fmr.html. Further questions on the methodology may be addressed to Marie Lihn, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 708–0590, (e-mail: marie__l.__lihn@hud.gov). Hearing-or speech-impaired persons may use the Telecommunications Devices for the Deaf (TTY) by contacting the Federal Information Relay Service at 1–800–877–8339. (Other than the ''800'' TTY number, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting decent, safe, and sanitary housing. Housing assistance payments are limited by FMRs established by HUD for different areas. In the voucher program, the FMR is used to determine the ''payment standard amount'' used to calculate the maximum monthly subsidy for an assisted family (see Section 982.503.) In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Publication of FMRs

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. HUD's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment and, publish final FMRs after evaluating public comments (see 24 CFR 888.115).

Schedule B of the proposed FY 2002 FMR schedules at the end of this document lists the fair market rents for existing housing, including housing assisted under the housing choice voucher program. Schedule D lists FMRs for the rental of manufactured home spaces in the housing choice voucher program for areas where HUD has approved FMRs greater than 40 percent of the 2-bedroom FMR, based on public comments.

For the purpose of determining the maximum initial gross rent (at the beginning of the HAP contract term) for a unit assisted in the Section 8 moderate rehabilitation Single Room Occupancy (SRO) program, the fair market rent is 120 percent of the applicable existing housing fair market rent in Schedule B (see 24 CFR 882.408(a)). For the purpose of determining renewal gross rents for a HAP contract under the moderate rehabilitation program (other than a contract under the Section 8 moderate rehabilitation SRO program), the FMR is the applicable existing housing fair market rent in Schedule B.

Method Used to Develop FMRs

FMR Standard

FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible.

The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 40th percentile rent for most areas, the dollar amount below which 40 percent of the standard quality rental housing units rent. The 40th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Newly built units less than two years old are excluded, and adjustments have been made to correct for the below market rents of public housing units included in the data base.

The interim rule establishing 50th percentile FMRs was published on October 2, 2000 (65 FR 58870) and became effective on December 1, 2000. HUD set fair market rents for 39 areas at the 50th percentile rent (i.e., the median rent) effective January 2, 2001 (66 FR 162). HUD set the 50th percentile FMRs to give lower-income families who participate in the voucher program access to a broader range of housing opportunities throughout a metropolitan area. FMRs have been increased to the 50th percentile rent in those 39 areas metropolitan areas based on the criteria established in the interim rule, which seeks to promote residential choice, help families mover closer to job growth areas, and deconcentrate poverty.

Paragraph 888.113(c) provides:

(c) Setting FMRs at the 50th percentile rent to provide a broad range of housing opportunities throughout a metropolitan area.

(1) HUD will set the FMRs at the 50th percentile rent for all unit sizes in each metropolitan FMR area that meets all of the following criteria at the time of annual publication of the FMRs:

(i) 70 percent or fewer of the census tracts with at least 10 two bedroom rental units are census tracts in which at least 30 percent of the two bedroom rental units have gross rents at or below the two bedroom FMR set at the 40th percentile rent;

(ii) The FMR area contains at least 100 census tracts; and

(iii) 25 percent or more of the tenant-based rental program participants in the FMR area reside in the 5 percent of the census tracts within the FMR area that have the largest number of program participants.

(2) If the FMRs are set at the 50th percentile rent in accordance with paragraph (c)(1) of this section, HUD will set the FMRs at the 50th percentile rent for a total of three years.

(i) At the end of the three-year period, HUD will continue to set the FMRs at the 50th percentile rent only so long as the concentration measure for the current year is less than the concentration measure at the time the FMR area first received an FMR set at the 50th percentile rent. HUD will publish FMRs based on the 40th percentile rent for FMR areas that do not qualify for continued use of the 50th percentile rent.

(ii) For purposes of this section, the term ''concentration measure'' means the participants in the FMR area who reside in the 5 percent of the census tracts within the FMR area that have the largest number of program participants.

(iii) FMR areas that do not meet the test for continued use of FMRs set at the 50th percentile will be ineligible to use FMR set at the 50th percentile for a period of three years.

(iv) A PHA whose jurisdiction includes one or more FMR areas that are no longer eligible to use FMRs set at the 50th percentile may be eligible for a higher payment standard under Section 982.503(f).

Schedule B of this document lists the proposed 2002 FMRs for all areas, including FMRs for the 39 FMR areas where the FMR is set at the 50th percentile rent level (as specified in Section 888.113(c)), and other areas, where the FMR is set at the 40th percentile rent. An asterisk in Schedule B identifies the 39 FMR areas for which HUD has set 50th percentile FMRs.

HUD has set 50th percentile FMRs for the following metropolitan FMR areas:

Albuquerque, NM
Atlanta, GA
Austin-San Marcos, TX
Baton Rouge, LA
Bergen-Passaic, NJ
Buffalo-Niagara Falls, NY
Chicago, IL
Cleveland-Lorain-Elyria, OH
Dallas, TX
Denver, CO
Detroit, MI
Fort Lauderdale, FL
Fort Worth-Arlington, TX
Grand Rapids-Muskegon-Holland, MI
Houston, TX
Kansas City, MO–KS
Las Vegas, NV–AZ
Miami, FL
Minneapolis-St. Paul, MN–WI
Newark, NJ
Norfolk-Virginia Beach-Newport News, VA–NC
Oakland, CA
Oklahoma City, OK
Orange County, CA
Philadelphia, PA–NJ
Phoenix-Mesa, AZ
Richmond-Petersburg, VA
Sacramento, CA
Salt Lake City-Ogden, UT
San Antonio, TX
San Diego, CA
San Jose, CA
St. Louis, MO–IL
Tampa-St. Petersburg-Clearwater, FL
Tulsa, OK
Ventura, CA
Washington, DC–MD–VA
West Palm Beach-Boca Raton, FL
Wichita, KS

Data Sources

HUD used the most accurate and current data available to develop the FMR estimates. The sources of survey data used for the base-year estimates are:

(1) the 1990 Census, which provides statistically reliable rent data for all FMR areas;

(2) the Bureau of the Census' American Housing Survey (AHS), which is used to develop between-Census revisions for the largest metropolitan areas and which have accuracy comparable to the decennial Census; and

(3) Random Digit Dialing (RDD) telephone surveys of individual FMR areas, which are based on a sampling procedure that uses computers to select statistically random samples of rental housing.

The base-year FMRs are updated using trending factors based on Consumer Price Index (CPI) data for rents and utilities or HUD regional rent change factors developed from RDD surveys. Annual average CPI contract rent and residential utility cost data are available individually for 96 metropolitan FMR areas and for the four Census Regions. RDD regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD regions. The utility component of RDD surveys is updated using CPI regional utility cost change factors. The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

Utility Costs

HUD's standard methodology for incorporating changes in utility costs into FMRs relies on the most current CPI data on annual changes in residential utility costs. Annual rather than point-to-point monthly comparisons (e.g., July 1999 to July 2000) are used because monthly utility price indices are volatile and often not reflective of the annualized cost of utilities. The annual cost indices take into account changes in prices and consumption patterns over the course of a year.

In developing the proposed FMRs for FY 2002, HUD has determined that the standard methodology does not adequately capture the unusual increases in natural gas prices that occurred at the end of calendar year 2000. (The standard methodology does capture increases in fuel oil prices, however.) The standard FMR methodology captures a 17 percent increase in natural gas prices from 1999 to 2000, but December 1999 to December 2000 prices increased by an average of 37 percent and Department of Energy projections for 2002 are very similar to the December 2000 prices. For purposes of estimating FY 2002 FMRs, the Department has therefore modified the natural gas inflation component to use December-to-December costs when available, and to use second half to second half of the year figures for CPI areas where December 2000 data were not available. This is a one-time change made to respond to unusual circumstances; HUD expects to return to the standard methodology next year.

The impact of this change is modest for most areas for three reasons. First, the change accounts for increases in the price of natural gas per unit of consumption, but not for increases in consumption associated with the unusually cold winter of 2000–2001. Second, on a national level, natural gas comprises only 27 percent of utility costs, and utility costs typically average 8–15 percent of total rent costs in metropolitan areas. This means, for instance, that a 50 percent increase in natural gas prices only increases FMRs by a little over 1 percent in the typical metropolitan area. Finally, since FMRs reflect monthly housing costs, the increase in FMRs due to this methodological change is spread across the course of an entire year rather than

just the December-February heating season. The impact of this change would appear to be more substantial if it were aggregated over a three or four month heating season, rather than the entire year.

State Minimum FMRs

FMRs are established at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties, subject to a ceiling rent cap. These State minimums have the effect of increasing FMRs for a number of nonmetropolitan areas plus a small number of metropolitan areas.

Bedroom Size Adjustments

FMRs have been calculated separately for each bedroom size category. For areas whose FMRs are based on the State minimums, the rents for each bedroom size are the higher of the rent for the area or the Statewide average of nonmetropolitan counties for that bedroom size. For all other FMR areas, the bedroom intervals are based on 1990 Census rent relationships for the specific area.

Exceptions have been made for some areas with local bedroom size rent intervals below an acceptable range. For those areas the intervals selected were the minimums determined after outliers had been excluded from the distribution of bedroom intervals for all metropolitan areas. Higher ratios continue to be used for three-bedroom and larger size units than would result from using the actual market relationships. This is done to assist the largest, most difficult to house families in finding program-eligible units.

The FMRs for unit sizes larger than 4 bedroom are calculated by adding 15 percent to the 4 bedroom FMR for each extra bedroom. For example, the FMR for a 5 bedroom unit is 1.15 times the 4 bedroom FMR, and the FMR for a 6 bedroom unit is 1.30 times the 4 bedroom FMR. FMRs for single room occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

Random Digit Dialing (RDD) Rent Surveys

RDD surveys are used to obtain statistically-reliable FMR estimates for selected FMR areas. This telephone survey technique involves drawing random samples of renter units occupied by recent movers. RDD surveys exclude public housing units, other assisted units for which the market rent cannot be determined, units built in the past two years, seasonal units, non-cash rental units, and those owned by relatives. A HUD analysis has shown that the slight downward RDD survey bias caused by including some rental units that are in substandard condition is almost exactly offset by the slight upward bias that results from surveying only units with telephones.

Approximately 12,000–15,000 telephone numbers need to be contacted to achieve the target survey sample level of 200 eligible recent mover responses. RDD surveys have a high degree of statistical accuracy; there is a 95 percent likelihood that the recent mover rent estimates developed using this approach are within 3 to 4 percent of the actual rent value. Virtually all of the estimates are within 5 percent of the actual value.

Today's notice includes proposed FMR revisions based on RDD surveys conducted in early 2001 for the following areas:

Proposed FMR increases above normal update factor:
- Cleveland County, NC
- Jackson County, NC
- Knox County, IN
- Louisville, KY
- Minneapolis-St. Paul, MN
- Muncie, IN
- Payne County, OK
- Phoenix, AZ
- Polk County, NC
- Rutherford County, NC
- San Diego, CA
- San Francisco, CA
- San Luis Obispo-Atascadero-Paso Robles, CA
- St. Louis, MO–IL
- St. Mary's County, MD
- Stockton-Lodi, CA
- Vallejo-Fairfield-Napa, CA

Proposed FMR decreases:
- Dallas, TX
- Detroit, MI
- Hartford, CT
- Newark, NJ

Survey Supports Increasing FMRs by normal update factor:
- Chicago, IL
- Greensboro-Winston-Salem-High Point, NC
- McDowell County, NC
- Milwaukee, WI
- Philadelphia, PA–NJ
- Riverside-San Bernadino, CA
- San Jose, CA

Manufactured Home Space FMRs

In the tenant-based voucher program, a family that owns a manufactured home may receive assistance for the rental of a manufactured home space. The FMRs used to calculate the housing assistance payment for rental of a manufactured home space are generally 40 percent of the applicable Section 8 existing housing FMRs for two-bedroom units. Cost of utilities is now included in the manufactured home space rent (see 24 CFR 888.113(e)).

HUD will consider modifications of manufactured home space FMRs where public comment demonstrates that the 40 percent FMRs are not adequate. In order to be accepted as a basis for revising the manufactured home space FMRs, comments must contain statistically valid survey data that show the 40th percentile space rent for the entire FMR area.

The published manufactured home space FMRs are updated annually using the same data used to update the other FMRs.

Request for Comments

HUD seeks public comments on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the rental housing survey methodology used) to justify any proposed changes. Changes may be proposed in all or any one or more of the bedroom-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

HUD recommends the use of professionally-conducted Random Digit Dialing (RDD) telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of $12,000–$15,000. Areas with 500 or more program units usually meet this cost criterion, and areas with fewer units may meet it if actual two-bedroom rents are significantly different from the FMRs proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of $5,000 or less.

PHAs in nonmetropolitan areas may, in certain circumstances, do surveys of groups of counties. All grouped county surveys must be approved in advance by HUD. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that counties whose FMRs are based on the State minimum will not have their FMRs revised unless the grouped survey results show a revised FMR above the State minimum level.

PHAs that plan to use the RDD survey technique should obtain a copy of the appropriate survey guide. Larger PHAs should request HUD's survey guide entitled ''Random Digit Dialing Surveys;

A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments.'' Smaller PHAs should obtain a guide entitled ''Rental Housing Surveys; A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments.'' These guides are available from HUD USER on 1–800–245–2691, or from HUD's Worldwide Web site, in Microsoft Word or Adobe Acrobat format, at the following address: http://www.huduser.org/datasets/fmr.html.

HUD prefers, but does not mandate, the use of RDD telephone surveys, or the more traditional method described in the survey guide intended for small PHAs along with the simplified RDD methodology. Other survey methodologies are acceptable as long as the surveys submitted provide statistically reliable, unbiased estimates of the gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn so as to be statistically representative of the entire rental housing stock of the FMR area. In particular, surveys must include units of all rent levels and be representative by structure type (including single-family, duplex and other small rental properties), age of housing unit, and geographic location. The decennial Census should be used as a starting point and means to verify whether the sample is representative of the FMR area's rental housing stock.

Local rental housing surveys conducted with alternative methods must include the following documentation:

—Identification of the 40th percentile or 50th gross rent (gross rent is rent including the cost of utilities) and the actual distribution (or distributions, if more than one bedroom size is surveyed) of the surveyed units, rank-ordered by gross rent.
—An explanation of how the rental housing sample was drawn and a copy of the survey questionnaire, transmittal letter, and any publicity materials.
—An explanation of how the contract rents of the individual units surveyed were converted to gross rents. (For RDD-type surveys, HUD requires use of the Section 8 utility allowance schedule.)
—An explanation of how the survey excluded units built within two years prior to the survey date.
—The date the rent data were collected so that HUD can apply a trending factor to update the estimate to the midpoint of the applicable fiscal year. If the survey has already been trended to this date, the date the survey was conducted and a description of the trending factor used.
—Copies of all survey sheets.

Since FMRs are based on standard quality units and units occupied by recent movers, both of which are difficult to identify and survey, HUD will accept surveys of all rental units and apply appropriate adjustments.

Most surveys cover only one- and two-bedroom units, in which case HUD will make the adjustments for other size units consistent with the differentials established on the basis of the 1990 Census data for the FMR area. When three- and four-bedroom units are surveyed separately to determine FMRs for these unit size categories, the commenter should multiply the 40th percentile survey rents by 1.087 and 1.077, respectively, to determine the FMRs. The use of these factors will produce the same upward adjustments in the rent differentials as those used in the HUD methodology.

Accordingly, the Fair Market Rent Schedules, which will be codified in 24 CFR part 888, are proposed to be amended as follows:

Dated: May 2, 2001.

Mel Martinez,

Secretary.

Fair Market Rents for the Housing Choice Voucher Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. *Metropolitan Areas.*—FMRs are housing market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition. The FMRs shown in Schedule B are determined for the same areas as the Office of Management and Budget's (OMB) most current definitions of metropolitan areas, with the exceptions discussed in paragraph b. HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions.

b. *Exceptions to OMB Definitions.*—The exceptions are counties deleted from several large metropolitan areas whose revised OMB metropolitan area definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the ''Metropolitan FMR Areas'' listing:

Metropolitan Area and Counties Deleted

Chicago, IL: DeKalb, Grundy and Kendall Counties
Cincinnati-Hamilton, OH–KY–IN: Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana
Dallas, TX: Henderson County
Flagstaff, AZ–UT: Kane County, UT
New Orleans, LA: St. James Parish
Washington, DC–MD–VA–WV: Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren counties in Virginia

c. *Nonmetropolitan Area FMRs.*—FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states, and for FMR areas in Puerto Rico, the Virgin Islands, and the Pacific Islands. Nonmetropolitan area FMRs are set at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties. (The State minimum also affects a small number of metropolitan areas whose rents would otherwise fall below the State minimum.)

d. *Virginia Independent Cities.*—FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan county. The complete definitions of these areas including the independent cities are as follows:

Virginia Nonmetropolitan County FMR Area and Independent Cities Included

County/Cities
Alleghany: Clifton Forge and Covington
Augusta: Staunton and Waynesboro
Carroll: Galax
Frederick: Winchester
Greensville: Emporia
Henry: Martinsville
Montgomery: Radford
Rockbridge: Buena Vista and Lexington
Rockingham: Harrisonburg
Southhampton: Franklin
Wise: Norton

2. Bedroom Size Adjustments

Schedule B shows the FMRs for 0-bedroom through 4-bedroom units. The FMRs for unit sizes larger than 4

bedrooms are calculated by adding 15 percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4 bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

3. FMRs for Manufactured Home Spaces

FMRs for manufactured home spaces in the housing choice voucher program are 40 percent of the two-bedroom existing housing program FMRs, with the exception of the areas listed in Schedule D whose manufactured home space FMRs have been modified on the basis of public comments. Once approved, the revised manufactured home space FMRs establish new base-year estimates that are updated annually using the same data used to estimate the existing housing FMRs. The FMR area definitions used for the rental of manufactured home spaces in the housing choice voucher program are the same as the area definitions used for other FMRs.

4. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 1

A L A B A M A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston, AL MSA	271	321	401	560	634	Calhoun
Aurburn-Opelika, Al MSA	270	378	485	630	796	Lee
Birmingham, AL MSA	414	467	543	738	817	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA	366	407	489	638	693	Russell
Decatur, AL MSA	360	364	458	594	710	Lawrence, Morgan
Dothan, AL MSA	326	333	415	570	578	Dale, Houston
Florence, AL MSA	306	351	451	563	631	Colbert, Lauderdale
Gadsden, AL MSA	271	331	383	497	611	Etowah
Huntsville, AL MSA	378	442	545	726	865	Limestone, Madison
Mobile, AL MSA	396	442	507	683	802	Baldwin, Mobile
Montgomery, AL MSA	414	441	522	711	856	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	357	382	507	698	738	Tuscaloosa

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	253	302	359	466	535
Bullock	253	302	359	466	535
Chambers	253	302	359	466	536
Chilton	263	302	359	466	535
Clarke	253	302	359	466	535
Cleburne	253	302	359	466	535
Conecuh	253	302	359	466	535
Covington	253	302	359	466	535
Cullman	253	302	359	478	581
Dekalb	253	302	359	466	535
Fayette	253	302	359	466	535
Geneva	253	302	359	466	535
Hale	253	302	359	466	535
Jackson	274	302	359	466	572
Lowndes	253	302	359	466	535
Marengo	253	302	359	466	535
Marshall	291	302	367	508	601
Perry	253	302	359	466	535
Pike	304	353	422	547	637
Sumter	253	302	359	466	535
Tallapoosa	254	302	359	466	535
Washington	253	302	359	466	535
Winston	253	302	359	466	535

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bibb	253	302	359	485	582
Butler	253	302	359	466	535
Cherokee	253	302	359	466	535
Choctaw	253	302	359	466	535
Clay	253	302	359	466	535
Coffee	253	356	463	644	723
Coosa	253	302	359	466	535
Crenshaw	253	302	359	466	535
Dallas	253	302	359	466	535
Escambia	253	302	359	466	535
Franklin	253	302	359	466	535
Greene	253	302	359	466	535
Henry	253	302	359	466	535
Lamar	253	302	359	466	535
Macon	277	311	415	519	582
Marion	253	302	359	466	535
Monroe	253	302	359	466	535
Pickens	253	302	359	466	535
Randolph	253	302	359	466	535
Talladega	253	302	359	466	535
Walker	253	313	369	477	606
Wilcox	253	302	359	466	535

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

A L A S K A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK MSA	519	613	812	1130	1334	Anchorage

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aleutian East	538	606	685	854	1118	Aleutian West	461	522	584	733	821
Bethel	695	869	1101	1379	1543	Bristol Bay	558	644	723	1006	1094
Dillingham	671	683	908	1136	1272	Fairbanks North Star	423	576	756	1040	1226
Haines	501	620	706	960	989	Juneau	748	864	1100	1464	1521
Kenai Peninsula	455	580	699	971	1147	Ketchikan Gateway	549	672	900	1253	1318
Kodiak Island	715	786	1022	1277	1656	Lake & Peninsula	429	696	782	976	1096
Matanuska-Susitna	481	651	732	994	1175	Nome	707	875	983	1368	1544
North Slope	804	823	1018	1414	1648	Northwest Arctic	851	957	1074	1495	1764
Pr.Wales-Outer Ketchikan	375	597	687	952	1007	Sitka	591	703	788	1098	1296
Skagway-Yakutat-Angoon	459	467	605	758	851	Southeast Fairbanks	471	495	597	747	838
Valdez-Cordova	562	689	765	976	1163	Wade Hampton	402	605	683	853	955
Wrangell-Petersburg	409	603	733	934	1026	Yukon-Koyukuk	536	604	682	852	986

A R I Z O N A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ	453	490	636	853	1025	Coconino
*Las Vegas, NV-AZ MSA	554	658	783	1090	1288	Mohave
*Phoenix-Mesa, AZ MSA	500	605	760	1057	1245	Maricopa, Pinal
Tucson, AZ MSA	406	486	647	899	1060	Pima
Yuma, AZ MSA	391	453	603	838	844	Yuma

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Apache	376	396	503	656	780	Cochise	376	396	503	656	780
Gila	376	396	503	656	780	Graham	376	396	503	656	780
Greenlee	376	396	503	656	780	La Paz	376	396	503	656	780
Navajo	376	396	503	656	780	Santa Cruz	376	416	517	656	780
Yavapai	400	416	557	776	854						

A R K A N S A S

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR MSA	321	403	531	717	742	Benton, Washington
Fort Smith, AR-OK MSA	349	353	464	621	652	Crawford, Sebastian
Jonesboro, AR MSA	378	411	483	666	703	Craighead
Little Rock-North Little Rock, AR MSA	395	439	521	721	842	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	407	475	558	775	814	Crittenden

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 3

A R K A N S A S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Pine Bluff, AR MSA	302	359	472	595	772	Jefferson
Texarkana, TX-Texarkana, AR MSA	322	393	480	633	671	Miller

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Arkansas	273	296	380	518	562
Baxter	249	317	421	542	660
Bradley	249	296	380	503	562
Carroll	293	320	380	503	601
Clark	273	296	385	503	607
Cleburne	283	296	380	503	569
Columbia	249	296	380	503	562
Cross	259	327	380	510	602
Desha	249	296	380	503	562
Franklin	261	296	380	503	562
Garland	249	317	424	592	700
Greene	267	296	380	503	562
Hot Spring	249	296	380	503	562
Independence	262	303	380	503	562
Jackson	258	296	380	503	562
Lafayette	261	296	380	503	562
Lee	274	296	380	503	562
Little River	249	296	386	535	631
Madison	285	296	386	503	562
Mississippi	284	308	412	543	609
Montgomery	249	296	380	503	562
Newton	249	296	380	503	562
Perry	249	296	380	503	562
Pike	249	296	380	503	562
Polk	249	296	380	503	562
Prairie	249	296	380	503	562
St. Francis	249	302	380	513	604
Searcy	249	296	380	503	562
Sharp	249	296	380	503	562
Union	312	329	396	532	651
White	249	296	380	519	562
Yell	259	296	380	503	562

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashley	249	296	380	503	594
Boone	295	300	398	555	655
Calhoun	249	296	380	503	562
Chicot	249	296	380	503	562
Clay	249	296	380	503	562
Cleveland	249	296	380	503	562
Conway	249	308	412	514	577
Dallas	249	296	380	503	562
Drew	249	322	431	595	606
Fulton	258	296	380	503	562
Grant	259	308	380	503	567
Hempstead	249	296	380	503	562
Howard	249	296	380	503	562
Izard	249	296	380	503	562
Johnson	249	296	380	503	562
Lawrence	249	296	380	503	562
Lincoln	269	296	386	515	562
Logan	261	296	380	503	562
Marion	249	296	380	503	562
Monroe	253	296	380	503	562
Nevada	249	296	380	519	562
Ouachita	291	296	380	523	617
Phillips	249	296	380	503	562
Poinsett	249	296	380	503	562
Pope	249	325	412	571	659
Randolph	249	296	380	503	562
Scott	249	296	380	503	562
Sevier	272	296	380	503	562
Stone	249	296	380	503	562
Van Buren	249	296	380	503	620
Woodruff	249	296	380	503	562

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

C A L I F O R N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	386	433	544	756	837	Kern
Chico-Paradise, CA MSA	353	454	604	828	990	Butte
Fresno, CA MSA	400	448	535	745	859	Fresno, Madera
Los Angeles-Long Beach, CA PMSA	543	650	823	1110	1325	Los Angeles
Merced, CA MSA	421	475	576	797	940	Merced
Modesto, CA MSA	467	502	612	853	1006	Stanislaus
*Oakland, CA PMSA	819	991	1243	1704	2035	Alameda, Contra Costa
*Orange County, CA PMSA	812	887	1097	1527	1699	Orange
Redding, CA MSA	400	444	557	773	910	Shasta
Riverside-San Bernardino, CA PMSA	482	537	656	910	1076	Riverside, San Bernardino
*Sacramento, CA PMSA	503	566	709	983	1159	El Dorado, Placer, Sacramento
Salinas, CA MSA	567	663	800	1111	1166	Monterey
*San Diego, CA MSA	708	809	1012	1408	1660	San Diego
San Francisco, CA PMSA	1067	1382	1747	2396	2536	Marin, San Francisco, San Mateo
*San Jose, CA PMSA	1131	1289	1592	2182	2451	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA MSA	584	659	836	1162	1372	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	660	732	928	1293	1460	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	739	880	1175	1634	1914	Santa Cruz
Santa Rosa, CA PMSA	694	787	1020	1418	1673	Sonoma
Stockton-Lodi, CA MSA	475	537	690	960	1132	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	704	800	975	1354	1598	Napa, Solano
*Ventura, CA PMSA	706	812	1027	1366	1592	Ventura
Visalia-Tulare-Porterville, CA MSA	391	416	542	756	863	Tulare
Yolo, CA PMSA	504	575	712	986	1165	Yolo
Yuba City, CA MSA	348	407	522	728	842	Sutter, Yuba

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alpine	319	479	542	753	811
Calaveras	385	447	595	829	976
Del Norte	327	448	595	830	978
Humboldt	330	457	598	835	987
Inyo	331	447	573	752	811
Lake	360	458	611	770	1002
Mariposa	345	439	564	739	871
Modoc	349	391	503	701	811
Nevada	400	547	729	1013	1173
San Benito	550	647	810	1129	1320
Siskiyou	335	391	503	701	811
Trinity	359	391	503	701	811

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Amador	441	485	648	903	1006
Colusa	349	391	503	701	811
Glenn	319	391	503	701	811
Imperial	361	451	555	774	811
Kings	370	431	538	748	880
Lassen	391	396	514	701	811
Mendocino	442	533	653	910	916
Mono	487	584	777	1081	1278
Plumas	352	391	503	701	811
Sierra	319	429	528	733	865
Tehama	334	391	503	701	811
Tuolumne	353	482	643	896	1055

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 5

C O L O R A D O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder-Longmont, CO PMSA	592	708	909	1266	1492	Boulder
Colorado Springs, CO MSA	467	502	668	931	1100	El Paso
*Denver, CO PMSA	561	671	893	1238	1462	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	462	570	703	978	1154	Larimer
Grand Junction, CO MSA	424	441	551	743	885	Mesa
Greeley, CO PMSA	496	548	690	957	1132	Weld
Pueblo, CO MSA	447	464	579	780	930	Pueblo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alamosa	401	417	520	702	837
Baca	401	417	520	702	837
Chaffee	401	417	520	702	837
Clear Creek	401	468	529	737	869
Costilla	401	417	520	702	837
Custer	401	417	520	702	837
Dolores	401	417	520	702	837
Elbert	444	491	562	702	921
Garfield	466	499	631	789	1033
Grand	477	481	609	762	923
Hinsdale	401	425	520	702	837
Jackson	401	417	520	702	837
Kit Carson	401	417	520	702	837
La Plata	524	580	764	1065	1256
Lincoln	401	417	520	702	837
Mineral	401	417	520	702	837
Montezuma	401	417	520	702	837
Morgan	401	417	520	702	837
Ouray	401	417	526	702	852
Phillips	401	417	520	702	837
Prowers	401	417	520	702	837
Rio Grande	401	417	520	702	837
Saguache	401	417	520	702	837
San Miguel	738	1067	1173	1464	1890
Summit	517	619	794	1104	1359
Washington	401	417	520	702	837

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Archuleta	480	525	621	839	997
Bent	401	417	520	702	837
Cheyenne	401	417	520	702	837
Conejos	401	417	520	702	837
Crowley	401	417	520	702	837
Delta	401	417	520	702	837
Eagle	540	588	785	1092	1287
Fremont	401	417	520	702	837
Gilpin	401	534	678	895	990
Gunnison	401	417	520	702	837
Huerfano	401	417	520	702	837
Kiowa	401	417	520	702	837
Lake	401	417	520	702	837
Las Animas	401	429	520	702	837
Logan	401	417	520	702	837
Moffat	401	417	520	702	837
Montrose	401	417	526	730	860
Otero	401	417	520	702	837
Park	401	445	579	803	914
Pitkin	602	824	1098	1448	1646
Rio Blanco	401	417	520	702	837
Routt	401	485	641	891	1051
San Juan	401	417	520	702	837
Sedgwick	401	417	520	702	837
Teller	401	476	634	881	889
Yuma	401	417	520	702	837

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 6

C O N N E C T I C U T

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT PMSA	499	649	782	978	1219	Fairfield county towns of Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town Stratford town, Trumbull town New Haven county towns of Ansonia town, Beacon Falls town Derby town, Milford town, Oxford town, Seymour town
Danbury, CT PMSA	674	806	1007	1329	1533	Fairfield county towns of Bethel town, Brookfield town Danbury town, New Fairfield town, Newtown town Redding town, Ridgefield town, Sherman town Litchfield county towns of Bridgewater town New Milford town, Roxbury town, Washington town
Hartford, CT MSA	465	579	741	930	1128	Hartford county towns of Avon town, Berlin town Bloomfield town, Bristol town, Burlington town Canton town, East Granby town, East Hartford town East Windsor town, Enfield town, Farmington town Glastonbury town, Granby town, Hartford town Manchester town, Marlborough town, New Britain town Newington town, Plainville town, Rocky Hill town Simsbury town, Southington town, South Windsor town Suffield town, West Hartford town, Wethersfield town Windsor town, Windsor Locks town Litchfield county towns of Barkhamsted town Harwinton town, New Hartford town, Plymouth town Winchester town Middlesex county towns of Cromwell town, Durham town East Haddam town, East Hampton town, Haddam town Middlefield town, Middletown town, Portland town New London county towns of Colchester town, Lebanon town Tolland county towns of Andover town, Bolton town Columbia town, Coventry town, Ellington town Hebron town, Mansfield town, Somers town, Stafford town Tolland town, Vernon town, Willington town Windham county towns of Ashford town, Chaplin town Windham town
New Haven-Meriden, CT PMSA	575	706	873	1118	1296	Middlesex county towns of Clinton town, Killingworth town New Haven county towns of Bethany town, Branford town Cheshire town, East Haven town, Guilford town Hamden town, Madison town, Meriden town, New Haven town North Branford tow, North Haven town, Orange town Wallingford town, West Haven town, Woodbridge town
New London-Norwich, CT-RI MSA	518	627	764	955	1092	Middlesex county towns of Old Saybrook town New London county towns of Bozrah town, East Lyme town Franklin town, Griswold town, Groton town, Ledyard town Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town Preston town, Salem town, Sprague town, Stonington town Waterford town Windham county towns of Canterbury town, Plainfield town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

C O N N E C T I C U T continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA	970	1135	1384	1855	2049	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT PMSA	490	660	819	1020	1144	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT PMSA	485	587	732	914	1024	Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford	381	617	697	968	1141	Hartland town
Litchfield	444	605	806	1006	1145	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Middlesex	657	745	994	1384	1632	Chester town, Deep River town, Essex town Westbrook town
New London	557	682	775	1000	1268	Lyme town, Voluntown town
Tolland	381	617	697	968	975	Union town
Windham	439	537	697	873	1094	Brooklyn town, Eastford town, Hampton town Killingly town, Pomfret town, Putnam town, Scotland town Sterling town, Woodstock town

D E L A W A R E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	511	565	644	835	950	Kent
Wilmington-Newark, DE-MD PMSA	472	623	727	986	1192	New Castle

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sussex	449	477	609	800	854

D I S T . O F C O L U M B I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Washington, DC-MD-VA	707	804	943	1285	1550	District of Columbia

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

F L O R I D A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Daytona Beach, FL MSA	407	477	610	810	860	Flagler, Volusia
*Fort Lauderdale, FL PMSA	526	619	767	1067	1254	Broward
Fort Myers-Cape Coral, FL MSA	437	504	608	850	886	Lee
Fort Pierce-Port Lucie, FL MSA	487	534	691	899	969	Martin, St. Lucie
Fort Walton Beach, FL MSA	425	464	527	714	842	Okaloosa
Gainesville, FL MSA	425	464	564	773	913	Alachua
Jacksonville, FL MSA	487	545	657	867	965	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	407	446	504	625	682	Polk
Melbourne-Titusville-Palm Bay, FL MSA	407	476	596	797	929	Brevard
*Miami, FL PMSA	498	626	781	1072	1243	Dade
Naples, FL MSA	454	640	771	1071	1194	Collier
Ocala, FL MSA	425	464	527	691	811	Marion
Orlando, FL MSA	528	599	714	937	1144	Lake, Orange, Osceola, Seminole
Panama City, FL MSA	425	464	527	672	720	Bay
Pensacola, FL MSA	425	464	527	704	829	Escambia, Santa Rosa
Punta Gorda, FL MSA	425	488	649	900	1062	Charlotte
Sarasota-Bradenton, FL MSA	426	541	688	885	963	Manatee, Sarasota
Tallahassee, FL MSA	434	482	634	828	998	Gadsden, Leon
*Tampa-St. Petersburg-Clearwater, FL MSA	484	576	713	948	1148	Hernando, Hillsborough, Pasco, Pinellas
*West Palm Beach-Boca Raton, FL MSA	554	646	800	1062	1315	Palm Beach

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	399	436	494	613	665
Calhoun	399	436	494	613	665
Columbia	399	436	494	613	665
Dixie	399	436	494	613	665
Gilchrist	399	436	494	613	665
Gulf	399	436	494	613	665
Hardee	399	436	494	613	665
Highlands	399	436	494	615	687
Indian River	399	499	641	802	898
Jefferson	399	436	494	613	665
Levy	399	436	494	613	665
Madison	399	436	494	613	665
Okeechobee	399	436	494	613	671
Sumter	399	436	494	613	665
Taylor	399	436	494	613	666
Wakulla	399	436	494	613	665
Washington	399	436	494	613	665

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bradford	399	436	494	613	665
Citrus	399	436	494	613	665
Desoto	399	436	494	613	665
Franklin	399	436	494	613	665
Glades	399	436	494	613	665
Hamilton	399	436	494	613	665
Hendry	399	436	508	637	714
Holmes	399	436	494	613	665
Jackson	399	436	494	613	665
Lafayette	399	436	494	613	665
Liberty	399	436	494	613	665
Monroe	571	644	828	1141	1358
Putnam	399	436	494	613	665
Suwannee	399	436	494	613	665
Union	399	436	494	613	665
Walton	399	436	494	635	794

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	317	371	453	618	670	Dougherty, Lee
Athens, GA MSA	390	421	544	743	895	Clarke, Madison, Oconee
*Atlanta, GA MSA	677	753	878	1171	1416	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett Henry, Newton, Paulding, Pickens, Rockdale, Spalding Walton
Augusta-Aiken, GA-SC MSA	400	478	564	766	906	Columbia, Mcduffie, Richmond
Chattanooga, TN-GA MSA	383	447	537	694	790	Catoosa, Dade, Walker
Columbus, GA-AL MSA	366	407	489	638	693	Chattahoochee, Harris, Muscogee
Macon, GA MSA	410	456	531	732	752	Bibb, Houston, Jones, Peach, Twiggs
Savannah, GA MSA	382	474	552	744	774	Bryan, Chatham, Effingham

