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Contents

Federal Register

Vol. 66, No. 116

Friday, June 15, 2001

Agriculture Department
See Forest Service

Army Department
See Engineers Corps

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Children and Families Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32624–32625

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 32598–32599
Procurement list; additions and deletions; correction, 32599

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Philippines, 32604–32605

Defense Department
See Engineers Corps
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 32605–32609

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32609–32610
Grants and cooperative agreements; availability, etc.:
Educational research and improvement—
American Indian and Alaska Native Education Research Program, 32707–32711
National Institute on Disability and Rehabilitation Research—
Rehabilitation Engineering Research Centers, 32675–32686
Special education and rehabilitative services:
Blind vending facilities under Randolph-Sheppard Act—
Arbitration panel decisions, 32610–32611

Employment and Training Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32645–32646

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 32646–32648

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Grants and cooperative agreements; availability, etc.:
Oil industry; preferred upstream management practices; identification and demonstration, 32611–32612

Engineers Corps
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
W.F. Baird & Associates; concrete armor unit to protect coastal and hydraulic structures and shorelines; various countries, 32609

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
Colorado, 32556–32564
Air quality implementation plans; approval and promulgation; various States:
Montana, 32545–32556
Hazardous waste:
State underground storage tank program approvals—
North Carolina, 32564–32571
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
Colorado, 32594–32595
Air quality implementation plans; approval and promulgation; various States:
Montana, 32594
Air quality planning purposes; designation of areas:
Washington, 32595–32597
NOTICES
Air programs:
State implementation plans; adequacy status for transportation conformity purposes—
Illinois, 32614–32615
Confidential business information and data transfer, 32615–32616
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 32616
Weekly receipts, 32616–32617
Meetings:
National Drinking Water Advisory Committee, 32617
State and Tribal Toxics Action Forum, 32617–32618
Pesticide, food, and feed additive petitions:
Dow AgroSciences, 32618–32621
Reports and guidance documents; availability, etc.:
Particulate matter; air quality criteria; staff paper, 32621–32622

Executive Office of the President
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 32530–32533
General Electric Co., 32533–32537
Class E airspace, 32537–32538
PROPOSED RULES
Airworthiness directives:
Honeywell International, Inc., 32591–32593
Class E airspace, 32593–32594
NOTICES
Organization, functions, and authority delegations:
Scottsdale and Phoenix, AZ; Flight Standards District Office; division, 32661

Federal Communications Commission
RULES
Practice and procedure:
Impermissible State and local regulation of personal wireless service facilities regarding radiofrequency emisisions; relief requests; review procedures
Effective date, 32580
Radio frequency devices:
Scanning receivers; further ensurance against receiving cellular radio signals, 32580–32582
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32622–32623
Common carrier services:
Numbering utilization and forecast reports; numbering resources in 500 and 900 NPAs, inclusion; future filings, 32623

Federal Emergency Management Agency
RULES
Disaster assistance:
Supplemental property acquisition and elevation assistance, 32665–32673
Preparedness:
Offsite radiological emergency preparedness program; service fees, 32575–32580

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Southwestern Public Service Co. et al., 32612–32614
Practice and procedure:
Issuance Posting System; electronic publication of orders, 32614

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Lake County, MT, 32661–32662

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 32623
Formations, acquisitions, and mergers, 32623–32624
Meetings; Sunshine Act, 32624

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 32635–32637

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Ceftiofur sterile powder for injection in cattle, 32539–32540
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32625–32626
Reporting and recordkeeping requirements, 32626
Submission for OMB review; comment request, 32626–32630

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Illinois
Archer Daniels Midland, Inc.; natural vitamin E manufacturing facility, 32599
Kentucky, 32599–32600
Tennessee
Komatsu America International Co.; construction equipment manufacturing facilities, 32600

Forest Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32637–32638

General Services Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 32605–32609

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See Health Resources and Services Administration
See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 32630–32631

Health Resources and Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Emergency Medical Services for Children Network Development Demonstration Projects, 32631–32633

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 32635

Immigration and Naturalization Service
RULES
Immigration:
Russian nationals; removal from list of countries ineligible for transit without visa privileges, 32529–32530

Interior Department
See Fish and Wildlife Service

See Land Management Bureau
See Minerals Management Service
See Reclamation Bureau

Internal Revenue Service
RULES
Procedure and administration:
Underpayments of tax deposits and overstated deposit claims; penalties, 32541–32543
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32662–32663

International Trade Administration
NOTICES
Antidumping:
Hot-rolled carbon steel flat products from—
Netherlands, 32600
Applications, hearings, determinations, etc.:
Rutgers University, 32600–32601

International Trade Commission
NOTICES
Import investigations:
Folding metal tables and chairs from—
China, 32644–32645
Spring table grapes from—
Chile and Mexico, 32645

Justice Department
See Immigration and Naturalization Service

Labor Department
See Employment and Training Administration
See Employment Standards Administration
See Labor Statistics Bureau

Labor Statistics Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32648–32649

Land Management Bureau
RULES
Minerals management:
Mining claims under general mining laws; surface management, 32571–32575
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32637–32638
Alaska Native claims selection:
Afognak Joint Venture, 32638
Doyon, Ltd., 32638–32639
Closure of public lands:
California, 32639–32640
Coal leases, exploration licenses, etc.:
Wyoming, 32639
Motor vehicle use restrictions:
California, 32640–32642
Opening of public lands:
Montana, 32642
Survey plat filings:
Oregon and Washington, 32643

Minerals Management Service
NOTICES
Environmental statements; availability, etc.:
Gulf of Mexico (OCS)—
Oil and gas operations, 32643–32644

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 32605–32609

National Institute of Standards and Technology
NOTICES
Meetings:
Weights and Measures National Conference, 32601

National Oceanic and Atmospheric Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Council, 32601–32602
Meetings:
New England Fishery Management Council, 32602

Office of United States Trade Representative
See Trade Representative, Office of United States

Patent and Trademark Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 32602–32609

Pension Benefit Guaranty Corporation
RULES
Single employer plans:
Allocation of assets—
Interest assumptions for valuing and paying benefits, 32543–32544
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32649–32653
Multiemployer plans:
Interest rates and assumptions, 32650

Personnel Management Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 32653–32654

Postal Rate Commission
RULES
Personnel:
Standards of conduct; revision, 32544–32545

Public Health Service
See Food and Drug Administration
See Health Resources and Services Administration
See Substance Abuse and Mental Health Services Administration

Reclamation Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
California Bay-Delta Public Advisory Committee, 32644

Securities and Exchange Commission
RULES
Securities:
International disclosure standards; foreign private issuers conformance; correction, 32538–32539
NOTICES
Self-regulatory organizations; proposed rule changes:
New York Stock Exchange, Inc., 32654–32655

Applications, hearings, determinations, etc.:
CVB Financial Corp., 32654

Small Business Administration
NOTICES
Disaster loan areas:
Iowa, 32655
Minnesota, 32655–32656
Texas, 32656
Wisconsin, 32656

Social Security Administration
NOTICES
Privacy Act:
Systems of records, 32656–32660

State Department
RULES
Visas; nonimmigrant documentation:
Waiver by Secretary of State and Attorney General of passport and/or visa requirements—
Russia, 32540–32541

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Child Traumatic Stress Initiative, 32633–32635

Surface Transportation Board
RULES
Practice and procedure:
Combinations and ownership—
Major rail consolidation procedures, 32582–32590

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
United States-Israel Free Trade Area Implementation Act:
Qualifying industrial zones; designation, 32660–32661

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 32662

Veterans Affairs Department
NOTICES
Meetings:
Health Services Research and Development Service Scientific Review and Evaluation Board, 32663–32664
Reports and guidance documents; availability, etc.:
Cemeteries and Memorials Advisory Committee; 1999 and 2000 FY report, 32664

Separate Parts In This Issue

Part II
Federal Emergency Management Agency, 32665–32673

Part III
Department of Education, 32675–32706

Part IV
Department of Education, 32707–32711

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

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

8 CFR
212 32529

14 CFR
39 (4 documents) 32530, 32531, 32533, 32535
71 32537

Proposed Rules:
39 32591
71 32593

17 CFR
239 32538
249 32538

21 CFR
522 32539

22 CFR
41 32540

26 CFR
1 32541
31 32541
301 32541
602 32541

29 CFR
4022 32543
4044 32543

39 CFR
3000 32544

40 CFR
52 (2 documents) 32545, 32556
60 32545
61 32545
62 45
81 32556
281 32564
282 32566

Proposed Rules:
52 (2 documents) 32594
60 32594
61 32594
62 32594
81 (2 documents) 32594, 32595

43 CFR
3800 32571

44 CFR
209 32666
354 32575

47 CFR
1 32580
15 32580

49 CFR
1180 32582

Rules and Regulations

Federal Register
Vol. 66, No. 116
Friday, June 15, 2001

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

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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 2144–01]

RIN 1115–AG27

Removing Russia from the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233(c) of the Immigration and Nationality Act (Act). This interim rule removes Russia from the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

DATES: *Effective date:* This interim rule is effective June 15, 2001.

Comment date: Written comments must be submitted on or before August 14, 2001.

ADDRESSES: Please submit written comments to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 4034, Washington, DC 20536. Please include INS number 2144–01 on your correspondence to ensure proper and timely handling. You may also submit comments to the Service electronically at http:/www.ins.usdoj.gov. When submitting comments electronically, please include INS No. 2144–01 in the subject line. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Robert F. Hutnick, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 4064, Washington, DC 20536, telephone number (202) 616–7499.

SUPPLEMENTARY INFORMATION:

What Is the Authority for Participation in the TWOV Program?