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Appling	290	349	427	553	629
Bacon	290	349	427	553	629
Baldwin	290	371	453	580	633
Ben Hill	290	349	427	553	637
Bleckley	290	349	427	553	629
Brooks	290	349	427	553	629
Burke	290	349	427	553	629
Calhoun	290	349	427	553	629
Candler	290	349	427	553	629
Chattooga	290	349	427	553	629
Clinch	290	349	427	553	629
Colquitt	290	349	427	553	629
Crawford	290	349	427	553	629
Dawson	290	378	502	628	774
Dodge	290	349	427	553	629
Early	290	349	427	553	629
Elbert	290	349	427	553	629
Evans	290	349	427	553	629
Floyd	290	349	428	564	629
Gilmer	290	349	427	553	629
Glynn	404	453	512	688	843
Grady	296	349	427	553	629
Habersham	311	349	427	553	634
Hancock	290	349	427	553	629
Hart	290	349	427	553	629
Irwin	290	349	427	553	629
Jasper	290	349	432	587	629
Jefferson	290	349	427	553	637

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Atkinson	290	349	427	553	629
Baker	290	349	427	553	629
Banks	290	349	427	553	629
Berrien	290	349	427	553	629
Brantley	290	349	427	553	629
Bulloch	349	354	456	587	745
Butts	290	384	509	681	714
Camden	405	459	513	714	844
Charlton	290	349	427	553	629
Clay	290	349	427	553	629
Coffee	290	349	427	553	637
Cook	290	349	427	553	629
Crisp	293	349	427	553	629
Decatur	290	349	427	553	629
Dooly	290	349	427	553	629
Echols	290	349	427	553	629
Emanuel	290	349	427	553	629
Fannin	290	349	427	553	629
Franklin	290	349	427	553	629
Glascock	290	349	427	553	629
Gordon	344	349	435	561	717
Greene	290	349	427	553	629
Hall	307	466	548	687	766
Haralson	290	349	427	553	629
Heard	290	349	427	553	629
Jackson	322	349	438	553	721
Jeff Davis	290	349	427	553	629
Jenkins	290	349	427	553	629

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Johnson	290	349	427	553	629
Lanier	290	349	427	553	629
Liberty	360	402	458	636	641
Long	290	378	427	553	629
Lumpkin	290	391	439	588	721
Macon	290	349	427	553	629
Meriwether	290	349	427	553	629
Mitchell	290	349	427	553	629
Montgomery	290	349	427	553	629
Murray	290	349	427	553	629
Pierce	290	349	427	553	629
Polk	290	349	427	578	629
Putnam	290	349	427	553	637
Rabun	290	349	427	553	629
Schley	290	349	427	553	629
Seminole	290	349	427	553	629
Stewart	290	349	427	553	629
Talbot	290	349	427	553	629
Tattnall	290	349	427	553	629
Telfair	290	349	427	553	629
Thomas	290	359	427	553	629
Toombs	290	349	427	553	629
Treutlen	290	349	427	553	629
Turner	290	349	427	553	629
Upson	300	349	427	553	629
Warren	290	349	427	553	629
Wayne	300	349	427	553	629
Wheeler	290	349	427	553	629
Whitfield	290	381	458	585	690
Wilkes	290	349	427	553	629
Worth	290	349	427	553	629

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Lamar	290	358	427	553	676
Laurens	297	349	427	553	629
Lincoln	290	349	427	553	629
Lowndes	324	393	475	666	737
Mcintosh	290	349	427	553	629
Marion	290	349	427	553	629
Miller	290	349	427	553	629
Monroe	290	349	427	562	629
Morgan	290	349	442	553	629
Oglethorpe	290	349	427	553	629
Pike	337	364	462	643	648
Pulaski	290	349	427	553	629
Quitman	290	349	427	553	629
Randolph	290	349	427	553	629
Screven	290	349	427	553	629
Stephens	290	349	427	553	629
Sumter	290	354	427	553	629
Taliaferro	290	349	427	553	629
Taylor	290	349	427	553	629
Terrell	290	349	427	553	629
Tift	290	349	427	553	629
Towns	290	349	427	553	629
Troup	290	395	444	555	629
Union	290	349	445	558	629
Ware	320	359	427	553	664
Washington	290	349	427	553	629
Webster	290	349	427	553	629
White	290	349	427	553	643
Wilcox	290	349	427	553	629
Wilkinson	290	349	427	553	629

H A W A I I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	596	714	840	1135	1227	Honolulu

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

H A W A I I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hawaii	464	605	696	924	1138
Maui	749	929	1133	1464	1658
Kauai	592	885	1077	1426	1542

I D A H O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City, ID MSA	405	461	561	779	921	Ada, Canyon
Pocatello, ID MSA	291	337	433	589	697	Bannock

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	289	335	432	572	678
Benewah	289	335	432	572	678
Blaine	447	492	655	913	1075
Bonner	332	411	509	705	812
Boundary	289	335	432	572	678
Camas	289	335	432	572	678
Cassia	289	335	432	572	678
Clearwater	289	335	432	572	678
Elmore	289	335	432	572	678
Fremont	289	335	432	572	678
Gooding	289	335	432	572	678
Jefferson	297	335	432	572	678
Kootenai	367	432	565	786	930
Lemhi	289	335	432	572	678
Lincoln	289	335	432	572	678
Minidoka	289	335	432	572	678
Oneida	290	335	432	572	678
Payette	289	335	432	572	678
Shoshone	289	335	432	572	678
Twin Falls	289	335	437	576	678
Washington	289	335	432	572	678
Bear Lake	289	335	432	572	678
Bingham	307	335	432	572	678
Boise	289	372	432	572	678
Bonneville	294	370	509	685	835
Butte	289	335	432	572	678
Caribou	289	335	432	572	678
Clark	289	335	432	572	678
Custer	289	335	432	572	678
Franklin	289	335	432	572	678
Gem	289	335	432	572	678
Idaho	289	335	432	572	678
Jerome	289	335	432	572	678
Latah	289	335	432	572	687
Lewis	289	335	432	572	678
Madison	289	335	432	572	678
Nez Perce	294	335	432	572	678
Owyhee	289	335	432	572	678
Power	289	335	432	572	678
Teton	315	335	432	584	692
Valley	300	335	432	572	678

I L L I N O I S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	358	436	584	812	857	Mclean
Champaign-Urbana, IL MSA	394	483	626	858	1028	Champaign
*Chicago, IL	623	747	891	1114	1247	Cook, Dupage, Kane, Lake, Mchenry, Will
Davenport-Moline-Rock Island, IA-IL MSA	293	405	502	648	703	Henry, Rock Island

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Decatur, IL MSA	285	369	475	641	664	Macon
De Kalb County, IL	480	559	708	984	1139	Dekalb
Grundy County, IL	420	486	645	851	906	Grundy
Kankakee, IL PMSA	383	463	616	788	865	Kankakee
Kendall County, Il	579	660	795	1107	1113	Kendall
Peoria-Pekin, IL MSA	397	437	586	781	959	Peoria, Tazewell, Woodford
Rockford, IL MSA	381	487	594	746	870	Boone, Ogle, Winnebago
*St. Louis, MO-IL MSA	396	482	625	814	899	Clinton, Jersey, Madison, Monroe, St. Clair
Springfield, IL MSA	328	406	542	721	820	Menard, Sangamon

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	274	307	395	519	630	Alexander	274	307	395	519	582
Bond	274	307	395	519	582	Brown	274	307	395	519	582
Bureau	274	345	405	519	582	Calhoun	274	307	395	519	582
Carroll	274	307	395	519	582	Cass	275	307	395	519	582
Christian	294	307	397	521	582	Clark	274	307	395	519	582
Clay	274	307	395	519	582	Coles	289	344	458	608	719
Crawford	274	307	395	519	582	Cumberland	274	307	395	519	582
De Witt	278	307	395	523	582	Douglas	292	307	395	519	582
Edgar	274	307	395	519	582	Edwards	274	307	395	519	582
Effingham	274	316	395	519	582	Fayette	274	307	395	519	582
Ford	260	366	475	611	667	Franklin	274	307	395	519	582
Fulton	282	315	407	534	600	Gallatin	274	307	395	519	582
Greene	274	307	395	519	582	Hamilton	274	308	395	519	582
Hancock	274	307	395	519	582	Hardin	274	307	395	519	582
Henderson	274	307	395	519	582	Iroquois	274	307	395	519	582
Jackson	332	333	421	597	668	Jasper	274	309	395	519	582
Jefferson	275	322	403	549	582	Jo Daviess	303	328	395	519	582
Johnson	274	307	395	519	582	Knox	274	307	395	519	602
La Salle	332	389	519	701	786	Lawrence	274	307	395	519	582
Lee	305	313	420	524	589	Livingston	274	337	450	580	633
Logan	306	326	434	543	680	Mcdonough	274	312	395	519	624
Macoupin	274	307	395	519	582	Marion	279	307	395	519	582
Marshall	274	307	395	519	582	Mason	274	307	395	519	590
Massac	275	307	395	519	582	Mercer	274	307	395	519	582
Montgomery	274	307	395	519	582	Morgan	274	347	461	615	647
Moultrie	274	307	395	533	582	Perry	275	307	395	519	582
Piatt	274	333	433	590	606	Pike	274	307	395	519	582
Pope	274	307	395	519	582	Pulaski	274	307	395	519	582
Putnam	274	307	395	519	582	Randolph	274	307	395	519	582

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 13

I L L I N O I S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Richland	274	307	395	519	582
Schuyler	274	307	395	519	582
Shelby	274	307	395	519	582
Stephenson	289	331	419	523	587
Vermilion	274	349	436	545	611
Warren	289	307	395	519	582
Wayne	274	307	395	519	582
Whiteside	289	329	438	548	618

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Saline	274	307	395	519	582
Scott	274	307	395	519	582
Stark	274	307	395	519	582
Union	274	307	395	519	582
Wabash	274	307	395	519	616
Washington	274	328	437	547	710
White	274	307	395	519	582
Williamson	274	307	397	552	582

I N D I A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington, IN MSA	389	503	669	931	1099	Monroe
Cincinnati, OH-KY-IN	335	430	576	772	834	Dearborn
Elkhart-Goshen, IN MSA	393	448	566	724	831	Elkhart
Evansville-Henderson, IN-KY MSA	336	400	520	649	727	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	336	428	533	687	745	Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA	427	561	700	879	982	Lake, Porter
Indianapolis, IN MSA	384	481	578	724	812	Boone, Hamilton, Hancock, Hendricks, Johnson, Madison Marion, Morgan, Shelby
Kokomo, IN MSA	362	427	557	717	781	Howard, Tipton
Lafayette, IN MSA	366	465	619	861	1018	Clinton, Tippecanoe
Louisville, KY-IN MSA	358	460	565	779	821	Clark, Floyd, Harrison, Scott
Muncie, IN MSA	374	466	553	749	884	Delaware
Ohio County, IN	312	351	449	579	637	Ohio
South Bend, IN MSA	337	449	589	736	826	St. Joseph
Terre Haute, IN MSA	304	356	454	566	632	Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bartholomew	420	451	545	680	896
Blackford	295	333	439	549	616
Carroll	295	333	426	548	603
Crawford	295	333	426	548	603
Decatur	295	361	461	597	649
Fayette	312	353	450	579	681
Franklin	295	333	426	548	674
Gibson	295	333	426	548	603
Greene	295	333	426	548	603
Jackson	363	380	469	621	667
Jay	295	333	426	548	603

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Benton	295	333	426	548	603
Brown	295	392	517	718	743
Cass	295	333	426	548	603
Daviess	295	333	426	548	603
Dubois	295	333	426	548	622
Fountain	295	333	426	548	603
Fulton	326	341	426	573	603
Grant	311	333	426	550	603
Henry	325	365	467	602	660
Jasper	295	359	426	548	603
Jefferson	295	333	426	548	603

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

I N D I A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Jennings	308	333	426	548	603
Kosciusko	295	391	472	613	662
La Porte	301	364	487	624	681
Marshall	351	356	472	594	662
Miami	295	333	426	548	603
Newton	308	333	426	548	603
Orange	295	333	426	548	603
Parke	295	333	426	548	630
Pike	295	333	426	548	603
Putnam	321	374	460	618	623
Ripley	295	333	426	556	631
Spencer	295	333	426	548	603
Steuben	362	408	488	611	681
Switzerland	295	333	426	548	603
Wabash	295	333	426	548	603
Washington	295	333	426	548	603
White	295	333	426	548	666

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Knox	322	356	462	587	647
Lagrange	301	347	442	575	669
Lawrence	295	333	426	552	603
Martin	295	333	426	548	603
Montgomery	425	447	557	708	783
Noble	341	348	433	557	618
Owen	295	333	426	548	631
Perry	295	333	426	548	603
Pulaski	295	333	426	548	603
Randolph	295	333	426	548	603
Rush	304	333	426	548	631
Starke	295	333	426	548	603
Sullivan	295	333	426	548	603
Union	295	333	426	548	603
Warren	295	333	426	548	603
Wayne	357	400	514	660	726

I O W A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cedar Rapids, IA MSA	286	404	520	723	777	Linn
Davenport-Moline-Rock Island, IA-IL MSA	293	405	502	648	703	Scott
Des Moines, IA MSA	372	470	580	752	790	Dallas, Polk, Warren
Dubuque, IA MSA	305	372	478	612	746	Dubuque
Iowa City, IA MSA	360	464	597	828	979	Johnson
Omaha, NE-IA MSA	352	481	608	797	895	Pottawattamie
Sioux City, IA-NE MSA	358	430	536	668	763	Woodbury
Waterloo-Cedar Falls, IA MSA	335	429	536	713	838	Black Hawk

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	278	343	430	547	603
Allamakee	278	343	430	553	633
Audubon	278	343	430	547	603
Boone	278	365	430	553	655
Buchanan	292	343	430	547	603
Butler	295	343	430	547	603
Carroll	278	343	430	547	603
Cedar	278	348	430	547	603
Cherokee	278	343	430	547	603

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	278	343	430	547	603
Appanoose	278	343	430	547	607
Benton	285	343	430	547	603
Bremer	278	343	430	547	641
Buena Vista	293	343	430	547	603
Calhoun	278	343	430	547	603
Cass	278	343	430	547	603
Cerro Gordo	278	364	450	600	630
Chickasaw	278	343	430	547	603

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

I O W A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clarke	285	343	430	547	603
Clayton	278	343	430	547	603
Crawford	278	343	430	547	603
Decatur	278	343	430	547	603
Des Moines	278	355	455	571	637
Emmet	278	343	430	547	637
Floyd	302	343	430	547	603
Fremont	305	343	430	547	635
Grundy	278	343	430	547	620
Hamilton	317	360	436	547	610
Hardin	278	343	430	547	603
Henry	278	352	447	559	633
Humboldt	278	343	430	547	603
Iowa	278	343	430	547	603
Jasper	278	352	446	557	625
Jones	287	343	430	547	603
Kossuth	278	343	430	547	603
Louisa	278	343	430	547	603
Lyon	278	343	430	547	603
Mahaska	278	343	430	547	603
Marshall	306	378	474	602	665
Mitchell	278	343	430	547	603
Monroe	278	362	430	547	635
Muscatine	317	393	521	693	728
Osceola	278	343	430	547	603
Palo Alto	278	343	430	547	603
Pocahontas	278	343	430	547	603
Ringgold	278	343	430	547	603
Shelby	278	343	430	547	603
Story	362	439	519	716	821
Taylor	278	343	430	547	604
Van Buren	278	343	430	547	603
Washington	278	343	430	547	635
Webster	278	343	437	550	612
Winneshiek	278	343	430	547	603
Wright	278	343	430	547	603

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clay	278	343	430	547	603
Clinton	278	343	437	547	611
Davis	278	343	430	547	603
Delaware	278	343	430	547	603
Dickinson	278	343	430	547	603
Fayette	278	343	430	547	603
Franklin	285	343	430	547	603
Greene	278	343	430	547	603
Guthrie	278	343	430	547	634
Hancock	278	343	430	547	603
Harrison	278	343	430	547	603
Howard	278	343	430	547	630
Ida	285	343	430	547	603
Jackson	278	343	434	547	607
Jefferson	278	351	467	608	768
Keokuk	278	343	430	547	603
Lee	278	343	444	556	624
Lucas	278	343	430	547	603
Madison	278	343	448	574	629
Marion	278	382	467	584	655
Mills	278	371	438	550	613
Monona	278	343	430	547	603
Montgomery	305	345	430	547	603
O'Brien	278	343	430	547	603
Page	278	343	430	547	603
Plymouth	278	343	450	562	630
Poweshiek	293	365	467	584	655
Sac	278	343	430	547	603
Sioux	278	343	430	547	603
Tama	278	343	430	547	603
Union	278	343	430	547	635
Wapello	278	343	435	547	608
Wayne	278	343	430	547	603
Winnebago	278	349	430	547	603
Worth	278	343	430	547	612

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Kansas City, MO-KS MSA	443	557	671	927	1028	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	370	443	568	791	911	Douglas
Topeka, KS MSA	347	399	520	703	792	Shawnee
*Wichita, KS MSA	362	435	582	787	851	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	283	321	412	531	591	Anderson	283	321	412	531	591
Atchison	283	321	412	531	633	Barber	283	321	412	531	591
Barton	283	321	412	531	591	Bourbon	283	321	412	531	591
Brown	283	321	412	531	591	Chase	283	321	412	531	591
Chautauqua	283	321	412	531	591	Cherokee	283	321	412	531	591
Cheyenne	283	321	412	531	591	Clark	283	321	412	531	591
Clay	283	321	412	531	591	Cloud	283	321	412	531	591
Coffey	292	321	412	531	617	Comanche	283	321	412	531	591
Cowley	302	321	412	544	591	Crawford	283	321	419	531	591
Decatur	283	321	412	531	591	Dickinson	283	321	412	531	591
Doniphan	283	321	412	531	591	Edwards	283	321	412	531	591
Elk	283	321	412	531	591	Ellis	283	321	412	531	591
Ellsworth	283	321	412	531	591	Finney	371	396	507	661	836
Ford	325	385	478	603	679	Franklin	318	334	430	551	672
Geary	348	366	457	591	640	Gove	283	321	412	531	591
Graham	283	321	412	531	591	Grant	293	372	426	583	636
Gray	283	321	412	531	591	Greeley	283	321	412	531	591
Greenwood	283	321	412	531	591	Hamilton	283	321	412	531	591
Harper	283	321	412	531	591	Haskell	283	329	412	531	591
Hodgeman	283	321	412	531	591	Jackson	283	321	412	531	591
Jefferson	283	321	419	556	591	Jewell	283	321	412	531	591
Kearny	315	321	423	570	626	Kingman	283	321	412	531	591
Kiowa	283	321	412	531	591	Labette	283	321	412	531	591
Lane	283	321	412	531	591	Lincoln	283	321	412	531	591
Linn	283	321	412	531	591	Logan	283	321	412	531	591
Lyon	283	321	412	531	630	Mcpherson	285	321	412	531	591
Marion	283	321	412	531	591	Marshall	283	321	412	531	591
Meade	283	321	412	531	591	Mitchell	283	321	412	531	591
Montgomery	283	321	412	531	591	Morris	283	321	412	531	591
Morton	283	345	412	531	591	Nemaha	283	321	412	531	591
Neosho	283	321	412	531	591	Ness	283	321	412	531	591
Norton	283	321	412	531	591	Osage	283	321	412	531	591
Osborne	283	321	412	531	592	Ottawa	283	321	412	531	591
Pawnee	283	321	412	531	591	Phillips	283	321	412	531	591