Section 212(d)(4)(C) of the Act provides authority for the Attorney General acting jointly with the Secretary of State (see Department of State regulation published elsewhere in this issue of the **Federal Register**) to waive nonimmigrant visa requirements for aliens who are proceeding in immediate and continuous transit through the United States and are using a carrier which has entered into a contract with the Service authorized under section 233(c) of the Act, in this case an Immediate and Continuous Transit Agreement on Form I–426, also known as a TWOV Agreement.

How Does This Interim Rule Amend the Regulations?

This rule amends § 212.1(f)(2) by removing Russia from the list of countries whose citizens are ineligible for TWOV privileges.

Why Is Russia Being Removed From the Ineligibility List in § 212.1(f)(2)?

Upon further review by the Service, and in consultation with the Department of State, the Service now has determined that Russia should be granted TWOV privileges. This determination has been made, in light of the factors that the Service has adopted, for determining which countries' citizens and nationals are ineligible to apply for TWOV privileges. The Service therefore is removing Russia from the listing of countries whose citizens are ineligible for TWOV privileges.

Good Cause Exception

The implementation of this rule as an interim rule, with a 60-day provision for post-promulgation public comments, is based on the ''good cause'' exception found at 5 U.S.C. 553(b)(B) and 553(d)(3). Since the Service is removing a country from the list of ineligible countries, the Service finds that ''good cause'' exists under 5 U.S.C. 553(d)(3) to make this rule effective upon date of publication. Delaying the effective date of this interim rule is impractical and contrary to the public interest because it would prevent the Service and the Secretary of State from reinstating TWOV privileges on a timely basis. Accordingly, there is ''good cause'' under 5 U.S.C. 553 to make this rule effective upon the date of publication in the **Federal Register**.

Regulatory Flexibility Act

The Acting Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that, although this rule may have an economic impact on small entities (air carriers), this rule is intended to encourage travel by Russian nationals and thus would have a positive impact on the air carrier and port-of-entry revenues.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988—Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Passports and visas.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

§ 212.1 [Amended]

2. Section 212.1(f)(2) is amended by removing the country ''Russia,'' from the list of countries whose citizens and nationals are ineligible for TWOV privileges.

Dated: June 12, 2001.

Kevin D. Rooney,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 01–15133 Filed 6–12–01; 3:47 pm]

BILLING CODE 4410–10–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–303–AD; Amendment 39–12265; AD 2001–12–10]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777–200 series airplanes, that requires repetitive detailed visual and ultrasonic inspections of the lower flange of the flaperon inboard support to find cracking, and corrective actions, if necessary. This AD also requires a modification, which terminates the repetitive inspections. The actions specified by this AD are intended to prevent fracture of the inboard support structure, which could result in an in-flight loss of the inboard flaperon, structural damage, and consequent reduced controllability of the airplane.

DATES: Effective July 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 20, 2001.

ADDRESSES: 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2772; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 777–200 series airplanes was published in the **Federal Register** on January 16, 2001 (66 FR 3521). That action proposed to require repetitive detailed visual and ultrasonic inspections of the lower flange of the flaperon inboard support to find cracking; corrective actions, if necessary; and a modification, which terminates the repetitive inspections.

Comments

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

Support for the Proposed Rule

One commenter supports the proposed rule. The second commenter, an airline, states that the proposed rule does not apply to its fleet and offers no further comment.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 9 Boeing Model 777–200 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 1 airplane of U.S. registry will be affected by this AD. It will take approximately 3 work hours per airplane to accomplish the required inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be $180 per airplane, per inspection cycle.

It will take approximately 6 work hours per airplane to accomplish the required terminating action, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,932 per airplane. Based on these figures, the cost impact of the terminating action required by this AD on U.S. operators is estimated to be $3,292 per airplane.

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

Regulatory Impact

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

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

2001–12–10 Boeing: Amendment 39–12265. Docket 2000–NM–303–AD.

Applicability: Model 777–200 series airplanes, line numbers (L/N) 1 through 9 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fracture of the inboard support structure of the flaperon, which could result in an in-flight loss of the inboard flaperon, structural damage, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Inspections

(a) Before the accumulation of 4,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later: Do a detailed visual and an ultrasonic inspection of the lower flange of the flaperon inboard support to find cracks, per Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–57A0036, dated June 24, 1999.

(1) If no cracking is found: Repeat the applicable inspections thereafter at intervals not to exceed 300 flight cycles until accomplishment of the terminating action specified in paragraph (b) of this AD.

(2) If any cracking is found, before further flight, do the terminating action required by paragraph (b) of this AD, except, where the service bulletin specifies to contact Boeing for instructions, before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Terminating Action

(b) On or before the accumulation of 8,000 total flight cycles, or within 1,200 flight cycles after the effective date of this AD, whichever occurs later: Do the terminating action (a high frequency eddy current inspection to find cracks of the aft holes that attach the failsafe strap to the lower flange, oversizing of the holes if cracks are found, and installation of a failsafe strap), per Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–57A0036, dated June 24, 1999. Accomplishment of this paragraph terminates the repetitive inspections required by paragraph (a) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle 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 2: 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

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

Incorporation by Reference

(e) Except as provided by paragraph (a)(2) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 777–57A0036, dated June 24, 1999. 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

(f) This amendment becomes effective on July 20, 2001.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14725 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–116–AD; Amendment 39–12263; AD 2001–12–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires removing the two existing escape ropes in the flight compartment; installing new escape ropes, bags, and placards; and replacing the nylon straps with new straps; as applicable. This action is necessary to ensure that flight crew members safely reach the ground from a flight compartment window in the event of an emergency evacuation. This action is intended to address the identified unsafe condition.

DATES: Effective July 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 20, 2001.

ADDRESSES: 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: Jim Cashdollar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2785; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on January 16, 2001 (66 FR 3515). That action proposed to require removing the two existing escape ropes in the flight compartment; installing new escape ropes, bags, and placards; and replacing the nylon straps with new straps; as applicable.

Comments Received

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

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 321 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 136 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $4,718 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $649,808, or $4,778 per airplane.

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

Regulatory Impact

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

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

2001–12–08 Boeing: Amendment 39–12263. Docket 2000–NM–116–AD.

Applicability: Model 767 series airplanes, as listed in Boeing Alert Service Bulletin 767–25A0265, dated May 27, 1999; 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flight crew members safely reach the ground from a flight compartment window in the event of an emergency evacuation, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD, do the actions specified in paragraphs (a)(1) and (a)(2) of this AD, as applicable, per Boeing Alert Service Bulletin 767–25A0265, dated May 27, 1999.

(1) For all airplanes: Remove the two existing escape ropes and install new escape ropes, bags, and placards, as applicable, in the flight compartment.

(2) For airplanes having serial numbers 1 through 107 inclusive; on which Boeing Service Bulletin 767–25–0149, dated March 7, 1991 has been accomplished; or on which neither Boeing Service Bulletin 767–25–0149, dated March 7, 1991, nor 767–25A0242, dated October 31, 1996, has been accomplished: Replace the nylon straps with new straps.

Alternative Methods of Compliance

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

Note 2: 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

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

Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin 767–25A0265, dated May 27, 1999. 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

(e) This amendment becomes effective on July 20, 2001.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14723 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–22–AD; Amendment 39–12261; AD 2001–12–06]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), that is applicable to GE CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 turbofan engines with No. 5 bearing rotating air seal part number (P/N) 4019T60G01 installed. This amendment requires initial and repetitive checks of the magnetic chip detector indicators, which are located in the lubrication system for the engine bearings, and installation of an improved No. 5 bearing rotating air seal as a terminating action. This amendment is prompted by a report of the failure of a No. 5 bearing rotating air seal that led to a fire in the cavity of the low pressure turbine (LPT), overtemperature of the LPT turbine disk, and excessive turbine disk growth. The actions specified by this AD are intended to prevent No.5 bearing rotating air seal failures and possible uncontained engine failures.

DATES: Effective date July 20, 2001.

ADDRESSES: Information regarding this action may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7148, fax: (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to GE CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 engines was published in the **Federal Register** on February 27, 2001 (66 FR 12443). That action proposed to require initial and repetitive checks of magnetic chip detector indicators, which are located in the lubrication system for the engine bearings, in order to detect No. 5 bearing roller distress before air seal failure, and installation of a new modified design No. 5 bearing rotating air seal, P/N 4019T60G03, as terminating action for the repetitive inspection requirements of this AD.

Comments

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

Requests To Eliminate Repetitive Inspection Requirements

Three commenters request that the repetitive inspection requirements be eliminated from the AD. The commenters state that they are already performing the inspections based upon recommendations from the manufacturer. The FAA does not agree. Although these individual commenters may already be complying with the proposed requirements, the FAA has determined that an unsafe condition exists that warrants requiring all operators to conduct mandatory repetitive inspections, until the terminating actions are accomplished. Therefore, the FAA must issue an AD to require repetitive inspections, regardless of the manufacturer's recommendations.

Requests To Change Compliance Time for Initial Inspections

Two commenters request that the time to comply with the initial inspection requirements be increased from 30 hours after the effective date of the proposed AD to 100 hours after the effective date, for CF34–1A, –3A, and –3A2 engines. The commenters feel that a 100-hour initial inspection provides an acceptable level of safety based on risk analysis conducted by the type certificate holder, and will reduce the economic burden on operators. The FAA agrees. Further review of risk analysis data supports that an acceptable level of safety would result with a 100-hour initial inspection threshold rather than a 30-hour initial inspection threshold. Therefore, the FAA has changed the initial inspection compliance time for CF34–1A, –3A, and –3A2 engines to ''100 flight hours from the effective date of this AD.''

Requests To Change Compliance Time for CF34–3B Repetitive Inspections

One commenter requests that the time to comply with the repetitive inspection requirements be increased from an interval of 30 hours to an interval of 100 hours for CF34–3B engines. The commenter states that the extended time will reduce the economic impact on the commenter due to additional maintenance requirements, and make the CF34–3B inspection requirements the same as the CF34–3A inspection requirements. The FAA does not agree. Risk analysis data used by the FAA to establish the AD requirements shows that an unacceptable level of safety would result from increasing the inspection interval from 30 flight hours to 100 flight hours for the CF34–3B engine fleet.

Requests To Clarify Who May Perform Maintenance Actions

One commenter requests that the wording of the AD be revised to reflect that the pilot may do the check, but a maintenance technician must do any required maintenance actions. Additionally, the same commenter and another commenter, request that the AD be revised to clarify that on CF34–1A, –3A, and –3A2 turbofan engines, chip detector checks are maintenance actions and are not to be performed by flight crew. CF34–1A, –3A, and –3A2 turbofan engine models have individual chip detectors. Those chip detectors are checked with an ohmmeter, unlike the CF34–3A1, –3B, and –3B1 engine models, which have a single master chip detector with a white triangle or illuminated indicator. The FAA agrees. The intent of the AD is to allow chip detector indicator checks to be done by the pilot for engine models with the master chip detector installation. Although the proposed AD would not have authorized the pilot to do any task beyond a visual check of the indicator, the FAA agrees that additional clarity is needed. Therefore, the FAA has revised

paragraph (b) to clarify the requirements.

Requests To Allow Pilot to ''Sign-off'' 30 Flight Hour Magnetic Chip Detector Check

Two commenters request that the pilot be allowed to sign-off the 30-flight hour magnetic chip detector check. The commenters feel that the check is a very simple task on the CF34–3A1, –3B, and –3B1 engine installations. The chip detector panel location is accessed by aircrews on a daily basis in the normal course of their duties of determining and monitoring engine oil levels. The chip detector check that is required by paragraph (b) of the proposed AD is a simple go/no-go check and could be performed by an aircrew. The FAA agrees, but no revisions to the AD are needed as this is explicitly provided for in paragraph (b) of the proposed AD.

Requests To Increase the Compliance Time for Mandatory Terminating Action

One commenter requests that the compliance time for the mandatory terminating action for the CF34–3A1, –3B, and –3B1 be increased from 15,000 cycles-in-service (CIS) after the effective date of the proposed AD, to 18,000 CIS after the effective date of the proposed AD. The commenter requests the change in anticipation of future rotating part life limit increases, and to coincide with scheduled shop visits in the future if life limits are increased. The FAA does not agree. The level of safety provided by the requirements of the proposed AD were established based upon compliance within 15,000 CIS after the effective date to the AD, and no additional data was provided by the commenter to show that an acceptable level of safety would be provided if the terminating action deadline were extended. In addition, further review with the type certificate holder indicated that future life limit increases are not anticipated for all affected engine models.

Request for Clarification of the Mandatory Terminating Action Compliance Time

The same commenter requests that the compliance time for the mandatory terminating action be revised to indicate terminating actions are not required upon reaching 15,000 cycles-since-new (CSN), but instead that terminating actions are required after accumulating 15,000 additional CIS after the effective date of this AD. The commenter states that one operator has misinterpreted the existing wording as a hard limit of 15,000 CSN. The FAA agrees. The intent of the proposed AD was to require terminating action within 15,000 CIS accumulated after the effective date of the AD, and was not intended to impose a 15,000 CSN limit. The FAA has changed the wording in Table 2 accordingly.

Request To Incorporate Chip Detector Check as Part of the Flight Checklist

One commenter requests that the chip detector check be done as part of the aircrew normal acceptance of terminating flight checklist. The commenter feels that precedence for aircrews performing simple go/no-go checks as part of an approved checklist can be found in AD 92–16–51 for the EMB120. The FAA partially agrees. The FAA agrees that the engine chip detector check can be performed by the aircrew, which is provided for in paragraph (b) of the AD. However, as further stated in paragraph (b), 91.417(a)(2)(v) of the Federal Aviation Regulations [14 CFR 91.417(a)(2)(v)] requires that for AD actions involving recurring inspections, records must be maintained, including the time and date when the next action is required. Accordingly, although the chip detector checks may be included in the aircrew daily checklist, this would not obviate the need for the operator to record each AD accomplishment, and no changes to the proposed rule are required.

Request for a New Paragraph To Require a Maintenance Operational Check of the Engine Master Chip Detector

One commenter requests that a new paragraph be added to the proposed AD to require a maintenance operational check (BITE) of the engine master chip detector. The check would be required to be done at the air carriers' first scheduled maintenance opportunity, but not to exceed seven calendar days. The commenter feels that this check would provide an equivalent of better level of safety than that proposed in the AD. The FAA does not agree. The FAA has no data that mandating operational checks of the engine master chip detector system would improve the level of safety provided by the proposed rule as currently written.

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

Economic Impact

There are about 1,650 engines of the affected design in the worldwide fleet. The FAA estimates that 1,075 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take about 0.5 work hours per engine to do the proposed checks, and that the average labor rate is $60 per work hour. Based on these figures, the total proposed AD cost impact on U.S. operators, for the initial check is estimated to be $32,250. In addition, the replacement air seal cost is approximately $2,400 per unit, so the total proposed material cost impact on U.S. operators is estimated to be $2,580,000. No additional labor is required for air seal replacement, as this will occur during normal exposure at shop visit. Based on these figures, the total proposed AD cost impact on U.S. operators is estimated to be $2,612,250.

Regulatory Impact

This proposal 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 proposal.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–12–06 General Electric Company: Amendment 39–12261. Docket No. 2000–NE–22–AD.

Applicability

This airworthiness directive (AD) is applicable to CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 turbofan engines with No. 5 bearing rotating air seal, part number (P/N) 4019T60G01 installed. These engines are installed on but not limited to Bombardier Inc. (Canadair) Model CL–600–2A12, Model CL–600–2B16, and Model CL–600–2B19, airplanes.

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

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

To prevent No.5 bearing rotating air seal failures and possible uncontained engine failures, do the following:

Magnetic Chip Detector Indicator Check

(a) Check magnetic chip detector indicators in accordance with the following Table 1:

TABLE 1.—INITIAL AND REPETITIVE CHECKS

Engine model	Initial check within:	Then within every:
(1) CF34–3A1, –3B1, and –3B	30 flight hours or 3 calendar days, whichever is greater, from effective date of this AD.	30 flight hours time-since-last-inspected (TSLI) or 3 calendar days TSLI, whichever is greater.
(2) CF34–1A, –3A, and –3A2	100 flight hours, from the effective date of this AD	100 flight hours TSLI.

Chip Detector Indicator Check, Authorization

(b) For CF34–3A1, –3B, and –3B1 turbofan engine models, notwithstanding section 43.3 of the Federal Aviation Regulations (14 CFR 43.3), the checks required by paragraph (a) of this AD, may be performed by an aircrew member holding at least a private pilot certificate. The operator of the airplane must record completion of the checks in the airplane records to show compliance with this AD, in accordance with sections 43.9 and 91.417(a)(2)(v) of the Federal Aviation Regulations 14 CFR part 43.9 and 14 CFR part 91.417(a)(2)(v). The records must be maintained as required by the applicable Federal Aviation Regulation.

Detection of Chips

(c) If a chip detection is indicated, remove the chip detector and disposition the chip, and the engine, using the engine maintenance manual procedures.

Replacement of Air Seal

(d) Remove No.5 bearing rotating air seal P/N 4019T60G01, and replace with air seal P/N 4019T60G03, in accordance with the following Table 2:

TABLE 2.—COMPLIANCE TIMES FOR REPLACEMENT OF AIR SEAL

Engine model	Replace at
(1) CF34–3A1, –3B1, and –3B	Next shop visit when HPT is exposed, but do not exceed 15,000 cycles-in-service from the effective date of this AD.
(2) CF34–1A, –3A, and –3A2	Next 3000-hour hot section inspection or at next 6,000-hour overhaul, whichever occurs first, but not to exceed 3,000 hours time-in-service from the effective date of this AD.

Mandatory Terminating Action

(e) Replacement of air seal P/N 4019T60G01 with air seal P/N 4019T60G03 constitutes terminating action for the repetitive inspection requirements specified in paragraph (a) of 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, Engine Certification Office (ECO). Operators shall submit their request through an appropriate Federal Aviation Administration (FAA) Principal 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

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

Effective Date of This AD

(h) This amendment becomes effective on July 20, 2001.

Issued in Burlington, Massachusetts, on June 5, 2001.

Francis A. Favara,

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

[FR Doc. 01–14824 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–07–AD; Amendment 39–12262; AD 2001–12–07]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CT58 Series and Former Military T58 Series Turboshaft Engines

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 General Electric Company (GE) CT58 series and former military T58 series turboshaft engines. This action requires the removal from service of certain fuel flow divider assemblies, and replacement with serviceable parts. This amendment is prompted by reports of large volumes of fuel leakage from end caps on fuel flow divider assemblies. The actions specified in this AD are intended to prevent fuel flow divider assembly fuel leakage, which could cause an engine fire, leading to an in-flight engine shutdown and forced landing.

DATES: Effective July 2, 2001.

Comments for inclusion in the Rules Docket must be received on or before August 14, 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–07–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 GE Aircraft Engines, 1000 Western Ave., Lynn, MA 01910; Attention: CT58/T58 International Program Manager, Mail Zone: 564X9; fax: (781) 594–1527, Internet address: ''frank.federico@ae.ge.com''. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299 telephone: (781) 238–7148; fax: (781) 238–7199.