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pottawatomie	283	321	412	531	604
Rawlins	283	321	412	531	591
Republic	283	321	412	531	591
Riley	351	387	515	643	781
Rush	283	321	412	531	591
Saline	370	383	504	697	705
Seward	341	372	495	620	691
Sherman	283	321	412	531	591
Stafford	283	321	412	531	591
Stevens	283	322	412	531	607
Thomas	283	321	412	531	591
Wabaunsee	283	321	412	531	591
Washington	283	321	412	531	591
Wilson	283	321	412	531	591

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pratt	283	321	412	542	591
Reno	283	321	412	531	641
Rice	283	321	412	531	591
Rooks	283	321	412	531	591
Russell	283	321	412	531	591
Scott	283	321	412	542	623
Sheridan	283	321	412	531	591
Smith	283	321	412	531	591
Stanton	283	321	412	531	591
Sumner	283	321	412	556	591
Trego	283	321	412	531	591
Wallace	283	321	412	531	591
Wichita	283	321	423	531	659
Woodson	283	321	412	531	591

K E N T U C K Y

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cincinnati, OH-KY-IN	335	430	576	772	834	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	355	397	467	636	654	Christian
Evansville-Henderson, IN-KY MSA	336	400	520	649	727	Henderson
Gallatin County, KY	282	383	470	589	769	Gallatin
Grant County, KY	280	333	441	616	729	Grant
Huntington-Ashland, WV-KY-OH MSA	317	372	458	584	644	Boyd, Carter, Greenup
Lexington, KY MSA	360	448	548	748	845	Bourbon, Clark, Fayette, Jessamine, Madison, Scott Woodford
Louisville, KY-IN MSA	358	460	565	779	821	Bullitt, Jefferson, Oldham
Owensboro, KY MSA	314	325	427	573	600	Daviess
Pendleton County, KY	282	327	435	547	611	Pendleton

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	258	315	373	493	541
Anderson	284	301	390	486	546
Barren	258	312	373	481	541
Bell	258	301	376	481	541
Bracken	258	301	373	481	541
Breckinridge	258	301	373	481	541
Caldwell	258	301	373	481	541
Carlisle	258	301	373	481	541
Casey	258	301	373	481	541
Clinton	258	301	373	481	541

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	258	301	373	481	541
Ballard	258	301	373	481	541
Bath	258	301	373	481	541
Boyle	307	311	415	519	582
Breathitt	258	301	373	481	541
Butler	258	301	373	481	541
Calloway	258	301	373	481	541
Carroll	258	301	373	481	541
Clay	258	301	373	481	541
Crittenden	258	301	373	481	541

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cumberland	258	301	373	481	541
Elliott	258	301	373	481	541
Fleming	258	301	373	481	541
Franklin	258	380	465	600	758
Garrard	258	301	373	481	541
Grayson	258	301	373	481	541
Hancock	258	301	373	485	575
Harlan	258	392	446	583	688
Hart	258	301	373	481	541
Hickman	258	301	373	481	541
Jackson	258	301	373	481	541
Knott	258	301	373	481	541
Larue	258	301	373	481	541
Lawrence	258	301	373	481	541
Leslie	258	301	373	481	541
Lewis	258	301	373	481	541
Livingston	298	301	401	557	561
Lyon	258	301	373	481	541
Mccreary	258	301	373	481	541
Magoffin	258	301	373	481	541
Marshall	258	307	373	481	579
Mason	258	301	373	481	541
Menifee	258	301	373	481	541
Metcalfe	258	301	373	481	541
Montgomery	258	301	373	481	541
Muhlenberg	258	301	373	481	541
Nicholas	258	301	373	481	541
Owen	258	301	373	481	554
Perry	289	301	388	484	543
Powell	258	301	373	481	541
Robertson	258	301	373	481	541
Rowan	258	301	373	481	561
Shelby	259	341	382	533	541
Spencer	258	307	373	481	541
Todd	258	301	373	481	541
Trimble	258	301	373	481	541
Warren	258	334	445	556	643
Wayne	258	301	373	481	541
Whitley	258	301	373	481	541

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Edmonson	258	301	373	481	541
Estill	258	301	373	481	541
Floyd	272	330	373	516	593
Fulton	258	301	373	481	541
Graves	258	301	373	481	541
Green	258	301	373	481	541
Hardin	320	329	412	554	657
Harrison	258	302	382	481	589
Henry	258	301	373	481	541
Hopkins	258	301	373	481	546
Johnson	258	301	373	481	541
Knox	258	356	457	572	703
Laurel	337	381	452	609	631
Lee	258	301	373	481	541
Letcher	258	301	373	481	541
Lincoln	258	301	373	481	541
Logan	258	301	373	491	541
Mccracken	292	314	393	503	645
Mclean	258	301	373	481	541
Marion	258	301	373	481	541
Martin	258	301	373	481	541
Meade	267	331	382	504	628
Mercer	258	301	373	491	541
Monroe	258	301	373	481	541
Morgan	258	301	373	481	541
Nelson	283	301	384	481	541
Ohio	258	301	373	481	541
Owsley	258	301	373	481	541
Pike	277	316	384	481	567
Pulaski	283	301	382	482	541
Rockcastle	258	301	373	481	541
Russell	258	301	373	481	541
Simpson	258	322	378	482	541
Taylor	311	368	412	551	623
Trigg	258	301	373	481	541
Union	258	301	373	481	541
Washington	258	305	373	481	541
Webster	258	301	373	481	541
Wolfe	258	301	373	481	541

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

L O U I S I A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	293	366	459	636	646	Rapides
*Baton Rouge, LA MSA	337	418	519	720	850	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA	289	338	433	601	712	Lafourche, Terrebonne
Lafayette, LA MSA	306	353	419	577	683	Lafayette, Acadia, St. Landry, St. Martin
Lake Charles, LA MSA	337	392	496	651	815	Calcasieu
Monroe, LA MSA	316	355	473	637	662	Ouachita
New Orleans, LA	382	438	545	742	898	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA	288	326	434	541	606	St. James
Shreveport-Bossier City, LA MSA	357	405	509	681	836	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	282	305	376	493	549
Avoyelles	282	305	376	493	552
Bienville	282	305	376	499	590
Cameron	282	305	376	493	549
Claiborne	282	305	376	493	549
De Soto	282	305	376	493	554
East Feliciana	282	305	376	493	549
Franklin	282	305	376	493	554
Iberia	297	310	385	493	549
Jackson	282	305	376	493	549
La Salle	282	305	376	493	554
Madison	282	305	376	493	549
Natchitoches	300	308	397	550	554
Red River	282	305	376	493	554
Sabine	282	313	376	493	580
St. Mary	308	329	414	564	588
Tensas	282	305	376	493	549
Vermilion	282	305	376	493	549
Washington	282	305	376	493	549
West Feliciana	282	366	490	612	687

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Assumption	308	331	392	493	549
Beauregard	342	373	442	578	636
Caldwell	282	305	376	493	549
Catahoula	282	305	376	493	549
Concordia	282	305	376	493	549
East Carroll	282	305	376	493	549
Evangeline	282	305	376	493	549
Grant	282	305	376	493	549
Iberville	282	305	376	493	566
Jefferson Davis	282	305	376	493	558
Lincoln	331	333	415	569	683
Morehouse	282	305	376	493	549
Pointe Coupee	282	305	376	493	596
Richland	282	305	376	493	554
St. Helena	282	305	376	493	549
Tangipahoa	301	313	402	528	562
Union	282	305	376	493	554
Vernon	322	360	410	531	627
West Carroll	282	305	376	493	549
Winn	282	305	376	493	549

M A I N E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME MSA	366	447	573	749	804	Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Orrington town Penobscot Indian I, Veazie town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M A I N E continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Waldo county towns of Winterport town
Lewiston-Auburn, ME MSA	337	407	523	655	743	Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls tow Poland town, Sabattus town, Turner town, Wales town
Portland, ME MSA	457	589	775	970	1086	Cumberland county towns of Cape Elizabeth tow, Casco town Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth tow Portland city, Raymond town, Scarborough town South Portland cit, Standish town, Westbrook city Windham town, Yarmouth town York county towns of Buxton town, Hollis town Limington town, Old Orchard Beach
Portsmouth-Rochester, NH-ME PMSA	534	640	822	1055	1293	York county towns of Berwick town, Eliot town Kittery town, South Berwick town, York town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Androscoggin	338	419	555	694	777	Durham town, Leeds town, Livermore town Livermore Falls to, Minot town
Aroostook	338	398	509	648	746	
Cumberland	496	505	673	914	1050	Baldwin town, Bridgton town, Brunswick town Harpswell town, Harrison town, Naples town New Gloucester tow, Pownal town, Sebago town
Franklin	346	398	509	648	746	
Hancock	364	447	553	697	774	
Kennebec	352	439	528	663	746	
Knox	338	436	565	755	795	
Lincoln	440	490	557	775	914	
Oxford	338	398	509	648	746	
Penobscot	338	398	509	648	746	Alton town, Argyle unorg., Bradford town, Bradley town Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town Corinna town, Corinth town, Dexter town, Dixmont town Drew plantation, East Central Penob, East Millinocket t Edinburg town, Enfield town, Etna town, Exeter town Garland town, Greenbush town, Greenfield town Howland town, Hudson town, Kingman unorg., Lagrange town Lakeville town, Lee town, Levant town, Lincoln town Lowell town, Mattawamkeag town, Maxfield town Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantatio, Seboeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town Woodville town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 21

M A I N E continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Piscataquis	338	398	509	648	746	
Sagadahoc	476	545	673	894	1105	
Somerset	354	405	509	648	765	
Waldo	338	398	509	648	746	Belfast city, Belmont town, Brooks town, Burnham town Frankfort town, Freedom town, Islesboro town Jackson town, Knox town, Liberty town, Lincolnville town Monroe town, Montville town, Morrill town Northport town, Palermo town, Prospect town Searsmont town, Searsport town, Stockton Springs t Swanville town, Thorndike town, Troy town, Unity town Waldo town
Washington	338	398	509	648	746	
York	419	478	640	802	897	Acton town, Alfred town, Arundel town, Biddeford city Cornish town, Dayton town, Kennebunk town Kennebunkport town, Lebanon town, Limerick town Lyman town, Newfield town, North Berwick town Ogunquit town, Parsonsfield town, Saco city Sanford town, Shapleigh town, Waterboro town, Wells town

M A R Y L A N D

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore, MD	461	564	688	911	1042	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Anne's, Baltimore city
Columbia, MD	594	798	930	1229	1535	Columbia
Cumberland, MD-WV MSA	351	422	522	690	788	Allegany
Hagerstown, MD PMSA	363	436	544	712	813	Washington
*Washington, DC-MD-VA	707	804	943	1285	1550	Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA	472	623	727	986	1192	Cecil

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Caroline	387	417	521	683	775
Garrett	345	462	521	679	855
St. Mary's	557	661	762	1063	1214
Talbot	456	483	644	807	1058
Worcester	345	417	522	724	775

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Dorchester	345	446	521	679	775
Kent	349	430	575	717	865
Somerset	411	461	521	722	854
Wicomico	389	449	580	736	812

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA	518	694	927	1161	1300	Barnstable county towns of Barnstable town, Brewster town Chatham town, Dennis town, Eastham town, Harwich town Mashpee town, Orleans town, Sandwich town, Yarmouth town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 22

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	746	840	1051	1314	1543	Bristol county towns of Berkley town, Dighton town Mansfield town, Norton town, Taunton city Essex county towns of Amesbury town, Beverly city Danvers town, Essex town, Gloucester city, Hamilton town Ipswich town, Lynn city, Lynnfield town, Manchester town Marblehead town, Middleton town, Nahant town Newbury town, Newburyport city, Peabody city Rockport town, Rowley town, Salem city, Salisbury town Saugus town, Swampscott town, Topsfield town Wenham town Middlesex county towns of Acton town, Arlington town Ashland town, Ayer town, Bedford town, Belmont town Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city Framingham town, Holliston town, Hopkinton town Hudson town, Lexington town, Lincoln town Littleton town, Malden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town Sherborn town, Shirley town, Somerville city Stoneham town, Stow town, Sudbury town, Townsend town Wakefield town, Waltham city, Watertown town Wayland town, Weston town, Wilmington town Winchester town, Woburn city Norfolk county towns of Bellingham town, Braintree town Brookline town, Canton town, Cohasset town, Dedham town Dover town, Foxborough town, Franklin town Holbrook town, Medfield town, Medway town, Millis town Milton town, Needham town, Norfolk town, Norwood town Plainville town, Quincy city, Randolph town, Sharon town Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town Plymouth county towns of Carver town, Duxbury town Hanover town, Hingham town, Hull town, Kingston town Marshfield town, Norwell town, Pembroke town Plymouth town, Rockland town, Scituate town Wareham town Suffolk county towns of Boston city, Chelsea city Revere city, Winthrop town Worcester county towns of Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Milford town, Millville town Southborough town, Upton town
Brockton, MA PMSA	499	657	806	1002	1143	Bristol county towns of Easton town, Raynham town Norfolk county towns of Avon town Plymouth county towns of Abington town, Bridgewater town Brockton city, East Bridgewater t, Halifax town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 23

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Hanson town, Lakeville town, Middleborough town Plympton town, West Bridgewater t, Whitman town
Fitchburg-Leominster, MA MSA.....	390	548	712	915	994	Middlesex county towns of Ashby town Worcester county towns of Ashburnham town, Fitchburg city Gardner city, Leominster city, Lunenburg town Templeton town, Westminster town, Winchendon town
Lawrence, MA-NH PMSA.....	540	652	821	1025	1261	Essex county towns of Andover town, Boxford town Georgetown town, Groveland town, Haverhill city Lawrence city, Merrimac town, Methuen town North Andover town, West Newbury town
Lowell, MA-NH PMSA.....	548	708	855	1071	1198	Middlesex county towns of Billerica town, Chelmsford town Dracut town, Dunstable town, Groton town, Lowell city Pepperell town, Tewksbury town, Tyngsborough town Westford town
New Bedford, MA PMSA.....	524	640	728	909	1021	Bristol county towns of Acushnet town, Dartmouth town Fairhaven town, Freetown town, New Bedford city Plymouth county towns of Marion town, Mattapoisett town Rochester town
Pittsfield, MA MSA.....	338	480	591	742	919	Berkshire county towns of Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town Stockbridge town
Providence-Fall River-Warwick, RI-MA MSA.....	397	541	650	816	1006	Bristol county towns of Attleboro city, Fall River city North Attleborough, Rehoboth town, Seekonk town Somerset town, Swansea town, Westport town
Springfield, MA MSA.....	421	520	657	821	1010	Franklin county towns of Sunderland town Hampden county towns of Agawam town, Chicopee city East Longmeadow to, Hampden town, Holyoke city Longmeadow town, Ludlow town, Monson town Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town Hampshire county towns of Amherst town, Belchertown town Easthampton town, Granby town, Hadley town Hatfield town, Huntington town, Northampton city Southampton town, South Hadley town, Ware town Williamsburg town
Worcester, MA-CT PMSA.....	485	587	732	914	1024	Hampden county towns of Holland town Worcester county towns of Auburn town, Barre town Boylston town, Brookfield town, Charlton town Clinton town, Douglas town, Dudley town East Brookfield to, Grafton town, Holden town Leicester town, Millbury town, Northborough town Northbridge town, North Brookfield t, Oakham town Oxford town, Paxton town, Princeton town, Rutland town Shrewsbury town, Southbridge town, Spencer town Sterling town, Sturbridge town, Sutton town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 24

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Uxbridge town, Webster town, Westborough town West Boylston town, West Brookfield to, Worcester city

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Barnstable	504	691	921	1152	1290	Bourne town, Falmouth town, Provincetown town Truro town, Wellfleet town
Berkshire	402	488	576	789	946	Alford town, Becket town, Clarksburg town, Egremont town Florida town, Great Barrington t, Hancock town Monterey town, Mount Washington t, New Ashford town New Marlborough to, North Adams city, Otis town Peru town, Sandisfield town, Savoy town, Sheffield town Tyringham town, Washington town, West Stockbridge t Williamstown town, Windsor town
Dukes	681	692	922	1153	1293	
Franklin	433	536	686	860	1038	Ashfield town, Bernardston town, Buckland town Charlemont town, Colrain town, Conway town Deerfield town, Erving town, Gill town, Greenfield town Hawley town, Heath town, Leverett town, Leyden town Monroe town, Montague town, New Salem town Northfield town, Orange town, Rowe town, Shelburne town Shutesbury town, Warwick town, Wendell town Whately town
Hampden	437	596	795	1057	1304	Blandford town, Brimfield town, Chester town Granville town, Tolland town, Wales town
Hampshire	612	620	827	1037	1160	Chesterfield town, Cummington town, Goshen town Middlefield town, Pelham town, Plainfield town Westhampton town, Worthington town
Nantucket	774	1037	1383	1729	1935	
Worcester	487	508	677	848	948	Athol town, Hardwick town, Hubbardston town New Braintree town, Petersham town, Phillipston town Royalston town, Warren town

M I C H I G A N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI PMSA	512	619	765	1003	1125	Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA	398	402	528	660	740	Berrien
*Detroit, MI PMSA	437	592	716	895	1003	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
Flint, MI PMSA	398	452	568	724	794	Genesee
*Grand Rapids-Muskegon-Holland, MI MSA	435	509	622	778	871	Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA	313	421	534	666	747	Jackson
Kalamazoo-Battle Creek, MI MSA	370	447	563	705	787	Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	417	490	634	828	957	Clinton, Eaton, Ingham