SUPPLEMENTARY INFORMATION: On December 7, 2000, the FAA was made aware of three incidents of fuel leaking from the temperature control valve assembly, located on the fuel flow divider assembly. An investigation by GE revealed that the vendor of the temperature control valve assembly end caps did not accomplish the required manufacturing process steps following heat treatment. This has caused the end caps to be susceptible to intergranular corrosion which can result in cracking. This condition, if not corrected, could cause an engine fire, leading to an in-flight engine shutdown and forced landing.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of GE Company Alert Service Bulletin (ASB) CT58 73–A0080, dated February 13, 2001, that describes procedures for locating suspect fuel flow divider assemblies, part numbers (P/N's) 4050T82G02 or 4067T04G02, then locating temperature control assemblies P/N's 5040T77G02 or 5040T87G02 by affected serial number prefix, and then replacing fuel flow divider assemblies with serviceable parts.

FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other GE CT58 series turboshaft engines of the same type design, this AD is being issued to prevent fuel flow divider assembly fuel leakage, which could cause an engine fire, leading to an in-flight engine shutdown and forced landing. This AD requires locating suspect fuel flow divider assemblies by part number, then locating affected temperature control assemblies by part number and serial number prefix, and then replacing fuel flow divider assemblies with serviceable parts.

Immediate Adoption of This AD

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 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–07–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, 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:

2001–12–07 General Electric Company: Amendment 39–12262. Docket No. 2001–NE–07–AD.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CT58–140–1, –140–2, and former military T58–GE–5, –8F, –10, –100, and –402 turboshaft engines, with fuel flow divider assemblies part numbers (P/N's) 4050T82G02, or 5040T77G02 having temperature control assemblies with serial numbers (SN's) with the first two digits of 95, 96, 97, 98, or 99 installed. These engines are installed on, but not limited to Agusta S.p.A. AS–6N, Boeing Vertol 107–11, Sikorsky S–61 Series and S–62 Series, and the following surplus military helicopters that have been certified in accordance with sections 21.25 or 21.27 of the Federal Aviation Regulations (14 CFR 21.25 or 21.27): Carson S–61L, Firefly UH–1F, Glacier CH–3E, Quentin HH52A, Robinson Air Crane CH–3C, CH–3E, HH–3C, and HH–3E, Sikorsky S–61A, S–61D, S–61E, S–61V, and S–61V–1, and Siller Helicopters CH–3A, and SH–3A.

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

Compliance

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

To prevent fuel flow divider assembly fuel leakage, which could cause an engine fire, leading to an in-flight engine shutdown and forced landing, do the following within 120 hours time-in-service after the effective date of this AD:

(a) Locate the temperature control assembly, which is mounted on the fuel flow divider assembly and do the following:

(1) Read the temperature control assembly SN, located on the temperature control assembly end cap. The end cap can be identified by a one-inch hex flange and by being threaded into the fuel flow divider body.

(2) If the first two digits of the SN are 95, 96, 97, 98, or 99, or if the SN cannot be determined, replace the entire fuel flow divider assembly. Further information regarding SN location on the temperature control assembly may be found in GE Alert Service Bulletin CT58 73–A0080, dated February 13, 2001.

(b) After the effective date of this AD, do not install any fuel flow divider assembly P/N 4050T82G02 or 5040T77G02, that has the first two digits of the temperature control assembly SN of 95, 96, 97, 98, or 99.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Effective Date of this AD

(e) This amendment becomes effective on July 2, 2001.

Issued in Burlington, Massachusetts, on June 5, 2001.

Francis A. Favara,

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

[FR Doc. 01–14823 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–25]

Revision of Class E Airspace, Cody, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Cody, WY, Class E airspace to accommodate airspace required for the establishment of a new Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) to the Yellowstone Regional Airport, Cody, WY.

EFFECTIVE DATE: 0901 UTC, July 12, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–25, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On February 13, 2001, the FAA proposed to amend title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Cody, WY, in order to accommodate a new RNAV SIAP at Yellowstone Regional Airport, Cody, WY (66 FR 9988). This amendment provides Class E5 airspace at Cody, WY, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Cody, WY, in order to accommodate a new RNAV SIAP to the Yellowstone Regional Airport, Cody, WY. This amendment revises Class E5 airspace at Cody, WY, to meet current criteria standards associated with the RNAV SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operation sunder Instrument Flight Rules (IFR) at the Yellowstone Regional Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83., 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 FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact 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

In consideration of the foregoing, 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 14 CFR 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 the 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.

* * * * *

ANM WY E5 Cody, WY [Revised]

Cody, Yellowstone Regional Airport, WY

(Lat. 44°31′12″N., long. 109°01′27″W.)

That airspace extending upward from 700 feet above the surface within the 7-mile radius of the Yellowstone Regional Airport, and from the 020° bearing from the airport clockwise to the 120° bearing from the airport extending to 13.4-miles.

* * * * *

Issued in Seattle, Washington, on May 22, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–15170 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239 and 249

[Release Nos. 33–7983; 34–44406 International Series Release No. 1249];File No. S7–3–99

RIN 3235–AH62

International Disclosure Standards; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Securities and Exchange Commission (''Commission'') is adopting technical amendments to final rules adopted in Release No. 33–7745 (September 28, 1999), which were published in the **Federal Register** on October 5, 1999 (64 FR 53900). The rules relate to the international disclosure standards of Form 20–F under the Securities Exchange Act of 1934 and registration statements on Form F–2 and F–3 under the Securities Act of 1933.

EFFECTIVE DATE: June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Amy Kate O'Brien, Office of International Corporate Finance, Division of Corporation Finance at (202) 942–2990, or at 450 Fifth Street, NW., Washington, DC 20549–0302.

SUPPLEMENTARY INFORMATION: On September 28, 1999, the Commission adopted changes to Form 20–F under the Securities Exchange Act of 1934 and to Forms F–2 and F–3 under the Securities Act of 1933. Form 20–F is used by foreign private issuers to file registration statements and annual reports under the Securities Exchange Act of 1934, and Forms F–2 and F–3 are the short form registration statements used by foreign private issuers under the Securities Act of 1933. Subsequent to the adoption of the revised forms, questions arose regarding the requirements of the forms. Accordingly, the amendments to the forms set forth in this Release clarify the requirements regarding the age of financial statements, codify the long-standing practice of accepting two years audited income statement and statement of cash flows information if the financial statements are presented in accordance with United States Generally Accepted Accounting Principles (''U.S. GAAP''), and correct cross-references in Form 20–F and Forms F–2 and F–3. These changes will clarify language that could create confusion regarding the requirements of the forms. The changes are technical corrections that reflect long-standing practice, and do not alter the current requirements for companies filing on the forms.

In connection with the adoption of revisions to Form 20–F under the Securities Exchange Act of 1934, we adopted Item 8.A.4 and Instruction 1 to Item 8.A.4 regarding the age of financial statements in a registration statement. As revised, Instruction 1 to Item 8.A.4 incorrectly implies that audited financial information for a period of less than a full year satisfies the requirement that audited annual financial statements are no more than 15 months old at the time of the offering or listing. The correction deletes the last sentence in the first paragraph of Instruction 1 to Item 8.A.4 in order to remedy any potential confusion. This correction will clarify that a foreign private issuer cannot satisfy the 15-month audited annual financial statement requirement by filing financial statements that cover less than a full fiscal year, even if those statements are audited. Audited financial statements for a period of less than a full year, however, will continue to satisfy the requirement that the audited financial statements in an initial public offering are no more than 12 months old at the time of the filing, as stated in the last sentence of Item 8.A.4 of Form 20–F.

The technical amendments also add new Instruction 1 to Item 8.A.2 to expressly incorporate the reporting requirements for filers preparing financial statements in accordance with U.S. GAAP as previously set forth in Release No. 33–7053 (April 19, 1994), which was published in the **Federal Register** on April 26, 1994 (59 FR 21644). This practice has eased the reporting burden on qualifying filers, and the Commission did not intend to alter it by amending Form 20–F. As stated in the Release,

> If the financial statements are prepared in accordance with U.S. GAAP, the audited income statement and statement of cash flows would only be required for two years. Selected financial data for the full five fiscal years would still be required, using the accounting principles used for reporting to its shareholders.[1]

Additionally, the amendment conforms Item 3.A (Selected Financial Data) of Form 20–F by adding an instruction to include predecessor information as already required in Instruction 1 to Item 8 (Financial Information). Predecessor information has always been required for Selected Financial Data. Our omission of an

[1] Release No. 33–7035 part III. B. note 37 (59 FR 21644).

express reference to this requirement in the instruction to Item 3.A was not intended to signal a change in policy. Finally, the amendment corrects various cross-references in Forms F–2 and F–3 under the Securities Act of 1933.

Certain Findings

Under the Administrative Procedure Act (''APA''), notice of proposed rulemaking is not required when an agency, for good cause, finds ''that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [2] The correcting amendments to Form 20–F and Forms F–2 and F–3 are technical changes that (1) clarify that there is no change in the long-standing requirement for full period, audited financial statements; (2) incorporate the long-standing practice of accepting two years income statement and cash flow information for filers presenting financial information in accordance with U.S. GAAP; (3) reconcile the instructions to Item 3.A and Item 8 of Form 20–F; and (4) correct cross-references in the forms. For these reasons, the Commission finds that there is no need to publish notice of these amendments.[3]

The APA also requires publication of a rule at least 30 days before its effective date unless the agency finds otherwise for good cause.[4] For the same reasons described with respect to opportunity for notice and comment, the Commission finds there is good cause for the amendments to take effect immediately.

List of Subjects in 17 CFR Parts 239 and 249

Reporting and recordkeeping requirements, Securities.

Text of the Amendments

In accordance with the foregoing, the Commission amends Title 17, chapter II of the Code of Federal Regulations as follows:

[2] 5 U.S.C. 553(b)(3)(B).

[3] For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. *See* 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility Act analyses, the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of congressional review of agency rulemaking, the term ''rule'' does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

[4] *See* U.S.C. 553(d)(3).

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. The authority citation for part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77sss, 78c, 78*l,* 78m, 78n, 78o(d), 78u–5, 78w(a), 78*ll*(d), 79e, 79f, 79g, 79j, 79*l,* 79m, 79n, 79q, 79t, 80a–8, 80a–24, 80a–29, 80a–30 and 80a–37, unless otherwise noted.

* * * * *

2. Amend Form F–2 (referenced in § 239.32) Item 4 by removing the words ''Item 10 (The Offer and Listing)'' and adding in their place the words ''Item 9 (Offer and Listing), Item 10 (Additional Information)''.

Note: The text of Form F–2 does not and this amendment will not appear in the Code of Federal Regulations.

3. Amend Form F–3 (referenced in § 239.33) Item 4 by removing the words ''Item 10 (The Offer and Listing)'' and adding in their place the words ''Item 9 (Offer and Listing), Item 10 (Additional Information)''.

Note: The text of Form F–3 does not and this amendment will not appear in the Code of Federal Regulations.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

4. The authority citation for part 249 continues to read, in part, as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

* * * * *

5. Amend Form 20–F (referenced in § 249.220f) by:

a. In Item 3, designate the current text of Instructions to Item 3.A as Instruction 2 and add new Instruction 1;

b. In Item 8, paragraph 1 to Instructions to Item 8.A.4, remove the last sentence; and

c. In Item 8, add Instruction 3 to Instructions to Item 8.A.2 to read as follows:

Note: The text of Form 20-F does not and this amendment will not appear in the Code of Federal Regulations.

Securities and Exchange Commission

OMB Approval

OMB Number: 3235–0288
Expires: June 20, 2002
Estimated average burden hours per response—1991.00

Form 20–F—Registration Statement Pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934

* * * * *

Instructions to Item 3.A

1. This item refers to the company, but note that in some cases, you may have to provide selected financial data for a predecessor. See the definition of predecessor in Exchange Act Rule 12b–2 and Securities Act Rule 405.

2. * * *

* * * * *

Instructions to Item 8.A.2

1. * * *

3. In initial registration statements, if the financial statements presented pursuant to Item 8.A.2 are prepared in accordance with U.S. generally accepted accounting principles, the earliest of the three years may be omitted if that information has not previously been included in a filing made under the Securities Act of 1933 or the Securities Exchange Act of 1934. Selected financial data presented pursuant to Item 3.A of Form 20–F for the full five fiscal years is still required.

* * * * *

June 11, 2001.
By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15137 Filed 6–14–01; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Ceftiofur Sterile Powder for Injection

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 Pharmacia and Upjohn Co. The supplemental NADA provides for subcutaneous injection of a solution of reconstituted ceftiofur sodium powder in cattle.

DATES: This rule is effective June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Naba K. Das, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7569.

SUPPLEMENTARY INFORMATION: Pharmacia and Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001–0199, filed supplemental NADA 140–338 that provides for use of Naxcel® (ceftiofur sodium) sterile powder for injection by subcutaneous injection of a solution of reconstituted ceftiofur sodium powder in cattle for the treatment of several bacterial diseases.

Supplemental NADA is approved as of May 29, 2001, and the regulations are amended in 21 CFR 522.313 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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 supplemental 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.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval qualifies for 3 years of marketing exclusivity beginning May 29, 2001, because the supplement application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the supplemental application and conducted or sponsored by the applicant.

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 522

Animal drugs.

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 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

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

§ 522.313 [Amended]

2. Section 522.313 *Ceftiofur sodium powder for injection* is amended in paragraph (d)(1)(i) by adding after ''intramuscularly'' the phrase ''or subcutaneously''.

Dated: June 7, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–15083 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 3697]

Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended: Aliens Ineligible To Transit Without Visas (TWOV)—Russia

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Interim rule with request for comments.

SUMMARY: Section 212(d)(4)(A) of the Immigration and Nationality Act (INA) permits the Secretary of State, acting jointly with the Attorney General, to waive the visa and passport requirement of INA 212(a)(7)(B) for certain aliens in direct transit through the United States. This waiver allows an alien to transit the United States without a passport and visa provided the alien is traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (INS) in accordance with INA 233(c) and bears documentation establishing identity and nationality which permits the alien's entry into another country. This rule removes Russia from the list of countries that are ineligible to transit without visa (TWOV) that was published on January 5, 2001 at 66 FR 1033.

DATES: *Effective Date:* This interim rule is effective June 15, 2001.

Comment Date: Written comments may be submitted sixty days from August 14, 2001.

ADDRESSES: Submit comments, in duplicate, to the H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20522–0106; or e-mail: *odomhe@state.gov.*

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Office, Room L603–C, SA–1, Department of State, Washington, DC 20520–0106, or phone (202) 663–1204; or e-mail: *odomhe@state.gov.*

SUPPLEMENTARY INFORMATION:

What Is the Authority for Allowing or Prohibiting Transit Without Visa?

Section 212(d)(4)(C) of the Immigration and Nationality Act (INA) provides the authority for the Secretary of State, acting jointly with the Attorney General, to waive the passport and/or visa requirement for a nonimmigrant who is in immediate and continuous transit through the United States and is using a carrier that has entered into a Transit Without Visa (TWOV) Agreement as provided in INA 233(c).

Who Determines Which Countries Can Transit Without a Visa?

Since TWOV does not involve the issuance of a visa, the Department's role in the day-to-day administration of the TWOV program is minimal. Therefore, the Department's regulation at 22 CFR 41.2(i), for the most part, is merely a restatement of the INS regulation on the same subject. The Department does become involved, however, in the designation of those countries whose citizens are ineligible to utilize the TWOV. The current regulation provides a list of ineligible countries.

Which Countries Are Removed From the List of Countries Whose Citizens Cannot TWOV?

This rule removes Russia from the list of countries whose citizens cannot TWOV.

Why Is Russia Being Removed From the List of Countries Whose Citizens Cannot TWOV?

The Department and the INS have reviewed again the current list of ineligible countries and have determined that Russia can be removed from the list. In making the decision to remove Russia from the list the agencies took into consideration, in addition to the criteria specified in the regulation, comments received which expressed concern about the commercial impact caused by placing Russia on the list. Specifically, the withdrawal of TWOV privileges for Russia would discourage travel by Russian nationals and thus would have a serious negative impact on airline and port-of-entry revenues.

What Other Amendments Are Being Made?

In the interim regulation the entry for ''Serbia'' is amended to read ''Federal Republic of Yugoslavia''. On November 17, 2000, the United States recognized the Federal Republic of Yugoslavia as an independent state. Therefore, the former reference to Serbia and Montenegro is now listed as the Federal Republic of Yugoslavia.

Interim Rule

How Will the Department of State Amend Its Regulations?

This rule and the INS rule published elsewhere in this issue amend the list of countries found at 22 CFR 41.2(i) whose citizens the Department and the INS have determined are not eligible for the transit without visa (TWOV) program.

Administrative Procedure Act

The Department is implementing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the ''good cause'' exceptions found at 5 U.S.C. 553(b)(B) and 553(d)(3). Since this rule bestows a benefit for Russian nationals traveling to the U.S., the Department is implementing this rule immediately.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

Although this rule is promulgated in conjunction with the Immigration and Naturalization Service, a domestic agency, the Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f) Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994 from the Director of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This regulation 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements. The information collection requirement (Form OF–156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Passports and visas.

In view of the foregoing, the Department amends 22 CFR as follows:

PART 41—[AMENDED]

1. The authority citation for 22 CFR part 41 continues to read as follows:

Authority: 8 U.S.C. 1104; Pub. L. 105–277, 112 Stat. 2681 et. seq.

2. Amend § 41.2 by revising paragraph (i)(2) to read as follows:

§ 41.2 Waiver by Secretary of State and Attorney General of passport and/or visa requirements for certain categories of nonimmigrants.

* * * * *

(i) * * *

(2) Notwithstanding the provisions of paragraph (i)(1) of this section, this waiver is not available to an alien who is a citizen of: Afghanistan, Angola, Bangladesh, Belarus, Bosnia-Herzegovina, Burma, Burundi, Central African Republic, People's Republic of China, Colombia, Congo (Brazzaville), India, Iran, Iraq, Libya, Nigeria, North Korea, Pakistan,Sierra Leone, Somalia, Sri Lanka, Sudan, or the Federal Republic of Yugoslavia.

* * * * *

Dated: June 6, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 01–15051 Filed 6–14–01; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31, 301, and 602

[TD 8947]

RIN 1545–AY79

Penalties for Underpayments of Deposits and Overstated Deposit Claims

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of final regulations.

SUMMARY: This document makes conforming amendments to certain final regulations to reflect the removal of final regulations relating to the penalty for underpayment of deposits of taxes and the penalty for overstated deposit claims. These regulations are obsolete due to amendments to section 6656 of the Internal Revenue Code. The removal of these regulations will not affect taxpayers.

DATES: The amendments and removals are effective June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Robin M. Tuczak, (202) 622–4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

This document removes two sections from the Procedure and Administration Regulations (26 CFR part 301) relating to penalties for underpayment of Federal tax deposits and overstated deposit claims under section 6656 of the Internal Revenue Code. The Omnibus Budget Reconciliation Act of 1989, Public Law 101–239 (103 Stat. 2106, 1989) amended section 6656, modifying the penalty rates relating to a failure to make a Federal tax deposit and removing the penalty relating to overstatement of Federal tax deposits. These changes have rendered §§ 301.6656–1 and 301.6656–2 obsolete.