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 25

M I C H I G A N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Saginaw-Bay City-Midland, MI MSA	364	401	534	666	747	Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alcona	305	348	441	573	653
Alpena	305	348	441	573	657
Arenac	305	348	441	573	653
Barry	305	377	500	628	703
Branch	354	362	444	607	653
Charlevoix	371	375	475	646	669
Chippewa	305	348	441	573	653
Crawford	334	348	450	616	653
Dickinson	305	375	463	578	653
Gladwin	305	348	441	573	653
Grand Traverse	404	433	577	722	810
Hillsdale	305	348	441	573	653
Huron	305	348	441	573	653
Iosco	305	348	441	573	692
Isabella	341	364	487	657	799
Keweenaw	305	348	441	573	653
Leelanau	414	447	523	683	858
Mackinac	305	348	441	573	653
Marquette	305	348	441	573	653
Mecosta	305	348	441	597	708
Missaukee	321	348	441	573	653
Montmorency	305	348	441	573	653
Oceana	326	348	441	573	653
Ontonagon	305	348	441	573	653
Oscoda	305	348	441	573	653
Presque Isle	305	348	441	573	653
St. Joseph	305	356	441	575	653
Schoolcraft	305	348	441	573	653
Tuscola	332	362	483	603	674

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alger	305	348	441	573	653
Antrim	305	366	441	573	653
Baraga	305	348	441	573	653
Benzie	318	348	441	592	653
Cass	305	348	443	605	653
Cheboygan	321	348	441	573	670
Clare	316	348	441	573	653
Delta	305	348	441	573	653
Emmet	341	408	483	633	674
Gogebic	305	348	441	573	653
Gratiot	318	348	441	573	653
Houghton	305	348	441	573	653
Ionia	374	379	474	591	665
Iron	305	348	441	573	653
Kalkaska	305	348	442	575	727
Lake	308	348	441	573	653
Luce	305	348	441	573	653
Manistee	305	348	441	573	653
Mason	305	348	441	573	653
Menominee	305	348	441	573	653
Montcalm	365	412	521	677	772
Newaygo	352	377	442	573	653
Ogemaw	317	349	441	573	653
Osceola	305	348	441	573	653
Otsego	312	379	477	664	769
Roscommon	337	348	441	573	653
Sanilac	305	359	441	575	653
Shiawassee	305	383	461	642	688
Wexford	305	353	457	599	708

M I N N E S O T A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth-Superior, MN-WI MSA	295	380	487	651	758	St. Louis
Fargo-Moorhead, ND-MN MSA	355	488	590	819	877	Clay
Grand Forks, ND-MN MSA	367	437	575	793	885	Polk

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M I N N E S O T A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
La Crosse, WI-MN MSA	299	385	489	655	793	Houston
*Minneapolis-St. Paul, MN-WI MSA	524	674	862	1166	1321	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Sherburne, Washington, Wright
Rochester, MN MSA	343	482	631	872	979	Olmsted
St. Cloud, MN MSA	341	442	522	659	841	Benton, Stearns

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aitkin	284	368	490	615	685
Beltrami	280	359	479	628	671
Blue Earth	382	461	574	735	933
Carlton	280	341	433	542	620
Chippewa	280	341	433	542	620
Cook	332	341	445	608	633
Crow Wing	280	341	455	569	715
Douglas	280	341	433	542	620
Fillmore	280	341	433	542	620
Goodhue	323	416	554	707	776
Hubbard	286	341	433	542	620
Jackson	280	341	433	542	620
Kandiyohi	345	436	530	665	801
Koochiching	339	345	459	573	751
Lake	280	341	433	542	620
Le Sueur	280	341	433	542	668
Lyon	280	341	433	542	642
Mahnomen	280	341	433	542	620
Martin	280	341	433	542	620
Mille Lacs	297	341	434	604	711
Mower	280	341	433	542	620
Nicollet	352	375	499	663	701
Norman	280	341	433	542	620
Pennington	280	341	433	578	620
Pipestone	280	341	433	542	620
Red Lake	280	354	433	542	620
Renville	280	341	433	542	620
Rock	280	341	433	542	620
Sibley	280	341	433	542	620
Stevens	318	403	455	569	638
Todd	280	341	433	542	620
Wabasha	303	369	467	586	669
Waseca	365	400	509	638	729

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Becker	280	401	451	565	633
Big Stone	280	341	433	542	620
Brown	280	362	433	542	620
Cass	280	341	433	542	620
Clearwater	280	341	433	542	620
Cottonwood	280	341	433	542	620
Dodge	280	341	433	542	620
Faribault	280	341	433	542	620
Freeborn	280	341	441	580	622
Grant	280	341	433	542	620
Itasca	359	363	473	591	663
Kanabec	280	353	457	571	640
Kittson	280	341	433	542	620
Lac qui Parle	280	341	433	542	620
Lake of the Woods	280	341	433	542	620
Lincoln	280	341	433	542	620
Mcleod	333	429	571	709	797
Marshall	280	341	433	542	620
Meeker	334	392	497	625	714
Morrison	310	341	433	542	620
Murray	280	341	433	542	620
Nobles	280	341	433	542	620
Otter Tail	280	341	433	542	620
Pine	309	341	433	545	620
Pope	280	341	433	542	620
Redwood	280	341	433	542	620
Rice	332	453	605	754	845
Roseau	339	345	452	583	636
Steele	332	385	513	641	718
Swift	280	341	433	542	620
Traverse	280	341	433	542	620
Wadena	280	341	433	542	620
Watonwan	280	341	433	542	620

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 27

M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Wilkin	280	341	433	542	620
Yellow Medicine	280	341	433	542	620
Winona	327	425	539	673	754

M I S S I S S I P P I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Biloxi-Gulfport-Pascagpula, MS MSA	413	484	557	776	915	Hancock, Harrison, Jackson
Hattiesburg, MS MSA	300	368	451	605	721	Forrest, Lamar
Jackson, MS MSA	411	468	573	761	804	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	407	475	558	775	814	Desoto

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	257	305	380	485	619
Amite	257	305	378	485	546
Benton	257	305	378	485	546
Calhoun	257	305	378	485	546
Chickasaw	257	305	378	485	546
Claiborne	257	305	378	485	546
Clay	257	305	378	485	551
Copiah	257	305	378	485	546
Franklin	260	305	378	485	546
Greene	257	305	378	485	546
Holmes	257	305	378	485	546
Issaquena	270	371	493	617	691
Jasper	257	305	378	485	546
Jefferson Davis	257	305	378	485	546
Kemper	259	305	378	485	546
Lauderdale	257	331	417	541	585
Leake	257	305	378	485	546
Leflore	257	305	378	486	584
Lowndes	317	342	405	508	573
Marshall	257	305	378	485	554
Montgomery	257	305	378	485	546
Newton	257	305	378	485	546
Oktibbeha	315	328	401	557	658
Pearl River	270	305	378	487	546
Pike	261	305	378	485	546
Prentiss	260	305	378	485	546
Scott	257	305	378	485	546
Simpson	260	305	378	485	546

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alcorn	257	305	378	485	546
Attala	257	305	378	485	546
Bolivar	292	305	393	491	560
Carroll	257	305	378	485	546
Choctaw	257	305	378	485	546
Clarke	257	305	378	485	546
Coahoma	299	305	402	505	564
Covington	257	305	378	485	546
George	257	305	378	485	546
Grenada	257	306	378	515	546
Humphreys	257	305	378	485	546
Itawamba	257	305	378	485	546
Jefferson	257	305	378	485	546
Jones	257	305	378	485	546
Lafayette	260	356	475	595	665
Lawrence	257	305	378	485	546
Lee	321	346	417	521	585
Lincoln	257	305	378	485	546
Marion	257	305	378	485	546
Monroe	257	305	378	485	546
Neshoba	257	305	378	485	546
Noxubee	261	305	378	485	546
Panola	266	305	378	485	546
Perry	257	305	378	485	546
Pontotoc	257	305	378	485	546
Quitman	257	305	378	485	546
Sharkey	261	305	378	485	546
Smith	257	305	378	485	546

* 50th percentile FMRs are indicated by an * before the MSA name.
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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S I S S I P P I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Stone	257	305	378	485	546
Tallahatchie	257	305	378	485	546
Tippah	257	305	378	485	546
Tunica	257	305	378	485	546
Walthall	257	305	378	485	546
Washington	278	330	441	570	628
Webster	259	305	378	485	546
Winston	257	305	378	485	546
Yazoo	261	305	378	485	546

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sunflower	284	309	378	485	580
Tate	257	347	401	503	660
Tishomingo	257	305	378	485	546
Union	257	305	378	485	546
Warren	257	336	419	579	694
Wayne	257	305	378	485	546
Wilkinson	257	305	378	485	546
Yalobusha	259	305	378	485	546

M I S S O U R I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Columbia, MO MSA	273	384	500	695	819	Boone
Joplin, MO MSA	266	308	408	538	578	Jasper, Newton
*Kansas City, MO-KS MSA	443	557	671	927	1028	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	255	310	414	522	580	Andrew, Buchanan
*St. Louis, MO-IL MSA	396	482	625	814	899	Crawford-Sullivan (part), Franklin, Jefferson, Lincoln St. Charles, St. Louis, Warren, St. Louis city
Springfield, MO MSA	279	354	458	632	658	Christian, Greene, Webster

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	251	313	415	523	627
Audrain	267	288	371	501	579
Barton	251	288	371	481	553
Benton	282	288	384	481	553
Butler	251	288	371	481	553
Callaway	295	299	399	506	656
Cape Girardeau	258	317	421	561	688
Carter	251	288	371	481	553
Chariton	251	288	371	481	553
Cole	251	331	440	587	616
Crawford	274	331	372	491	553
Dallas	251	288	371	481	553
Dekalb	259	288	371	488	553
Douglas	251	288	371	481	553
Gasconade	251	288	371	481	553
Grundy	251	288	371	481	553
Henry	285	290	388	486	637
Holt	251	288	371	481	553
Howell	251	288	371	481	553

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Atchison	251	288	371	481	553
Barry	251	297	371	481	553
Bates	251	288	371	481	564
Bollinger	251	288	371	481	553
Caldwell	251	290	391	489	553
Camden	330	333	444	617	726
Carroll	251	288	371	481	553
Cedar	251	288	371	481	553
Clark	251	288	371	481	553
Cooper	251	288	371	481	553
Dade	251	288	371	481	553
Daviess	251	288	371	481	553
Dent	251	288	371	481	553
Dunklin	251	288	371	481	553
Gentry	251	288	371	481	553
Harrison	251	288	371	481	553
Hickory	251	288	371	481	553
Howard	251	288	371	481	555
Iron	251	288	371	481	553

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S O U R I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Johnson	300	336	438	580	686
Laclede	251	288	371	486	553
Lewis	251	288	371	481	553
Livingston	251	288	372	481	553
Macon	269	310	398	518	594
Maries	251	288	371	481	553
Mercer	251	288	371	481	553
Mississippi	251	288	371	481	553
Monroe	251	288	371	481	553
Morgan	251	288	371	481	553
Nodaway	264	320	394	500	603
Osage	251	288	371	481	553
Pemiscot	251	288	371	481	553
Pettis	268	315	421	530	634
Pike	251	288	371	481	581
Pulaski	251	351	394	522	581
Ralls	251	288	371	481	553
Reynolds	251	288	371	481	553
St. Clair	251	288	371	481	553
St. Francois	274	345	437	548	718
Schuyler	251	288	371	481	553
Scott	300	303	405	547	630
Shelby	251	288	371	481	553
Stone	290	309	385	491	553
Taney	283	313	410	553	650
Vernon	251	288	371	494	553
Wayne	251	288	371	481	553
Wright	251	288	371	481	553

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Knox	251	288	371	481	553
Lawrence	265	295	371	481	553
Linn	251	288	371	481	553
Mcdonald	251	288	371	481	553
Madison	251	288	371	481	553
Marion	251	288	371	481	553
Miller	274	331	371	486	574
Moniteau	251	288	371	481	553
Montgomery	265	305	392	509	584
New Madrid	251	288	371	481	553
Oregon	251	288	371	481	553
Ozark	251	288	371	481	553
Perry	303	308	412	548	576
Phelps	259	311	398	541	586
Polk	251	289	371	481	579
Putnam	251	288	371	481	553
Randolph	251	288	371	481	553
Ripley	251	288	371	481	553
Ste. Genevieve	251	297	384	491	622
Saline	251	288	382	481	553
Scotland	251	288	371	481	553
Shannon	251	288	371	481	553
Stoddard	251	288	371	481	553
Sullivan	251	288	371	481	553
Texas	251	288	371	481	553
Washington	292	355	397	496	556
Worth	251	288	371	481	553

M O N T A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	346	402	537	722	876	Yellowstone
Great Falls, MT MSA	346	400	527	686	816	Cascade
Missoula, MT MSA	346	406	540	696	885	Missoula

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M O N T A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	311	359	474	615	719
Blaine	311	359	474	615	719
Carbon	354	415	539	701	818
Chouteau	311	359	474	615	719
Daniels	311	381	474	615	719
Deer Lodge	311	359	474	615	719
Fergus	311	359	474	615	719
Gallatin	383	447	599	769	983
Glacier	311	359	474	615	719
Granite	311	359	474	615	719
Jefferson	328	359	474	615	719
Lake	338	359	474	615	719
Liberty	311	359	474	615	719
Mccone	311	378	474	615	719
Meagher	311	381	474	615	719
Musselshell	316	359	474	615	719
Petroleum	311	359	474	615	719
Pondera	311	379	474	615	719
Powell	316	359	474	615	719
Ravalli	311	359	474	615	719
Roosevelt	325	359	474	615	719
Sanders	311	359	474	615	719
Silver Bow	311	359	474	615	719
Sweet Grass	335	359	474	615	719
Toole	317	359	474	615	719
Valley	311	359	474	615	719
Wibaux	311	381	474	615	719

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Big Horn	311	359	474	615	719
Broadwater	311	359	474	615	766
Carter	311	381	474	615	719
Custer	311	359	474	615	719
Dawson	311	359	474	615	719
Fallon	311	359	474	615	719
Flathead	311	360	481	671	790
Garfield	311	359	474	615	719
Golden Valley	311	379	474	615	719
Hill	321	359	474	615	719
Judith Basin	311	381	474	615	719
Lewis and Clark	345	404	538	748	885
Lincoln	338	359	474	615	719
Madison	317	359	474	615	719
Mineral	311	359	474	615	734
Park	311	359	474	615	727
Phillips	311	359	474	615	719
Powder River	311	364	474	615	719
Prairie	311	359	474	615	719
Richland	311	388	474	615	719
Rosebud	311	359	474	615	719
Sheridan	320	359	474	615	719
Stillwater	317	359	474	615	719
Teton	311	359	474	615	719
Treasure	311	359	474	615	719
Wheatland	311	359	474	615	719

N E B R A S K A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE MSA	326	419	552	733	856	Lancaster
Omaha, NE-IA MSA	352	481	608	797	895	Cass, Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	358	430	536	668	763	Dakota

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	260	348	460	576	690
Arthur	250	321	410	524	596
Blaine	250	321	410	524	596
Box Butte	270	321	410	525	619
Brown	250	321	410	524	608
Burt	250	321	410	524	596
Cedar	250	321	410	524	596
Cherry	250	337	410	527	620
Clay	250	321	410	524	596
Cuming	250	338	410	524	596
Dawes	266	321	410	528	623
Deuel	250	321	410	524	596
Dodge	250	321	422	556	596
Fillmore	250	321	410	524	596
Frontier	280	321	410	524	596
Gage	250	322	417	531	596
Garfield	250	321	410	524	596
Grant	250	321	410	524	596
Hall	298	394	525	690	774
Harlan	250	321	410	525	596
Hitchcock	250	321	410	524	596
Hooker	250	336	410	525	596
Jefferson	250	321	410	524	596
Kearney	250	321	410	524	623
Keya Paha	250	321	410	524	596
Knox	250	333	410	524	596
Logan	250	321	410	524	624
Mcpherson	250	321	410	525	596
Merrick	250	321	410	524	596
Nance	250	321	410	524	596
Nuckolls	250	321	410	524	596
Pawnee	250	321	410	528	596
Phelps	279	321	410	525	623
Platte	250	321	410	572	596
Red Willow	250	321	410	524	606
Rock	250	329	410	524	596
Saunders	250	321	410	524	596
Seward	309	321	418	524	596
Sherman	250	323	410	524	624
Stanton	250	321	410	524	596

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Antelope	250	337	410	527	596
Banner	250	321	410	525	596
Boone	250	321	410	524	620
Boyd	250	335	410	524	596
Buffalo	268	389	488	608	735
Butler	250	321	410	524	596
Chase	250	338	410	524	625
Cheyenne	279	321	410	524	596
Colfax	271	334	410	524	596
Custer	279	323	410	524	619
Dawson	273	334	410	528	596
Dixon	278	321	410	524	596
Dundy	250	321	410	524	596
Franklin	250	321	410	529	596
Furnas	250	321	410	524	620
Garden	250	334	410	527	623
Gosper	250	321	410	524	603
Greeley	250	321	410	524	606
Hamilton	250	321	410	528	596
Hayes	250	336	410	524	620
Holt	250	321	410	524	596
Howard	250	321	410	524	596
Johnson	250	325	410	524	596
Keith	250	321	410	524	596
Kimball	250	321	410	525	623
Lincoln	256	334	410	524	596
Loup	250	321	410	524	622
Madison	256	336	444	575	701
Morrill	250	323	410	524	620
Nemaha	250	321	410	524	596
Otoe	250	321	410	524	624
Perkins	250	321	410	524	596
Pierce	250	321	410	524	596
Polk	250	321	410	524	596
Richardson	250	321	410	524	596
Saline	250	335	410	524	596
Scotts Bluff	254	333	422	524	620
Sheridan	250	321	410	524	597
Sioux	250	321	410	524	623
Thayer	250	337	410	524	596

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Thomas	250	321	410	524	596
Valley	250	321	410	524	596
Webster	250	321	410	524	596
York	250	321	415	524	596
Thurston	250	321	410	524	596
Wayne	285	321	410	524	620
Wheeler	250	321	410	525	596

N E V A D A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Las Vegas, NV-AZ MSA	554	658	783	1090	1288	Clark, Nye
Reno, NV MSA	509	590	758	1056	1248	Washoe

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Churchill	459	466	622	857	1018
Elko	416	476	635	838	1043
Eureka	338	551	621	773	865
Lander	341	529	621	776	1017
Lyon	404	483	621	864	1018
Pershing	470	476	635	794	908
White Pine	339	467	621	838	880
Douglas	411	600	753	1045	1163
Esmeralda	442	551	621	774	868
Humboldt	497	521	629	824	881
Lincoln	339	509	621	777	869
Mineral	343	469	625	818	1023
Storey	476	482	635	883	1043
Carson City	357	487	651	906	1069