Section 301.6656–1 was revised and § 301.6656–2 was added by TD 7925, published in the **Federal Register** for December 13, 1983 (LR–311–81, 48 FR 5453). Section 301.6656–2 was added to implement changes made by the

Economic Recovery Tax Act of 1981, Public Law 97–34 (95 Stat. 172, 1981). Section 301.6656–1 was revised to remove outdated provisions relating to deposits made before January 1, 1970, based on the law in effect for those deposits.

Section 301.6656–1 reflects that, at the time it was revised, the penalty for underpayment of deposits was five percent of the amount of the underpayment without regard to the period during which the underpayment continued, absent reasonable cause. The Omnibus Budget Reconciliation Act of 1986, Public Law 99–509 (100 Stat. 1874, 1986) amended section 6656 to impose a ten percent penalty for underpayment. The Omnibus Budget Reconciliation Act of 1989 further amended this section to provide for a penalty that is equal to an applicable percentage of the amount of the underpayment based on the duration of the underpayment. This regulation does not reflect the most recent amendments to section 6656. Furthermore, all relevant information regarding underpayment penalties is put forth in the code section or in other published guidance. This regulation does not provide any additional guidance regarding the current underpayment penalties as set forth in section 6656 and therefore may be removed.

Section 301.6656–2 explains and expands upon former section 6656(b), Overstated Deposit Claims. The Omnibus Budget Reconciliation Act of 1989 removed former section 6656(b), making this regulation obsolete.

In addition, § 301.6656–3 is redesignated as § 301.6656–1. Further, §§ 1.6302–1(d) and 1.6302–2(d) of the Income Tax Regulations and §§ 31.6302–1(m)(1) and 31.6302(c)–4(a) of the Employment Tax Regulations are revised to remove references to the removed regulations under section 6656.

Effect on other Documents

The final regulations §§ 301.6656–1 and 301.6656–2 published in the **Federal Register** for December 13, 1983 (LR–311–81, 48 FR 5453) are removed as of June 15, 2001.

Special Analyses

It has been determined that the removal of these regulations is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. Because this rule merely removes regulatory provisions made obsolete by statute, prior notice and comment and a delayed effective date are unnecessary and contrary to the public interest. 5 U.S.C. 553(b)(B) and (d). Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply.

Drafting Information

The principal author of the removal of the regulations is Robin M. Tuczak of the Office of Associate Chief Counsel, Procedure and Administration (Administrative Provisions and Judicial Practice Division).

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

26 CFR Part 301

Employment taxes, Estate taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1, 31, 301, and 602 are amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.6302–1, paragraph (d) is revised to read as follows:

§ 1.6302–1 Use of Government depositaries in connection with corporation income and estimated income taxes and certain taxes of tax-exempt organizations.

* * * * *

(d) *Failure to deposit.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see section 6656.

Par. 3. In § 1.6302–2, paragraph (d) is revised to read as follows:

§ 1.6302–2 Use of Government depositaries for payment of tax withheld on nonresident aliens and foreign corporations.

* * * * *

(d) *Penalties for failure to make deposits.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see section 6656.

* * * * *

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Par. 4. The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 5. In § 31.6302–1, paragraph (m)(1) is revised to read as follows:

§ 31.6302–1 Federal tax deposit rules for withheld income taxes and taxes under the Federal Insurance Contributions Act (FICA) attributable to payments made after December 31, 1992.

* * * * *

(m) * * * (1) *Failure to deposit penalty.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see section 6656.

* * * * *

Par. 6. In § 31.6302(c)–4, paragraph (a) is revised to read as follows:

§ 31.6302(c)–4 Cross references.

(a) *Failure to deposit.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see section 6656.

* * * * *

PART 301—PROCEDURE AND ADMINISTRATION

Par. 7. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§§ 301.6656–1 and 301.6656–2 [Removed]

Par. 8. Sections 301.6656–1 and 301.6656–2 are removed.

§ 301.6656–3 [Redesignated as § 301.6656–1]

Par. 9. Section 301.6656–3 is redesignated as new § 301.6656–1.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 10. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 11. In § 602.101, paragraph (b) is amended by removing the entries for 301.6656–1 and 301.6656–2 from the table.

Approved: June 1, 2001.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Mark A. Weinberger,

Assistant Secretary of the Treasury.

[FR Doc. 01–14815 Filed 6–14–01; 8:45 am]

BILLING CODE 4830–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

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

EFFECTIVE DATE: July 1, 2001.

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

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

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

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

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 6.60 percent for the first 20 years following the valuation date and 6.25 percent thereafter. These interest assumptions are unchanged from those in effect for June 2001.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 5.00 percent for the period during which a benefit is in pay status, 4.25 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. These interest assumptions are unchanged from those in effect for June 2001.

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

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

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

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

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

List of Subjects

29 CFR Part 4022

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

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

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

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

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

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

2. In appendix B to part 4022, Rate Set 93, as set forth below, is added to the table. (The introductory text of the table is omitted.)

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

* * * * *

Rate set	For plans with a valuataion date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2

Rate set	For plans with a valuataion date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
93	7–1–01	8–1–01	5.00	4.25	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 93, as set forth below, is added to the table. (The introductory text of the table is omitted.)

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

* * * * *

Rate set	For plans with a valuataion date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
93	7–1–01	8–1–01	5.00	4.25	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

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

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

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	*
July 2001	.0660	1–20	.0625	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of June 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–15156 Filed 6–14–01; 8:45 am]

BILLING CODE 7708–01–P

POSTAL RATE COMMISSION

39 CFR Part 3000

[Docket No. RM2001–1; Order No. 1313]

Revision to Standards of Conduct

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Commission is updating its standards of conduct to reflect government-wide ethics rules. This entails eliminating existing, redundant procedures for reviewing employees' security holdings for conflicts of interests. This change will help avoid confusion in administration of the Commission's ethics program.

DATES: Effective June 15, 2001.

ADDRESSES: Send comments to Steven W. Williams, Acting Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, 202–789–6820.

SUPPLEMENTARY INFORMATION:

A. Regulatory History

66 FR 11242–43 (Order No. 1303); Order No. 1313 (May 15, 2001).

B. Background

On February 7, 2001, the Commission issued a notice of proposed rulemaking proposing to delete rule 103(b) (39 CFR 3000.735.103(b)) from the Commission's standards of conduct. See order no. 1303 published in the **Federal Register** on Friday, February 23, 2001 (66 FR 11242–43).

Rule 103(b) was a de minimis rule. It provided that security interests held by a Commission employee that were valued below a certain amount would receive a different level of scrutiny for conflicts of interest than security interests valued above the specified amount. The notice observed that this provision had been superceded by, and become duplicative of, government-wide ethical standards and screening procedures. To conform the Commission's standards of conduct with government-wide ethics rules and financial disclosure procedures, the Commission proposed that rule 103(b) be deleted.

The notice provided a 30-day period from the date of its publication in the **Federal Register** for public comment. No comments were received. Accordingly, the proposal is adopted as proposed.

Rule 103(b) (39 CFR 3000.735.103(b)) is hereby deleted from the

Commission's Standards of Conduct. Rule 103(a) will be redesignated rule 103.

C. Ordering Paragraghs

It is ordered:

Paragraph (b) shall be deleted from rule 103 of the Commission's standards of conduct, effective upon publication of this order in the **Federal Register**.

Rule 103(a) of the Commission's standards of conduct shall be redesignated rule 103.

The acting secretary is directed to cause this final rule to appear in the **Federal Register**.

Steven W. Williams,

Acting Secretary.

List of Subjects in 39 CFR Part 3000

Admininstrative practice and procedure, Postal Service

For the reasons stated in the preamble, the Postal Rate Commission amends 39 CFR part 3000 as follows:

PART 3000—STANDARDS OF CONDUCT

The authority citation for part 3000 continues to read as follows:

Authority: 39 U.S.C. 3603; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 56 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR parts 2634 and 2636.

Revise § 3000.735–103 to read as follows:

§ 3000.735–103 Financial interests.

An employee shall not, either directly or indirectly, have any financial interest (whether by ownership of any stock, bond, security, or otherwise) in any entity or person whose interests may be significantly affected by rates of postage, fees for postage services, the classification of mail, or the operation of the Postal Service. This paragraph does not proscribe interests in an entity or person whose use of the mail is merely an incidental or a minor factor in the general conduct of its business.

[FR Doc. 01–14931 Filed 6–14–01; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52, 60, 61 and 62

[MT–001–0018a, MT–001–0019a, MT–001–0020a, MT–001–0022a,MT–001–0023a; MT–001–0031a; FRL–6994–9]

Approval and Promulgation of Air Quality Implementation Plans; Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action partially approving and partially disapproving State Implementation Plan (SIP) revisions submitted by the Governor of Montana on September 19, 1997; December 10, 1997; April 14, 1999; December 6, 1999; and March 3, 2000. These revisions recodify and modify the State's air quality rules so that they are consistent with Federal requirements, minimize repetition in the air quality rules, and clarify existing provisions. In addition, we are also approving into the SIP Yellowstone County's Local Regulation No.002—Open Burning. Finally, we are also announcing that we delegated the authority for the implementation and enforcement of the New Source Performance Standards (NSPS) to the State. EPA is either not acting on or disapproving certain provisions of the State's air quality rules that should not be in the SIP because they are not generally related to attainment of the National Ambient Air Quality Standards (NAAQS) or they are inconsistent with our SIP requirements. Finally, some provisions of the rules will be acted on at a later date. This action is being taken under sections 110 and 111 of the Clean Air Act.

DATES: This rule is effective on August 14, 2001 without further notice, unless EPA receives adverse comment by July 16, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect. The NSPS delegation of authority to Montana became effective on 5/16/2001.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202 and copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Laurie Ostrand, EPA Region 8, (303) 312–6437.

SUPPLEMENTARY INFORMATION: For the purpose of this document, we are giving meaning to certain words as follows: (a) The words ''EPA,'' ''we,'' ''us'' or ''our'' mean or refer to the United States Environmental Protection Agency. (b) The words State or Montana mean the State of Montana unless the context indicates otherwise. (c) The initials MDEQ mean the Montana Department of Environmental Quality.

I. What is the Purpose of this Document?

In this document we are acting on five SIP revisions, submitted by the Governor of Montana on September 19, 1997; December 10, 1997; April 14, 1999; December 6, 1999; and March 3, 2000, which modify the Montana air quality rules. The revisions were necessary to make the rules consistent with Federal requirements, minimize repetition in the air quality rules, and clarify existing provisions. This document explains our action in response to the five submittals.

The September 19, 1997 submittal is a recodification (renumbering) of the State air quality rules. The December 10, 1997 submittal updates the incorporation by reference (IBR) of various documents in the State air quality rules. The April 14, 1999 submittal consists of various air quality rule revisions the State made between 1995 to 1998 but which had not previously been submitted to us. The December 6, 1999 submittal revises the State's open burning rules and adopts Yellowstone County's Local Regulation No.002—Open Burning. The March 3, 2000 submittal again updates the IBR of various documents in the State's rules and corrects references to an EPA Handbook for Air Pollution Measurement Systems.

II. Is the State's Submittal Approvable?

We reviewed the five submittals and placed each rule (or section of a rule) into a category based on the changes

that were made in the rule. The first category (see II.A. below) consists of those rules (or sections of rules) which have been recodified; there are no substantive changes in the text of the rules. We are approving these recodified rules. The second category (see II.B below) consists of those rules (or sections of rules) for which, in addition to being recodified, the text of the rule was modified. A discussion of whether or not the text changes are approved or disapproved is provided below. The third category (see II.C. below) includes those rules we cannot approve in the SIP. A discussion of why these rules cannot be approved in the SIP is provided below. Finally, the fourth category (see II.D. below) identifies those rules that we will act on at a later date.

A. Category 1

We are approving the following sections of the Administrative Rules of Montana (ARM) because the rules have only been recodified; there are no substantive changes in the text of the rules. These recodified rules replace the prior codified rules in the federally approved SIP.

1. Sub-Chapter 1—General Provisions: ARM sections 17.8.101 (except 17.8.101(40)(a)), 17.8.105(1), 17.8.110(3), 17.8.111, 17.8.130–131, 17.8.140–142;

2. Sub-Chapter 3—Emission Standards: ARM sections 17.8.301, 17.8.304 (except 17.8.304(4)(f)), 17.8.308, 17.8.316, 17.8.320, 17.8.322–323, 17.8.324 (except 17.8.324(1)(c) and (2)(d)), 17.8.325–326, 17.8.330–331, 17.8.333–334;

3. Sub-Chapter 4—Stack Heights and Dispersion Techniques [1]: ARM 17.8.401 (except 17.8.401(4)(b), 17.8.402;

4. Sub-Chapter 6—Open Burning: ARM sections 17.8.605, 17.8.614–615;

5. Sub-Chapter 7—Permit, Construction, and Operation of Air Contaminant Sources [2]: ARM sections 17.8.701 (except 17.8.701(10)), 17.8.704(1), (3)–(5), 17.8.705(1)(a)–(n), 17.8.706–707, 17.8.710, 17.8.715–717, 17.8.730–732, 17.8.733 (except (17.8.733(1)(c)), 17.8.734;

6. Sub-Chapter 8—Prevention of Significant Deterioration [3]: ARM sections 17.8.801 (except 17.8.801(29)(a)), 17.8.804–809, 17.8.818–828;

7. Sub-Chapter 9—Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Non-attainment Areas: ARM sections 17.8.901 (except 17.8.901(14)(c) and 901(20)(a)), 17.8.904–906;

8. Sub-Chapter 10—Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Attainment or Unclassified Areas: [4] ARM sections 17.8.1001, 17.8.1004–1007; and

9. Sub-Chapter 11—Visibility Impact Assessment: ARM sections 17.8.1101(2) and (3), 17.8.1106(2), 17.8.1108, 17.8.1109(2) and (3), and 17.8.1110.

B. Category 2

The second category consists of those rules (or sections of rules) for which, in addition to being recodified, the text of the rule has been modified. A discussion of the modification to each rule (or section of a rule) and whether or not the text changes are approved or disapproved is provided below. These recodified and modified rules, that we are approving, replace the prior codified rules in the federally approved SIP.

1. Sub-Chapter 1—General Provisions:

(a) Definitions—ARM 17.8.101(40)(a)

On October 6, 1995, June 21, 1996 and June 12, 1998, the State adopted revisions to the definition of ''volatile organic compounds (VOC)'' in ARM 17.8.101(40)(a) (formerly ARM 16.8.701(40)(a)). The State revised the definition to coincide with revisions to the federal definition. Since the definition of VOC is consistent with our definition we are approving ARM 17.8.101(40)(a) into the SIP.

(b) Incorporation by Reference—ARM sections 17.8.102 and 17.8.103(1)–(4)

On June 21, 1996, the State adopted revisions to its incorporation by reference of documents and other statutory references contained in the State's air quality rules, to update the references to the July 1995 edition of the Code of Federal Regulations (CFR), 1995 edition of the Montana Code Annotated (MCA), 1993 edition of the United States Code, and December 31, 1995 edition of the Administrative Rules of Montana. With this revision, the State deleted duplicative rules and combined existing incorporation by references into new rules. The State also made several non-substantive amendments for consistency, to delete unnecessary language and to make the language in the rules conform to current rule drafting requirements. The following sections of the rules were modified or added: ARM 17.8.102 (formerly ARM 16.8.710) and ARM 17.8.103(1)–(4) (formerly ARM 16.8.708(1)–(2)).

On August 22,1997, the State again adopted updates to its incorporation by reference section of the Administrative Rules of Montana to specify additional sources for obtaining federal material incorporated by reference, and to incorporate the July 1996 edition of the CFR and the December 31, 1996 edition of the Administrative Rules of Montana. The following sections were revised: ARM 17.8.102 and ARM 17.8.103(3).

On June 12, 1998, the State again adopted revisions to incorporate the July 1997 edition of the CFR, the 1997 edition of the MCA and the December 31, 1997 edition of the Administrative Rules of Montana into ARM 17.8.102.

On September 24, 1999, the State again adopted revisions to incorporate the July 1998 edition of the CFR and the December 31, 1998 edition of the Administrative Rules of Montana into ARM 17.8.102 and the reference to EPA's ''Quality Assurance Handbook for Air Pollution Measurement Systems'' into ARM 17.8.103.

We are approving ARM sections 17.8.102 and 17.8.103(1)–(4) into the SIP.

(c) Testing Requirements—ARM 17.8.105(2)

On June 21, 1996 the State adopted a minor revision in ARM 17.8.105(2) (formerly ARM 16.8.704(2)) to include a reference to another State rule. In addition, on June 21, 1996 the State deleted and did not replace ARM 16.8.704(3). State rule ARM 16.8.704(3) incorporated by reference 40 CFR part 51, Appendix P. This incorporation was duplicative of ARM 16.8.708(1)(d) (now

[1] When the State recodified its rules it inadvertently made an error. ARM 17.8.401(1)(b)(v) says ''techniques under (b)(iii) above that increase final exhaust gas plume rise . . .'' This should read ''techniques under (1)(a)(iii) above that increase final exhaust gas plume rise . . .'' The State must correct this error in its next regulatory update.

[2] The recodification contains paragraphs ARM 17.8.705(1)(q), 17.8.708, and 17.8.733(1)(c) (formerly ARM 16.8.1102(1)(q), 16.8.1121 and 16.8.1113(1)(c), respectively) that had been adopted by the State on August 8, 1996 but had not been submitted to us prior to the recodification submittal. Revisions to ARM 17.8.705(1) and (2), 17.8.708 (repealed), and 17.8.733(1)(b) and (c) were subsequently adopted by the State on May 14, 1999. The August 8, 1996 and May 14, 1999 adopted revisions were submitted to EPA on August 26, 1999. With this document we are not approving ARM 17.8.705(1)(q), 17.8.708 and 17.8.733(1)(c) submitted with the recodification. We are addressing the August 26, 1999 submittal and these recodified rules in a separate rulemaking action.

[3] In the State definition of ''baseline area,'' ARM 17.8.801(3)(a), it reads ''. . . equal to or greater than 1 g/m3 (annual average) . . .'' This should read ''. . . equal to or greater than 1 μg/m3 (annual average) . . .'' The State must correct this error in its next regulatory update.

[4] When the State recodified its rules it inadvertently made an error. ARM 17.8.1005(6) refers to ''17.8.905(6) through (8).'' This should read ''17.8.906(6) through (8).'' The State must correct this error in its next regulatory update.

ARM 17.8.103(1)(d)) which also incorporated by reference 40 CFR part 51, Appendix P. We are approving the revision of ARM 17.8.105(2) into the SIP and the deletion of ARM 16.8.704(3) from the SIP.

(d) Source Testing Protocol—ARM 17.8.106

On September 24, 1999 the State adopted revisions to ARM 17.8.106 to correct the reference to EPA's ''Quality Assurance Handbook for Air Pollution Measurement Systems.'' We are approving the revisions to ARM 17.8.106 into the SIP.