N E W H A M P S H I R E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	746	840	1051	1314	1543	Rockingham county towns of Seabrook town South Hampton town
Lawrence, MA-NH PMSA	540	652	821	1025	1261	Rockingham county towns of Atkinson town, Chester town Danville town, Derry town, Fremont town, Hampstead town Kingston town, Newton town, Plaistow town, Raymond town Salem town, Sandown town, Windham town
Lowell, MA-NH PMSA	548	708	855	1071	1198	Hillsborough county towns of Pelham town
Manchester, NH PMSA	441	629	785	981	1100	Hillsborough county towns of Bedford town, Goffstown town Manchester city, Weare town Merrimack county towns of Allenstown town, Hooksett town Rockingham county towns of Auburn town, Candia town Londonderry town
Nashua, NH PMSA	519	723	897	1221	1453	Hillsborough county towns of Amherst town, Brookline town Greenville town, Hollis town, Hudson town Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city New Ipswich town, Wilton town
Portsmouth-Rochester, NH-ME PMSA	534	640	822	1055	1293	Rockingham county towns of Brentwood town East Kingston town, Epping town, Exeter town Greenland town, Hampton town, Hampton Falls town

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 33

N E W H A M P S H I R E continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kensington town, New Castle town, Newfields town Newington town, Newmarket town, North Hampton town Portsmouth city, Rye town, Stratham town
						Strafford county towns of Barrington town, Dover city Durham town, Farmington town, Lee town, Madbury town Milton town, Rochester city, Rollinsford town Somersworth city

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Belknap	454	525	690	933	1134	
Carroll	379	521	694	869	1084	
Cheshire	471	559	715	932	1105	
Coos	325	398	509	664	786	
Grafton	419	505	673	869	1099	
Hillsborough	446	557	742	982	1182	Antrim town, Bennington town, Deering town Francestown town, Greenfield town, Hancock town Hillsborough town, Lyndeborough town, New Boston town Peterborough town, Sharon town, Temple town Windsor town
Merrimack	469	560	699	896	1000	Andover town, Boscawen town, Bow town, Bradford town Canterbury town, Chichester town, Concord city Danbury town, Dunbarton town, Epsom town, Franklin city Henniker town, Hill town, Hopkinton town, Loudon town Newbury town, New London town, Northfield town Pembroke town, Pittsfield town, Salisbury town Sutton town, Warner town, Webster town, Wilmot town
Rockingham	487	570	763	1058	1221	Deerfield town, Northwood town, Nottingham town
Strafford	431	585	780	978	1095	Middleton town, New Durham town, Strafford town
Sullivan	453	460	598	785	837	

N E W J E R S E Y

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic-Cape May, NJ PMSA	528	602	800	1003	1145	Atlantic, Cape May
*Bergen-Passaic, NJ PMSA	735	896	1050	1399	1726	Bergen, Passaic
Jersey City, NJ PMSA	629	742	865	1099	1209	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	732	802	1001	1359	1570	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	644	771	978	1300	1525	Monmouth, Ocean
*Newark, NJ PMSA	593	758	913	1150	1452	Essex, Morris, Sussex, Union, Warren
*Philadelphia, PA-NJ PMSA	553	679	839	1050	1317	Burlington, Camden, Gloucester, Salem
Trenton, NJ PMSA	531	741	903	1222	1476	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	510	621	748	933	1049	Cumberland

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

N E W M E X I C O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Albuquerque, NM MSA	439	522	654	901	1063	Bernalillo, Sandoval, Valencia
Las Cruces, NM MSA	306	385	457	627	738	Dona Ana
Santa Fe, NM MSA	443	628	775	1041	1178	Los Alamos, Santa Fe

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Catron	285	333	413	555	627
Cibola	296	323	413	555	627
Curry	285	331	433	555	627
Eddy	292	322	413	555	645
Guadalupe	285	322	413	555	631
Hidalgo	285	322	413	555	627
Lincoln	322	331	436	574	718
Mckinley	285	358	455	566	635
Otero	285	322	413	576	627
Rio Arriba	333	340	418	555	627
San Juan	321	344	430	596	707
Sierra	285	322	413	555	627
Taos	489	495	660	825	1086
Union	285	347	413	555	627

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Chaves	285	323	426	587	627
Colfax	285	331	413	555	627
Debaca	285	323	413	555	627
Grant	337	385	492	660	744
Harding	285	322	413	555	627
Lea	285	322	413	555	627
Luna	313	344	441	591	667
Mora	285	322	413	555	627
Quay	285	412	464	581	650
Roosevelt	285	322	413	555	627
San Miguel	315	322	425	555	627
Socorro	285	322	413	555	643
Torrance	312	337	413	555	627

N E W Y O R K

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	410	505	621	779	870	Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie
Binghamton, NY MSA	368	413	515	654	734	Broome, Tioga
*Buffalo-Niagara Falls, NY PMSA	392	463	559	697	782	Erie, Niagara
Dutchess County, NY PMSA	623	790	977	1269	1483	Dutchess
Elmira, NY MSA	368	413	507	641	765	Chemung
Glens Falls, NY MSA	368	479	584	731	817	Warren, Washington
Jamestown, NY MSA	368	413	497	641	734	Chautauqua
Nassau-Suffolk, NY PMSA	837	1008	1230	1712	1833	Nassau, Suffolk
New York, NY PMSA	785	874	993	1242	1391	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester County, NY	753	982	1196	1554	1855	Westchester
Newburgh, NY-PA PMSA	499	647	793	1006	1147	Orange
Rochester, NY MSA	396	515	626	803	877	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	394	474	588	751	832	Cayuga, Madison, Onondaga, Oswego
Utica-Rome, NY MSA	368	413	496	641	733	Herkimer, Oneida

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 35

N E W Y O R K continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allegany	368	413	496	641	733
Chenango	391	413	496	641	733
Columbia	459	483	619	810	867
Delaware	368	413	496	641	788
Franklin	368	413	496	641	733
Greene	368	476	571	737	900
Jefferson	395	466	548	686	768
Otsego	368	434	500	645	820
Schuyler	398	423	503	700	825
Steuben	380	432	496	649	733
Tompkins	480	516	663	925	1090
Wyoming	368	413	496	641	733

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cattaraugus	368	413	496	641	733
Clinton	368	413	534	667	748
Cortland	368	439	549	686	813
Essex	368	418	525	657	733
Fulton	368	413	496	641	733
Hamilton	368	442	508	641	733
Lewis	368	413	496	641	733
St. Lawrence	368	413	496	641	733
Seneca	392	421	509	658	733
Sullivan	476	534	651	900	912
Ulster	451	627	754	982	1236
Yates	368	413	496	641	733

N O R T H C A R O L I N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Asheville, NC MSA	359	434	566	738	795	Buncombe, Madison
Charlotte-Gastonia-Rock Hill, NC-SC MSA	534	602	678	894	1070	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	393	447	501	694	824	Cumberland
Goldsboro, NC MSA	357	412	499	643	751	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	426	486	578	797	811	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph Stokes, Yadkin
Greenville, NC MSA	441	448	580	783	957	Pitt
Hickory-Morganton, NC MSA	406	442	513	648	768	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	367	428	485	672	794	Onslow
*Norfolk-Virginia Beach-Newport News, VA-NC MSA	490	552	652	911	1070	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	545	662	777	1042	1230	Chatham, Durham, Franklin, Johnston, Orange, Wake
Rocky Mount, NC MSA	344	371	451	598	660	Edgecombe, Nash
Wilmington, NC MSA	471	517	633	866	1033	Brunswick, New Hanover

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alleghany	303	354	424	546	647
Ashe	303	349	424	546	620
Beaufort	303	349	424	546	620
Bladen	303	349	424	546	620
Carteret	343	376	458	636	708
Cherokee	303	349	424	546	620
Clay	303	349	424	546	620
Columbus	303	349	424	546	620
Dare	314	498	573	786	804
Gates	303	349	424	546	620

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anson	303	349	424	546	620
Avery	338	381	463	581	649
Bertie	303	349	424	546	620
Camden	303	387	515	644	723
Caswell	303	349	424	546	620
Chowan	303	349	424	546	620
Cleveland	383	449	536	710	784
Craven	303	379	456	596	638
Duplin	303	349	424	546	620
Graham	303	349	424	546	620

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

NORTH CAROLINA continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Granville	319	349	424	561	635
Halifax	303	349	424	546	620
Haywood	315	358	436	586	637
Hertford	303	349	424	546	620
Hyde	303	349	424	546	620
Jackson	370	426	518	725	947
Lee	303	387	458	593	642
Mcdowell	303	369	442	604	716
Martin	303	349	424	546	620
Montgomery	303	349	424	546	620
Northampton	303	349	424	546	620
Pasquotank	349	374	465	647	653
Perquimans	303	349	424	546	620
Polk	390	495	554	703	799
Robeson	303	356	424	546	620
Rutherford	372	425	516	665	755
Scotland	303	349	424	546	620
Surry	303	349	424	546	620
Transylvania	350	375	474	628	671
Vance	320	362	424	546	620
Washington	303	349	424	546	620
Wilkes	344	388	436	603	677
Yancey	303	355	424	546	639

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Greene	303	349	424	546	620
Harnett	342	395	479	620	700
Henderson	392	403	499	663	763
Hoke	303	349	424	546	620
Iredell	408	419	552	691	772
Jones	303	349	424	546	620
Lenoir	303	349	424	546	620
Macon	303	361	424	546	620
Mitchell	303	396	455	621	649
Moore	348	420	502	686	822
Pamlico	303	349	424	546	620
Pender	365	442	511	659	805
Person	303	349	455	593	695
Richmond	303	349	424	546	620
Rockingham	303	349	424	546	620
Sampson	303	349	424	546	620
Stanly	303	349	430	581	620
Swain	303	349	424	546	620
Tyrrell	303	349	424	546	620
Warren	303	349	424	546	620
Watauga	395	474	599	816	983
Wilson	316	349	429	546	620

NORTH DAKOTA

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	361	405	539	751	888	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	355	488	590	819	877	Cass
Grand Forks, ND-MN MSA	367	437	575	793	885	Grand Forks

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	239	300	387	503	587
Benson	271	300	387	503	587
Bottineau	239	300	387	503	587
Burke	260	300	387	503	587
Dickey	260	300	387	503	587
Dunn	239	300	387	503	587
Emmons	239	300	387	503	587
Golden Valley	239	308	408	511	587

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barnes	239	302	399	522	587
Billings	260	300	387	503	587
Bowman	239	300	387	503	587
Cavalier	239	309	410	512	632
Divide	239	300	387	503	587
Eddy	239	300	387	503	587
Foster	239	300	389	503	587
Grant	239	300	387	503	587

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

N O R T H D A K O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Griggs	239	300	387	503	587
Kidder	239	300	387	503	587
Logan	239	300	387	503	587
Mcintosh	239	300	387	503	587
Mclean	253	300	387	503	587
Mountrail	264	300	387	503	587
Oliver	239	300	387	503	587
Pierce	239	300	387	518	587
Ransom	244	300	387	503	587
Richland	251	300	394	503	587
Sargent	239	300	387	503	587
Sioux	239	300	387	503	587
Stark	239	300	387	503	587
Stutsman	285	300	391	545	642
Traill	251	320	387	503	587
Ward	239	329	438	592	706
Williams	239	300	387	503	587

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hettinger	239	300	387	503	587
Lamoure	260	300	387	503	587
Mchenry	239	300	387	503	587
Mckenzie	239	300	387	503	587
Mercer	239	300	387	503	587
Nelson	239	300	387	503	587
Pembina	239	300	387	510	606
Ramsey	246	329	438	549	717
Renville	276	300	387	506	598
Rolette	258	330	397	503	587
Sheridan	239	300	387	503	587
Slope	239	300	387	503	587
Steele	239	300	387	503	587
Towner	273	308	408	511	673
Walsh	318	340	422	528	591
Wells	254	300	387	503	587

O H I O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH PMSA	410	497	638	798	895	Portage, Summit
Brown County, OH	312	367	458	593	654	Brown
Canton-Massillon, OH MSA	302	393	501	627	704	Carroll, Stark
Cincinnati, OH-KY-IN	335	430	576	772	834	Clermont, Hamilton, Warren
*Cleveland-Lorain-Elyria, OH PMSA	467	587	726	924	1040	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA	412	487	626	794	913	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA	402	451	575	743	834	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	337	480	615	769	861	Butler
Huntington-Ashland, WV-KY-OH MSA	317	372	458	584	644	Lawrence
Lima, OH MSA	302	362	476	607	665	Allen, Auglaize
Mansfield, OH MSA	302	362	460	574	643	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA	319	383	438	568	620	Washington
Steubenville-Weirton, OH-WV MSA	302	356	446	568	634	Jefferson
Toledo, OH MSA	377	459	561	722	784	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	329	361	446	568	634	Belmont
Youngstown-Warren, OH MSA	354	417	522	656	747	Columbiana, Mahoning, Trumbull

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O H I O continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	293	348	434	553	620
Athens	406	458	538	705	865
Clinton	335	430	516	719	725
Darke	322	348	437	553	620
Erie	293	391	488	658	799
Gallia	293	348	434	553	620
Hancock	372	377	476	608	666
Harrison	293	348	434	553	620
Highland	293	348	434	553	620
Holmes	293	348	434	553	620
Jackson	293	348	434	553	620
Logan	344	349	450	606	631
Meigs	293	348	434	553	620
Monroe	293	348	434	553	620
Morrow	293	348	434	553	620
Noble	293	348	434	553	628
Paulding	293	348	434	553	620
Pike	308	367	456	583	651
Putnam	304	348	434	553	620
Sandusky	293	381	488	616	680
Seneca	294	348	434	557	620
Tuscarawas	293	348	455	569	638
Van Wert	293	353	434	553	620
Wayne	293	388	477	606	668
Wyandot	293	348	434	553	620

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashland	293	348	458	572	641
Champaign	293	358	465	580	650
Coshocton	293	348	434	553	620
Defiance	348	396	522	658	731
Fayette	318	348	434	553	620
Guernsey	293	348	434	553	620
Hardin	293	348	434	553	620
Henry	338	374	467	603	685
Hocking	293	348	434	553	620
Huron	340	370	461	608	647
Knox	345	380	487	629	696
Marion	293	348	434	553	620
Mercer	293	348	434	553	638
Morgan	293	354	434	553	620
Muskingum	293	348	434	553	620
Ottawa	293	434	498	678	725
Perry	293	348	434	553	620
Preble	301	357	444	569	636
Ross	340	355	434	553	620
Scioto	293	348	434	553	620
Shelby	293	358	477	596	668
Union	293	406	536	670	775
Vinton	293	348	434	553	620
Williams	326	364	453	579	648

O K L A H O M A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Enid, OK MSA	310	314	417	580	664	Garfield
Fort Smith, AR-OK MSA	349	353	464	621	652	Sequoyah
Lawton, OK MSA	384	386	491	682	747	Comanche
*Oklahoma City, OK MSA	401	436	566	786	879	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
*Tulsa, OK MSA	370	442	578	805	949	Creek, Osage, Rogers, Tulsa, Wagoner

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O K L A H O M A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	260	298	372	495	567
Atoka	260	298	372	495	567
Beckham	264	298	372	495	567
Bryan	260	298	372	495	567
Carter	260	300	375	522	567
Choctaw	260	298	372	495	567
Coal	260	298	372	495	567
Craig	260	298	372	508	601
Delaware	260	298	372	495	578
Ellis	260	298	372	495	567
Grady	285	298	386	524	633
Greer	260	298	372	495	567
Harper	260	298	372	495	567
Hughes	260	298	372	495	567
Jefferson	260	298	372	495	567
Kay	288	304	400	558	654
Kiowa	260	298	372	495	567
Le Flore	260	298	372	495	567
Love	260	298	376	495	567
Mcintosh	260	298	372	495	567
Marshall	260	298	372	495	567
Murray	260	298	372	495	567
Noble	260	298	372	495	567
Okfuskee	260	298	372	495	567
Ottawa	279	298	372	495	567
Payne	346	409	523	723	810
Pontotoc	260	298	372	495	567
Roger Mills	260	298	372	495	567
Stephens	264	298	372	495	590
Tillman	260	298	372	495	567
Washita	260	298	372	495	567
Woodward	260	298	372	495	567

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	260	298	372	495	567
Beaver	260	302	372	495	567
Blaine	260	298	372	495	567
Caddo	260	298	372	495	567
Cherokee	272	308	372	495	576
Cimarron	260	298	372	495	567
Cotton	260	298	372	495	567
Custer	260	298	382	531	612
Dewey	260	298	372	495	567
Garvin	260	298	372	495	571
Grant	260	298	372	495	567
Harmon	260	298	372	495	567
Haskell	260	298	372	495	567
Jackson	260	337	411	540	609
Johnston	260	298	372	495	567
Kingfisher	260	307	381	498	567
Latimer	260	298	372	495	567
Lincoln	278	298	372	495	567
Mccurtain	260	298	372	495	567
Major	260	312	372	516	567
Mayes	260	302	402	508	567
Muskogee	282	316	372	514	567
Nowata	260	298	372	495	567
Okmulgee	264	298	372	495	567
Pawnee	293	298	386	496	567
Pittsburg	260	298	372	495	567
Pushmataha	260	298	372	495	567
Seminole	260	298	372	495	567
Texas	260	309	372	496	567
Washington	260	357	434	576	672
Woods	260	298	372	495	567

O R E G O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Corvallis, OR MSA	401	520	660	992	1053	Benton
Eugene-Springfield, OR MSA	347	476	620	866	1000	Lane
Medford-Ashland, OR MSA	356	467	624	868	967	Jackson

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O R E G O N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Portland-Vancouver, OR-WA PMSA	492	606	747	1038	1127	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR PMSA	417	492	630	867	908	Marion, Polk

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	323	382	496	683	761
Coos	323	394	523	728	761
Curry	323	439	582	746	917
Douglas	323	382	496	683	813
Grant	323	382	496	683	761
Hood River	379	426	579	754	892
Josephine	323	392	504	683	795
Lake	323	382	496	683	761
Linn	387	460	597	821	915
Morrow	323	382	496	683	761
Tillamook	323	382	496	683	761
Union	323	382	496	683	761
Wasco	393	487	544	741	833

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clatsop	372	441	577	787	885
Crook	323	382	496	683	761
Deschutes	399	458	613	854	988
Gilliam	323	407	496	683	761
Harney	323	382	496	683	761
Jefferson	323	382	496	683	761
Klamath	323	382	496	683	808
Lincoln	392	398	530	737	802
Malheur	323	382	496	683	761
Sherman	323	382	496	683	761
Umatilla	323	382	496	683	761
Wallowa	323	382	496	683	761
Wheeler	323	382	496	683	761

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA	389	528	628	818	918	Carbon, Lehigh, Northampton
Altoona, PA MSA	297	377	452	590	660	Blair
Erie, PA MSA	301	393	463	598	668	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	357	457	586	739	824	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	301	383	460	598	668	Cambria, Somerset
Lancaster, PA MSA	396	485	605	790	850	Lancaster
Newburgh, NY-PA PMSA	499	647	793	1006	1147	Pike
*Philadelphia, PA-NJ PMSA	553	679	839	1050	1317	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA	398	487	588	736	822	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA	313	463	571	713	804	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	301	421	505	630	761	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA	330	383	460	598	668	Mercer
State College, PA MSA	433	530	656	859	919	Centre
Williamsport, PA MSA	301	385	463	598	668	Lycoming
York, PA MSA	336	460	571	712	797	York

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 41

P E N N S Y L V A N I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	296	399	529	686	868
Bedford	296	377	451	589	658
Cameron	296	377	451	589	658
Clearfield	296	377	451	589	658
Crawford	296	377	451	589	658
Forest	296	377	451	589	658
Fulton	296	377	451	589	658
Huntingdon	296	377	451	589	658
Jefferson	296	377	451	589	658
Lawrence	296	377	451	589	658
Mifflin	329	377	451	589	658
Montour	350	377	474	658	777
Potter	296	377	451	589	658
Snyder	356	377	452	589	658
Susquehanna	354	377	451	589	699
Union	357	475	593	742	829
Warren	296	377	451	589	658

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Armstrong	300	398	451	589	740
Bradford	300	381	464	608	666
Clarion	296	377	451	589	658
Clinton	296	377	451	589	658
Elk	296	377	451	589	658
Franklin	296	377	457	630	658
Greene	296	377	451	589	658
Indiana	340	379	451	589	658
Juniata	296	377	451	589	658
Mc Kean	296	379	451	589	658
Monroe	474	565	698	953	1065
Northumberland	313	396	483	642	715
Schuylkill	296	377	470	589	658
Sullivan	296	377	451	589	658
Tioga	296	377	451	589	658
Venango	296	377	451	589	658
Wayne	297	459	541	690	886

R H O D E I S L A N D

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
New London-Norwich, CT-RI MSA	518	627	764	955	1092	Washington county towns of Hopkinton town, Westerly town
Providence-Fall River-Warwick, RI-MA MSA	397	541	650	816	1006	Bristol county towns of Barrington town, Bristol town Warren town Kent county towns of Coventry town, East Greenwich tow Warwick city, West Greenwich tow, West Warwick town Newport county towns of Jamestown town Little Compton tow, Tiverton town Providence county towns of Burrillville town Central Falls city, Cranston city, Cumberland town East Providence ci, Foster town, Glocester town Johnston town, Lincoln town, North Providence t North Smithfield t, Pawtucket city, Providence city Scituate town, Smithfield town, Woonsocket city Washington county towns of Charlestown town, Exeter town Narragansett town, North Kingstown to, Richmond town South Kingstown to

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

R H O D E I S L A N D continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Newport	588	685	880	1102	1232	Middletown town, Newport city, Portsmouth town
Washington	695	782	879	1134	1249	New Shoreham town

S O U T H C A R O L I N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA	400	478	564	766	906	Aiken, Edgefield
Charleston-North Charleston, SC MSA	422	490	562	747	871	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	534	602	678	894	1070	York
Columbia, SC MSA	452	498	572	756	871	Lexington, Richland
Florence, SC MSA	343	381	495	617	693	Florence
Greenville-Spartanburg-Anderson, SC MSA	406	492	555	699	822	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA	443	451	577	722	809	Horry
Sumter, SC MSA	362	401	455	623	740	Sumter

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Abbeville	298	347	422	542	620
Bamberg	298	347	422	542	620
Beaufort	425	521	600	749	839
Chester	298	347	422	542	620
Clarendon	298	347	422	542	620
Darlington	298	347	422	542	620
Fairfield	298	399	455	566	635
Greenwood	299	347	422	542	620
Jasper	298	347	422	542	620
Lancaster	312	348	422	542	620
Lee	298	347	422	542	620
Marion	298	347	422	542	620
Newberry	298	347	422	542	620
Orangeburg	298	347	422	542	620
Union	298	347	422	542	620

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allendale	298	347	422	542	620
Barnwell	313	347	424	542	620
Calhoun	298	347	422	542	620
Chesterfield	298	347	422	542	620
Colleton	298	347	422	542	620
Dillon	298	347	422	542	620
Georgetown	298	379	425	542	645
Hampton	298	347	422	542	620
Kershaw	298	347	422	542	620
Laurens	298	347	422	542	620
Mccormick	298	347	422	542	660
Marlboro	298	347	422	542	620
Oconee	298	347	422	542	620
Saluda	298	347	422	542	620
Williamsburg	298	347	422	542	620

S O U T H D A K O T A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Rapid City, SD MSA	374	445	593	806	976	Pennington
Sioux Falls, SD MSA	361	500	634	802	921	Lincoln, Minnehaha

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

S O U T H D A K O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aurora	265	355	442	584	676
Bennett	265	352	442	584	676
Brookings	283	450	498	674	795
Brule	265	352	442	584	676
Butte	306	417	554	724	853
Charles Mix	265	352	442	584	676
Clay	295	391	491	650	807
Corson	265	352	442	584	676
Davison	296	374	470	630	721
Deuel	265	352	442	584	676
Douglas	294	352	442	584	676
Fall River	302	352	442	584	676
Grant	265	352	442	584	676
Haakon	265	360	442	584	676
Hand	265	352	442	584	676
Harding	265	360	442	584	676
Hutchinson	265	352	442	584	676
Jackson	265	357	442	584	676
Jones	265	352	442	584	676
Lake	265	357	442	584	676
Lyman	265	352	442	584	676
Mcpherson	265	352	442	584	676
Meade	372	420	560	733	865
Miner	265	357	442	584	676
Perkins	265	352	442	584	676
Roberts	265	352	442	584	676
Shannon	265	357	442	584	676
Stanley	265	360	442	584	676
Todd	292	352	442	584	676
Turner	265	352	442	584	676
Walworth	265	360	442	584	676
Ziebach	265	352	442	584	676

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beadle	265	352	442	584	676
Bon Homme	294	352	442	584	676
Brown	292	387	486	643	744
Buffalo	265	352	442	584	682
Campbell	265	352	442	584	676
Clark	265	352	442	584	676
Codington	305	404	509	673	779
Custer	265	352	442	584	676
Day	296	352	442	584	676
Dewey	265	352	442	584	676
Edmunds	265	352	442	584	676
Faulk	265	352	465	584	676
Gregory	266	352	442	584	676
Hamlin	265	352	442	584	676
Hanson	269	368	490	616	690
Hughes	301	364	482	634	751
Hyde	265	358	442	584	676
Jerauld	265	355	442	584	676
Kingsbury	288	352	442	584	676
Lawrence	304	437	550	753	852
Mccook	265	352	442	584	676
Marshall	313	352	442	584	676
Mellette	316	357	442	584	676
Moody	265	352	442	584	676
Potter	265	352	442	584	676
Sanborn	265	352	442	584	676
Spink	287	352	449	584	676
Sully	265	352	442	584	676
Tripp	265	352	442	584	676
Union	278	352	442	584	676
Yankton	265	352	442	584	676

T E N N E S S E E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	383	447	537	694	790	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA	355	397	467	636	654	Montgomery
Jackson, TN MSA	275	363	487	673	677	Madison, Chester

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E N N E S S E E continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Johnson City-Kingsport-Bristol, TN-VA MSA	319	381	471	611	724	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA	319	392	493	658	789	Anderson, Blount, Knox, Loudon, Sevier, Union
Memphis, TN-AR-MS MSA	407	475	558	775	814	Fayette, Shelby, Tipton
Nashville, TN MSA	447	535	660	898	1007	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bedford	246	317	388	488	543	Benton	266	303	364	480	538
Bledsoe	246	289	364	480	538	Bradley	246	311	415	561	682
Campbell	248	289	364	480	538	Cannon	246	289	364	480	538
Carroll	246	300	364	480	538	Claiborne	246	289	364	480	538
Clay	250	289	364	480	538	Cocke	246	289	364	480	538
Coffee	246	344	387	538	613	Crockett	246	289	364	480	538
Cumberland	260	289	379	527	538	Decatur	246	289	364	480	538
Dekalb	246	289	364	480	538	Dyer	308	312	416	520	649
Fentress	246	289	364	480	538	Franklin	258	289	364	502	590
Gibson	246	289	364	480	538	Giles	246	314	389	486	544
Grainger	250	289	364	480	538	Greene	246	289	364	480	538
Grundy	246	289	364	480	538	Hamblen	246	290	381	506	538
Hancock	246	289	364	480	538	Hardeman	246	289	364	480	538
Hardin	246	289	364	480	538	Haywood	259	301	401	502	561
Henderson	246	289	364	480	538	Henry	246	289	364	480	538
Hickman	291	296	392	516	548	Houston	246	289	364	480	538
Humphreys	246	301	364	480	538	Jackson	246	289	364	480	538
Jefferson	269	289	375	480	595	Johnson	246	289	364	480	538
Lake	246	289	364	480	538	Lauderdale	246	289	368	480	538
Lawrence	246	289	364	480	538	Lewis	246	289	364	480	538
Lincoln	246	289	369	480	538	Mcminn	246	289	364	482	538
Mcnairy	246	289	364	480	538	Macon	246	289	364	480	538
Marshall	290	316	412	520	579	Maury	353	360	480	601	670
Meigs	246	289	364	480	538	Monroe	246	289	364	480	538
Moore	246	289	364	480	538	Morgan	246	289	364	480	538
Obion	286	290	371	492	538	Overton	246	289	364	480	538
Perry	246	291	364	480	538	Pickett	246	289	364	480	538
Polk	246	289	364	480	538	Putnam	300	303	389	535	575
Rhea	246	308	364	485	538	Roane	266	289	364	491	590
Scott	246	289	364	480	538	Sequatchie	246	289	364	480	538
Smith	246	289	364	480	538	Stewart	246	289	364	480	538
Trousdale	246	303	402	505	661	Van Buren	246	289	364	480	538
Warren	274	289	374	480	538	Wayne	246	289	364	480	538

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 45

T E N N E S S E E continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Weakley	267	289	364	480	538
White	250	289	364	480	538

T E X A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	350	389	502	676	822	Taylor
Amarillo, TX MSA	296	373	464	647	763	Potter, Randall
*Austin-San Marcos, TX MSA	551	667	887	1233	1457	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	337	408	496	658	696	Hardin, Jefferson, Orange
Brazoria, TX PMSA	491	547	683	952	1120	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	310	391	488	611	763	Cameron
Bryan-College Station, TX MSA	394	458	579	808	953	Brazos
Corpus Christi, TX MSA	369	453	578	787	931	Nueces, San Patricio
*Dallas, TX	530	610	783	1083	1281	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	416	466	552	764	907	El Paso
*Fort Worth-Arlington, TX PMSA	502	546	707	988	1164	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	482	495	620	861	1017	Galveston
Henderson County, TX	306	364	445	606	728	Henderson
*Houston, TX PMSA	487	548	709	988	1165	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	415	432	547	760	836	Bell, Coryell
Laredo, TX MSA	336	387	508	635	715	Webb
Longview-Marshall, TX MSA	333	375	460	628	685	Gregg, Harrison, Upshur
Lubbock, TX MSA	319	403	523	728	807	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	289	383	439	547	616	Hidalgo
Odessa-Midland, TX MSA	319	368	491	683	791	Ector, Midland
San Angelo, TX MSA	296	378	458	629	742	Tom Green
*San Antonio, TX MSA	413	477	616	857	1014	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	296	404	488	624	746	Grayson
Texarkana, TX-Texarkana, AR MSA	322	393	480	633	671	Bowie
Tyler, TX MSA	370	409	499	691	731	Smith
Victoria, TX MSA	366	370	468	649	731	Victoria
Waco, TX MSA	322	394	519	690	727	Mclennan
Wichita Falls, TX MSA	355	396	478	636	750	Archer, Wichita

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Anderson	347	391	438	610	616
Angelina	315	366	412	571	674
Armstrong	289	334	436	547	616
Austin	289	334	402	552	616
Bandera	310	334	402	547	616
Bee	289	334	402	540	616
Borden	289	334	402	540	616
Brewster	289	334	402	544	652
Brooks	289	334	402	540	616
Burleson	289	334	422	571	696
Calhoun	309	334	402	557	659
Camp	391	396	495	619	692
Cass	289	334	402	540	616
Cherokee	322	335	410	540	616
Clay	289	340	402	540	629
Coke	289	334	402	540	616
Collingsworth	289	334	402	540	616
Comanche	289	334	402	540	616
Cooke	313	334	423	576	639
Crane	289	334	402	540	616
Crosby	289	334	402	540	616
Dallam	289	334	402	540	616
Deaf Smith	289	334	402	540	627
Dewitt	289	334	402	540	616
Dimmit	289	334	402	540	616
Duval	289	334	402	540	616
Edwards	289	334	402	540	616
Falls	289	334	402	540	616
Fayette	289	334	402	540	616
Floyd	289	334	402	540	616
Franklin	289	334	402	557	616
Frio	289	334	402	540	616
Garza	289	334	402	540	616
Glasscock	289	334	402	540	616
Gonzales	289	334	402	540	616
Grimes	289	334	402	544	642
Hall	289	334	402	540	616
Hansford	289	334	402	540	633
Hartley	289	334	402	540	616
Hemphill	289	372	416	581	616

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Andrews	289	334	402	540	616
Aransas	289	356	473	659	663
Atascosa	289	334	402	540	616
Bailey	289	334	402	540	616
Baylor	289	334	402	540	616
Blanco	289	334	425	593	626
Bosque	289	334	402	540	616
Briscoe	289	334	402	540	616
Brown	289	334	403	542	662
Burnet	367	424	522	726	849
Callahan	289	334	402	540	616
Carson	289	334	402	540	616
Castro	291	334	402	540	616
Childress	289	334	402	540	616
Cochran	289	334	402	540	616
Coleman	289	334	402	540	616
Colorado	289	334	402	540	616
Concho	289	334	402	540	616
Cottle	289	334	402	540	616
Crockett	289	334	402	540	616
Culberson	289	334	402	540	616
Dawson	289	334	402	540	616
Delta	289	346	402	540	616
Dickens	289	334	402	540	616
Donley	289	334	402	540	616
Eastland	289	334	402	540	616
Erath	299	339	438	567	616
Fannin	293	334	402	542	616
Fisher	289	334	402	540	616
Foard	289	334	402	540	616
Freestone	289	334	402	540	616
Gaines	295	334	402	540	616
Gillespie	289	364	471	648	661
Goliad	289	334	402	540	616
Gray	316	334	429	540	637
Hale	289	334	402	540	616
Hamilton	289	334	402	540	616
Hardeman	289	334	402	540	616
Haskell	289	334	402	540	616
Hill	289	334	402	540	616

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hockley	295	344	402	545	616
Houston	289	334	402	540	616
Hudspeth	348	393	438	550	723
Irion	289	334	402	540	616
Jackson	289	335	402	540	616
Jeff Davis	289	334	402	540	616
Jim Wells	289	334	402	540	625
Karnes	289	334	402	540	616
Kenedy	289	334	402	540	616
Kerr	289	374	467	651	767
King	289	334	402	540	616
Kleberg	351	364	443	619	729
Lamar	289	359	421	589	696
Lampasas	289	334	402	547	646
Lavaca	289	334	402	540	616
Leon	289	371	415	540	684
Lipscomb	289	334	402	540	616
Llano	289	372	495	620	813
Lynn	289	334	402	540	616
Mcmullen	289	334	402	540	616
Marion	289	334	402	540	639
Mason	289	334	402	540	616
Maverick	289	334	402	540	616
Menard	289	334	402	540	616
Mills	289	334	402	540	616
Montague	289	334	402	540	616
Morris	289	334	402	540	616
Nacogdoches	304	368	476	595	704
Newton	289	334	402	540	616
Ochiltree	289	334	402	540	616
Palo Pinto	289	334	402	540	641
Parmer	289	334	402	540	616
Polk	322	352	410	552	669
Rains	289	374	452	628	633
Real	289	334	402	540	616
Reeves	289	334	402	540	616
Roberts	289	337	402	540	616
Runnels	289	334	402	540	616
Sabine	289	334	402	540	616
San Jacinto	302	341	402	540	631

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hopkins	337	363	425	593	639
Howard	308	334	402	544	616
Hutchinson	289	334	416	581	686
Jack	289	334	402	540	616
Jasper	289	334	411	547	671
Jim Hogg	289	334	402	540	616
Jones	289	334	402	540	616
Kendall	289	421	473	659	779
Kent	289	334	402	540	616
Kimble	289	334	438	549	616
Kinney	289	334	402	540	616
Knox	289	334	402	540	616
Lamb	289	334	402	540	616
La Salle	289	334	402	540	616
Lee	327	368	413	577	647
Limestone	289	334	402	540	616
Live Oak	289	334	402	540	616
Loving	289	334	402	540	616
Mcculloch	297	334	402	540	616
Madison	289	343	402	540	635
Martin	289	334	402	540	616
Matagorda	334	365	452	628	633
Medina	289	334	402	540	616
Milam	289	334	402	540	616
Mitchell	289	334	402	540	616
Moore	289	339	402	540	627
Motley	289	334	402	540	616
Navarro	346	364	437	555	616
Nolan	297	334	402	540	616
Oldham	289	334	436	547	640
Panola	289	340	402	540	616
Pecos	289	334	402	544	642
Presidio	289	334	402	540	616
Reagan	368	374	497	625	816
Red River	289	372	416	540	616
Refugio	289	334	402	540	616
Robertson	289	383	426	540	616
Rusk	301	334	402	540	616
San Augustine	289	334	402	540	616
San Saba	289	334	402	540	616

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Schleicher	289	334	402	540	616
Shackelford	289	334	402	540	616
Sherman	289	334	402	540	616
Starr	289	334	402	540	616
Sterling	289	334	402	540	616
Sutton	289	334	402	540	616
Terrell	289	334	402	540	616
Throckmorton	289	334	402	540	616
Trinity	300	339	402	540	616
Upton	289	334	402	540	616
Val Verde	289	384	451	563	664
Walker	390	414	507	672	710
Washington	359	366	489	610	802
Wheeler	289	334	402	540	616
Willacy	289	334	402	540	616
Wise	289	337	405	564	616
Yoakum	289	381	467	584	767
Zapata	289	334	402	540	616

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Scurry	289	334	417	583	688
Shelby	289	334	402	540	616
Somervell	331	372	416	571	616
Stephens	289	334	402	540	616
Stonewall	289	334	402	540	616
Swisher	289	334	402	540	616
Terry	289	334	402	540	616
Titus	307	382	432	596	616
Tyler	289	334	430	540	708
Uvalde	289	334	402	540	616
Van Zandt	309	334	417	569	688
Ward	289	334	402	540	616
Wharton	289	334	402	540	616
Wilbarger	289	334	402	540	636
Winkler	289	334	402	540	616
Wood	289	334	416	581	686
Young	289	334	402	540	625
Zavala	289	334	402	540	616

U T A H

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kane County, UT	328	404	505	676	814	Kane
Provo-Orem, UT MSA	454	479	593	822	972	Utah
*Salt Lake City-Ogden, UT MSA	490	568	721	1003	1175	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beaver	311	381	477	638	767
Cache	346	426	534	713	858
Daggett	338	462	613	769	861
Emery	311	381	477	638	767
Grand	311	381	477	638	767
Juab	311	381	477	638	767
Morgan	311	381	477	638	767
Rich	311	381	477	638	767
Sanpete	311	381	477	638	767
Summit	460	568	708	955	1162
Uintah	311	381	477	638	767
Washington	383	472	626	837	1024

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Box Elder	346	384	481	643	775
Carbon	334	381	477	638	767
Duchesne	311	381	477	638	767
Garfield	311	381	477	638	767
Iron	317	432	538	673	791
Millard	311	381	477	638	767
Piute	311	381	477	638	767
San Juan	311	381	477	638	767
Sevier	315	381	477	638	767
Tooele	311	395	477	638	767
Wasatch	311	395	477	638	767
Wayne	311	381	477	638	767

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom.

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 49

V E R M O N T

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington, VT MSA	499	610	815	1111	1341	Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond town St. George town, Shelburne town, South Burlington c Williston town, Winooski city Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town Grand Isle county towns of Grand Isle town South Hero town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Addison	444	535	623	868	974	
Bennington	401	506	651	827	964	
Caledonia	386	462	563	710	814	
Chittenden	408	658	742	1032	1216	Bolton town, Buels gore, Huntington town, Underhill town Westford town
Essex	369	445	550	692	795	
Franklin	444	503	616	782	899	Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town
Grand Isle	382	460	570	717	824	Alburg town, Isle La Motte town, North Hero town
Lamoille	354	493	587	804	922	
Orange	368	482	595	785	880	
Orleans	342	411	509	641	736	
Rutland	406	526	642	806	902	
Washington	381	473	638	799	896	
Windham	439	508	675	856	942	
Windsor	473	535	669	859	1017	

V I R G I N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Charlottesville, VA MSA	448	530	677	900	1009	Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA	335	472	611	839	856	Clarke
Culpeper County, VA	401	584	679	898	1076	Culpeper
Danville, VA MSA	306	385	452	607	732	Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA	319	381	471	611	724	Scott, Washington, Bristol city
King George County, VA	406	539	606	842	848	King George
Lynchburg, VA MSA	363	401	461	607	732	Amherst, Bedford, Campbell, Bedford city, Lynchburg city
*Norfolk-Virginia Beach-Newport News, VA-NC MSA	490	552	652	911	1070	Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

V I R G I N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
*Richmond-Petersburg, VA MSA	525	595	693	963	1137	Suffolk city, Virginia Beach city, Williamsburg city Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA	308	385	500	641	798	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA	327	448	597	783	977	Warren
*Washington, DC-MD-VA	707	804	943	1285	1550	Arlington, Fairfax, Loudoun, Prince William, Spotsylvania Stafford, Alexandria city, Fairfax city Falls Church city, Fauquier, Fredericksburg city Manassas city, Manassas Park city

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Accomack	356	386	450	597	720	Alleghany	313	379	445	597	720
Amelia	300	379	445	597	720	Appomattox	300	379	445	597	720
Augusta	300	390	473	622	758	Bath	300	379	445	597	720
Bland	300	379	445	597	720	Brunswick	300	379	445	597	720
Buchanan	300	379	445	597	720	Buckingham	300	379	445	597	720
Caroline	426	431	577	765	806	Carroll	300	379	445	597	720
Charlotte	300	379	445	597	720	Craig	300	379	445	597	720
Cumberland	300	413	478	597	720	Dickenson	300	379	445	597	720
Essex	300	423	499	695	820	Floyd	300	379	445	597	720
Franklin	300	379	445	597	720	Frederick	408	471	566	775	928
Giles	300	379	445	597	720	Grayson	300	379	445	597	720
Greensville	300	390	445	597	720	Halifax	300	379	445	597	720
Henry	300	379	445	597	720	Highland	300	379	445	597	720
King and Queen	300	431	485	607	720	King William	300	413	461	597	720
Lancaster	376	422	476	634	772	Lee	300	379	445	597	720
Louisa	300	392	482	670	720	Lunenburg	300	379	445	597	720
Madison	301	448	504	632	827	Mecklenburg	300	379	445	597	720
Middlesex	300	381	445	597	720	Montgomery	309	406	477	662	783
Nelson	300	379	445	597	720	Northampton	300	379	445	597	720
Northumberland	300	379	445	597	720	Nottoway	300	379	445	597	720
Orange	334	453	607	845	991	Page	349	394	445	597	720
Patrick	300	379	445	597	720	Prince Edward	337	381	445	597	720
Pulaski	300	379	445	597	720	Rappahannock	304	494	556	771	909
Richmond	300	401	449	597	738	Rockbridge	300	379	445	597	720
Rockingham	300	417	527	722	847	Russell	300	379	445	597	720
Shenandoah	396	406	500	693	787	Smyth	300	379	445	597	720
Southampton	300	379	445	597	720	Surry	312	379	445	597	720
Sussex	300	379	445	597	720	Tazewell	300	379	445	597	720

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

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V I R G I N I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Westmoreland	300	406	539	679	878
Wythe	314	379	445	597	720
Wise	300	379	445	597	720

W A S H I N G T O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	410	532	708	978	1159	Whatcom
Bremerton, WA PMSA	476	549	711	961	1168	Kitsap
Olympia, WA PMSA	489	600	750	1032	1218	Thurston
Portland-Vancouver, OR-WA PMSA	492	606	747	1038	1127	Clark
Richland-Kennewick-Pasco, WA MSA	512	585	701	976	1145	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA	548	667	845	1173	1386	Island, King, Snohomish
Spokane, WA MSA	328	446	539	733	820	Spokane
Tacoma, WA PMSA	423	504	672	934	1056	Pierce
Yakima, WA MSA	369	454	564	756	789	Yakima

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	327	392	509	672	746
Chelan	327	392	509	672	746
Columbia	327	392	509	672	746
Douglas	382	404	509	672	746
Garfield	327	392	509	672	746
Grays Harbor	334	392	515	694	801
Kittitas	327	392	509	672	746
Lewis	327	392	509	672	746
Mason	371	460	566	744	801
Pacific	327	392	509	672	746
San Juan	404	551	735	969	1153
Skamania	327	392	509	672	746
Wahkiakum	327	392	509	672	746
Whitman	353	401	534	741	878
Asotin	327	392	509	672	746
Clallam	381	471	600	772	844
Cowlitz	367	410	529	734	746
Ferry	327	392	509	672	746
Grant	352	392	509	672	746
Jefferson	327	422	520	704	746
Klickitat	327	392	509	672	746
Lincoln	327	392	509	672	746
Okanogan	327	392	509	672	746
Pend Oreille	327	392	509	672	895
Skagit	446	544	643	803	897
Stevens	327	392	509	672	746
Walla Walla	327	392	509	682	806

W E S T V I R G I N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Berkeley County, WV	440	470	554	692	777	Berkeley
Charleston, WV MSA	299	406	515	707	773	Kanawha, Putnam
Cumberland, MD-WV MSA	351	422	522	690	788	Mineral
Huntington-Ashland, WV-KY-OH MSA	317	372	458	584	644	Cabell, Wayne
Jefferson County, WV	446	494	611	795	901	Jefferson

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

W E S T V I R G I N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Parkersburg-Marietta, WV-OH MSA	319	383	438	568	620	Wood
Steubenville-Weirton, OH-WV MSA	302	356	446	568	634	Brooke, Hancock
Wheeling, WV-OH MSA	329	361	446	568	634	Marshall, Ohio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	267	339	379	487	567
Braxton	267	325	379	487	567
Clay	267	325	379	487	567
Fayette	267	325	379	487	567
Grant	267	325	379	487	567
Hampshire	267	325	381	501	567
Harrison	293	361	417	520	623
Lewis	267	356	379	487	567
Logan	273	325	379	490	581
Marion	267	337	416	532	614
Mercer	267	325	379	487	567
Monongalia	336	372	452	623	737
Morgan	363	409	458	576	641
Pendleton	267	325	379	487	567
Pocahontas	267	325	379	487	567
Raleigh	308	363	423	544	637
Ritchie	267	325	379	487	567
Summers	267	325	379	487	567
Tucker	267	325	379	487	567
Upshur	267	325	381	487	567
Wetzel	301	325	409	510	644
Wyoming	267	325	379	487	567

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Boone	267	325	379	487	567
Calhoun	267	325	379	487	567
Doddridge	276	325	379	487	567
Gilmer	293	325	379	487	567
Greenbrier	267	368	393	489	567
Hardy	267	325	379	487	567
Jackson	267	334	379	519	567
Lincoln	267	325	379	487	567
Mcdowell	267	325	379	487	567
Mason	267	325	379	487	583
Mingo	267	325	379	487	575
Monroe	267	325	379	487	567
Nicholas	267	325	379	487	567
Pleasants	275	325	379	487	582
Preston	267	342	379	487	567
Randolph	267	325	379	487	567
Roane	267	325	379	487	567
Taylor	326	352	386	487	567
Tyler	267	325	399	499	567
Webster	267	325	379	487	567
Wirt	267	325	379	487	567

W I S C O N S I N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton-Oshkosh-Neenah, WI MSA	336	414	526	663	765	Calumet, Outagamie, Winnebago
Duluth-Superior, MN-WI MSA	295	380	487	651	758	Douglas
Eau Claire, WI MSA	363	395	518	664	748	Chippewa, Eau Claire
Green Bay, WI MSA	398	439	563	782	786	Brown
Janesville-Beloit, WI MSA	370	467	578	724	812	Rock
Kenosha, WI PMSA	427	530	650	894	1006	Kenosha
La Crosse, WI-MN MSA	299	385	489	655	793	La Crosse
Madison, WI MSA	460	578	699	970	1145	Dane

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 53

W I S C O N S I N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Milwaukee-Waukesha, WI PMSA	401	524	658	826	923	Milwaukee, Ozaukee, Washington, Waukesha
*Minneapolis-St. Paul, MN-WI MSA	524	674	862	1166	1321	Pierce, St. Croix
Racine, WI PMSA	358	443	585	755	826	Racine
Sheboygan, WI MSA	321	413	504	630	782	Sheboygan
Wausau, WI MSA	394	407	509	695	770	Marathon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	290	339	432	550	621
Barron	290	339	432	550	621
Buffalo	290	339	432	550	621
Clark	290	339	432	550	621
Crawford	290	339	432	550	621
Door	290	360	446	574	697
Florence	290	339	432	550	621
Forest	290	339	432	550	621
Green	295	339	432	580	621
Iowa	301	339	432	567	621
Jackson	290	339	432	550	621
Juneau	296	339	432	550	621
Lafayette	295	339	432	550	621
Lincoln	290	339	432	550	621
Marinette	290	339	432	550	621
Menominee	290	339	432	550	621
Oconto	290	339	432	550	621
Pepin	290	339	432	550	621
Portage	354	373	484	604	747
Richland	290	339	432	550	621
Sauk	340	352	468	583	654
Shawano	295	339	432	550	621
Trempealeau	290	339	432	550	621
Vilas	290	339	432	550	621
Washburn	290	339	432	550	621
Waushara	290	339	432	550	621

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashland	316	352	432	550	621
Bayfield	290	339	432	550	621
Burnett	290	339	432	550	621
Columbia	290	345	453	594	667
Dodge	368	373	490	615	685
Dunn	290	339	443	592	731
Fond du Lac	337	457	541	735	758
Grant	294	339	432	550	621
Green Lake	290	339	432	550	621
Iron	290	339	432	550	621
Jefferson	290	385	499	646	706
Kewaunee	290	339	432	550	621
Langlade	290	339	432	550	621
Manitowoc	293	339	432	550	621
Marquette	290	339	432	550	621
Monroe	290	339	432	575	621
Oneida	290	340	432	554	665
Polk	290	339	439	550	621
Price	290	339	432	550	621
Rusk	290	339	432	550	621
Sawyer	290	339	432	550	621
Taylor	290	339	432	550	621
Vernon	290	339	432	550	621
Walworth	303	426	553	721	810
Waupaca	290	339	432	550	652
Wood	314	361	447	561	630

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

W Y O M I N G

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	339	393	503	689	814	Natrona
Cheyenne, WY MSA	383	480	641	820	995	Laramie

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Albany	322	402	537	746	881
Campbell	331	352	451	600	708
Converse	306	352	451	598	688
Fremont	306	352	451	598	688
Hot Springs	306	352	451	598	688
Lincoln	306	352	451	598	688
Park	306	352	451	598	695
Sheridan	306	352	451	598	695
Sweetwater	318	352	451	600	708
Uinta	321	352	451	599	724
Weston	306	352	451	598	688

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Big Horn	306	352	451	598	688
Carbon	306	352	451	598	688
Crook	306	352	451	598	688
Goshen	306	352	451	598	688
Johnson	306	352	451	598	688
Niobrara	306	352	451	598	688
Platte	306	352	451	598	688
Sublette	340	383	451	598	688
Teton	407	519	690	927	1011
Washakie	306	352	451	598	688

P A C I F I C I S L A N D S

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	712	855	1013	1270	1428

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

P U E R T O R I C O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla, PR MSA	221	269	320	397	448	Aguada Municipio, Aguadilla Municipio, Moca Municipio
Arecibo, PR PMSA	239	290	341	427	481	Arecibo Municipio, Camuy Municipio, Hatillo Municipio
Caguas, PR PMSA	280	335	396	499	555	Caguas Municipio, Cayey Municipio, Cidra Municipio Gurabo Municipio, San Lorenzo Municipio
Mayaguez, PR MSA	262	320	380	472	532	Anasco Municipio, Cabo Rojo Municipio Hormigueros Municipio, Mayaguez Municipio Sabana Grande Municipio, San German Municipio
Ponce, PR MSA	260	319	376	470	528	Guayanilla Municipio, Juana Diaz Municipio Penuelas Municipio, Ponce Municipio, Villalba Municipio Yauco Municipio
San Juan-Bayamon, PR PMSA	351	428	505	632	710	Aguas Buenas Municipio, Barceloneta Municipio Bayamon Municipio, Canovanas Municipio Carolina Municipio, Catano Municipio, Ceiba Municipio Comerio Municipio, Corozal Municipio, Dorado Municipio Fajardo Municipio, Florida Municipio, Guaynabo Municipio Humacao Municipio, Juncos Municipio Las Piedras Municipio, Loiza Municipio Luquillo Municipio, Manati Municipio, Morovis Municipio

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

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P U E R T O R I C O continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
						Naguabo Municipio, Naranjito Municipio Rio Grande Municipio, San Juan Municipio Toa Alta Municipio, Toa Baja Municipio Trujillo Alto Municipio, Vega Alta Municipio Vega Baja Municipio, Yabucoa Municipio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adjuntas Municipio.....	207	256	300	379	419
Arroyo Municipio.....	207	256	300	379	419
Ciales Municipio.....	207	256	300	379	419
Culebra Municipio.....	207	256	300	379	419
Guayama Municipio.....	207	256	300	379	419
Jayuya Municipio.....	207	256	300	379	419
Lares Municipio.....	207	256	300	379	419
Maricao Municipio.....	207	256	300	379	419
Orocovis Municipio.....	207	256	300	379	419
Quebradillas Municipio..	207	256	300	379	419
Salinas Municipio.....	207	256	300	379	419
Santa Isabel Municipio..	207	256	300	379	419
Vieques Municipio.....	207	256	300	379	419

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aibonito Municipio.....	207	256	300	379	419
Barranquitas Municipio..	207	256	300	379	419
Coamo Municipio.....	207	256	300	379	419
Guanica Municipio.....	207	256	300	379	419
Isabela Municipio.....	207	256	300	379	419
Lajas Municipio.....	207	256	300	379	419
Las Marias Municipio....	207	256	300	379	419
Maunabo Municipio.....	207	256	300	379	419
Patillas Municipio.....	207	256	300	379	419
Rincon Municipio.....	207	256	300	379	419
San Sebastian Municipio.	207	256	300	379	419
Utuado Municipio.....	207	256	300	379	419

V I R G I N I S L A N D S

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
St. Croix.....	495	600	708	884	990

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
St. Johns/St. Thomas....	635	770	907	1134	1269

* 50th percentile FMRs are indicated by an * before the MSA name.
Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. 041801

Schedule D: FY 2002 Fair Market Rents For Manufactured Home Spaces in the Section 8 Housing Choice Voucher Program

Area Name	Space Rent
Callifornia	
Los Angeles, CA	$392
Orange County, CA	$479
Riverside-San Bernardino, Ca	$310
San Diego, CA	$441
Colorado	
Boulder-Longmont, CO	$362
Maryland	
Hagerstown, MD	$222
Nevada	
Reno, NV	$392
New York	
Newburgh, NY-PA	$350
Utica-Rome, NY	$221
Oregon	
Deschutes County, OR	$261

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- Electronic payee statements; comments due by 5-14-01; published 2-14-01

Income taxes:
- Income for trust purposes; definition; comments due by 5-18-01; published 2-15-01
- Mid-contract change in taxpayer; comments due by 5-17-01; published 2-16-01

Procedure and administration:
- Census Bureau; return information disclosure; cross-reference;

comments due by 5-14-01; published 2-13-01

Return of property in certain cases; comments due by 5-15-01; published 2-14-01

TREASURY DEPARTMENT

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Capital; qualifying mortgage loan, interest rate risk component, and miscellaneous changes; comments due by 5-14-01; published 3-15-01

Liquidity; CFR part removed and conforming amendments; comments due by 5-14-01; published 3-15-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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