(e) Malfunctions—ARM 17.8.110(1), (2), (4), (5), (6), and (7)

On October 6, 1995, the State adopted revisions to its malfunction rule in ARM 17.8.110(7) (formerly ARM 16.8.705(7)). The revised State rule allows a facility to respond to a malfunction of equipment on a temporary basis without obtaining an air quality permit. Because the revisions require that if the temporary replacement equipment constitutes a major stationary source under sub-chapters 8, 9, and 10, then the source must comply with the requirements of the applicable sub-chapter, we believe the revision is acceptable. In addition to the temporary replacement revisions, on October 6, 1995 the State also made several editorial and clarifying revisions in the malfunction rule, ARM 17.8.110(1), (2), (4), (5) and (6) (formerly ARM 16.8.705(1), (2), (4), (5) and (6)). We are approving the revisions to ARM 17.8.110(1), (2), (4), (5), (6), and (7) into the SIP.

2. Sub-Chapter 3—Emission Standards:

(a) Incorporation by Reference—ARM 17.8.302(1)–(4)

On May 19, 1995, the State adopted revisions to add ARM 17.8.302(1)(b) and (c) (formerly ARM 16.8.1429(2)(b) and (c)). This revision pertains to revisions in the Kraft Pulp Mill Rule, discussed in section II.D.1 below.

On August 9, 1996 the State adopted revisions reformatting the incorporation by reference of documents in ARM 17.8.302(1)(a)–(h) and (2)–(4) and adding ARM 17.8.302(1)(i) (formerly ARM 16.8.1429(1)(a)–(h) and (2)–(4) and 16.8.1429(1)(i), respectively). State rule ARM 17.8.302(1)(i) incorporates by reference 40 CFR part 63.

On June 20, 1997, the State adopted revisions to ARM 17.8.302(1) by adding 17.8.302(1)(j). State rule ARM 17.8.302(1)(j) incorporates by reference 40 CFR part 60, subpart Cc.

As indicated in the General Provisions section II.B.1(b) above, on August 22, 1997, the State again adopted updates to its incorporation by reference of documents. State rule ARM 17.8.302(3) was revised.

On June 12, 1998 the State adopted more revisions to update the incorporation by reference of documents in ARM 17.8.302(1)(e) and (i). State rule ARM 17.8.302(1)(e) was revised to incorporate by reference our final rule published on October 7, 1997 (62 FR 52399), entitled ''Determination of Total Fluoride Emissions from Selected Sources of Primary Aluminum Production Facilities.'' State rule ARM 17.8.302(1)(i) was revised to incorporate by reference our final rule published on October 7, 1997 (62 FR 52407), entitled ''National Emission Standards for Hazardous Air Pollutants from Primary Reduction Facilities.''

On November 6, 1998 the State adopted revisions to ARM 17.8.302(1) by adding 302(1)(k). State rule ARM 17.8.302(1)(k) incorporates by reference 40 CFR part 60, subpart Ce.

On September 24, 1999, the State adopted more revisions to ARM 17.8.302(1) to remove superfluous language since a more current version of the CFR is being incorporated elsewhere. As a result, the September 24, 1999 revision deleted some of the prior adopted revisions mentioned above.

We are approving the ARM 17.8.302(1)–(4) into the SIP.

(b) Visible Air Contaminants—ARM 17.8.304(4)(f)

On May 19, 1995, the State adopted revisions to its rules by adding ARM 17.8.304(4)(f) (formerly 16.8.1404(4)(f)). This pertains to opacity from recovery furnaces at Kraft Pulp Mills. As indicated in section II.D.1 below, we will act on the revisions pertaining to the Kraft Pulp Mill Rule at a later date. Therefore, we are not approving ARM 17.8.304(4)(f) into the SIP at this time.

(c) Fuel Burning—ARM 17.8.309 and ARM 17.8.310

On October 6, 1995, the State adopted revisions to the particulate emission limits for fuel burning equipment and industrial processes (ARM 17.8.309 and 17.8.310, formerly, ARM 16.8.1402 and 16.8.1403, respectively). The State re-wrote and re-formatted the provisions in ARM 17.8.309(1) and (2) (formerly ARM 16.8.1402(1) and (2)) and ARM 17.8.310(1) and (2) (formerly ARM 16.8.1403(1) and (2)). We believe the revisions to these sections do not change the stringency of the rule and are approving them. However, the State added provisions to the rules with ARM 17.8.309(5) and 17.8.310(3)(e) (formerly ARM 16.8.1402(5) and ARM 16.8.1403(3)(e)). State rules ARM 17.8.309(5)(b) and 17.8.310(3)(e) provide an exception that the rules do '' * * * not apply to particulate matter emitted from * * * sources constructed after March 16, 1979, that have a specific particulate emission limitation contained in an air quality preconstruction permit obtained under ARM Title 17, Chapter 8, subchapter 7, a court order, board order or department order, or a process specific rule.'' We interpret this language as allowing terms of a construction permit to override a requirement that has been approved as part of the SIP. We cannot approve this part of the provision into the SIP, as it would allow the State to change a SIP requirement through the issuance of a permit. Pursuant to section 110 of the Act, to change a requirement of the SIP, the State must adopt a SIP revision and obtain our approval of the revision. Alternatively, EPA's March 5, 1996 ''White Paper Number 2 for Improved Implementation of the part 70 Operating Permits Program'' explains how States can streamline multiple applicable requirements for the same emission unit under the part 70 permit process. Such process must ensure that the streamlined emission limit is at least as stringent as all applicable emission limits for an emissions unit. This streamlining can only be allowed through the part 70 permit process, in which we have the opportunity to review the streamlined requirements and the ability to veto the part 70 permit if the streamlined requirement is not as stringent as each separate applicable requirement. Because we do not have veto authority under the Prevention of Significant Deterioration (PSD) or minor source permitting programs, we do not allow the State to streamline requirements through either of those construction permitting programs. Therefore, we are approving ARM 17.8.309 and ARM 17.8.310 into the SIP, except that we are disapproving ARM 17.8.309(5)(b) and 17.8.310(3)(e).

(d) Hydrocarbon Emissions, Petroleum Products—ARM 17.8.324(1)(c) and (2)(d)

On December 6, 1996, the State adopted a new numbering system for the air rules. We are not approving of ARM 17.8.324(1)(c) and (2)(d) (formerly ARM 16.8.1425(1)(c) and (2)(d), respectively). We previously disapproved these rules under the prior codification. See July 18, 1995 (60 FR 36768) notice and 40 CFR 52.1384(c). Our prior disapproval also applies to the new codification. We are modifying 40 CFR 52.1384(c) accordingly.

(e) Emission Standards for Existing Aluminum Plants—Standards for Visible Emissions—ARM 17.8.332

As indicated in the General Provisions section II.B.1(b) above, on June 21, 1996 the State adopted revisions to its incorporation by reference of documents. State rule ARM 17.8.332(1) (formerly ARM 16.8.1503(1)) was modified and ARM 16.8.1503(2) was deleted. State rule ARM 16.8.1503(2) incorporated by reference method 9 of appendix A of 40 CFR part 60. This was duplicative of the incorporation by reference material being added with ARM 16.8.1507(1)(a). On November 7, 1996 the state repealed ARM 16.8.1507 because, with the recodification of the rules, subchapters 14 and 15 were combined, making ARM 16.8.1507 unnecessary since subchapter 14 already had a rule incorporating by reference the same documents being incorporated in subchapter 15. Therefore, the material incorporated by reference in ARM 16.8.1503(2) is now incorporated by reference at ARM 17.8.302(1)(b). We are approving the revision of ARM 17.8.332 into the SIP and the deletion of ARM 16.8.1503(2) from the SIP.

3. Sub-Chapter 4—Stack Heights and Dispersion Techniques: ARM 17.8.401(4)(b) and 17.8.403(1)

(a) Minor Corrections

On January 20, 1995, the State adopted revisions to several sections of the stack height rules to update incorrect citations. The following rules were revised: ARM 17.8.401(4)(b) and 17.8.403(1) (formerly, ARM 16.8.1204(4)(b) and 16.8.1206(1), respectively). We are approving ARM 17.8.401 and 17.8.403 into the SIP.

4. Sub-Chapter 6—Open Burning:

(a) Incorporation by Reference and Minor Changes—ARM sections 17.8.602, 17.8.604 and 17.8.612(6)

On January 20, 1995, the State adopted revisions to its Open Burning Rules (ARM 17.8.604 and 17.8.612(6) (formerly ARM 16.8.1302 and 16.8.1307(6), respectively)). The State revised the rules to correct incorrect wording, insert a missing rule reference and correct a reference to the Division.

As indicated in the General Provisions section in II.B.1(b) above, on June 21, 1996 the State adopted revisions to its incorporation by reference of documents. The following sections were modified: ARM 17.8.602 (formerly ARM 16.8.1311) and ARM 17.8.604(1)–(2) (formerly ARM 16.8.1302(1)–(3)).

As indicated in the General Provisions section in II.B.1(b) above, on August 22, 1997, the State again adopted updates to its incorporation by reference of documents. State rule ARM 17.8.602(3) was revised

On July 2, 1999, the State revised ARM 17.8.612(6) to update the MDEQ's telephone number.

We are approving ARM sections 17.8.602, 17.8.604 and 17.8.612(6) into the SIP.

(b) Open Burning Eastern Montana—ARM sections 17.8.601 and 17.8.606

On October 6, 1995 the State adopted revisions to its Open Burning Rules (ARM 17.8.601 and 17.8.606 (formerly ARM 16.8.1301 and 16.8.1303, respectively)). The revisions allow minor open burners in eastern Montana to conduct essential agricultural open burning and prescribed wildland open burning without a permit during December, January and February if they notify the department prior to the burning. Prior to these changes, minor open burners in eastern Montana had to request department permission to conduct such open burning. We are approving the revisions to the open burning rule because we do not believe the revisions will jeopardize existing particulate matter (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10)) nonattainment areas or interfere with attainment and maintenance of the PM–10 NAAQS or increment in Montana. All but one of the State's PM–10 nonattainment areas are in the western region of the State. Although there is one PM–10 nonattainment area in the eastern Montana open burning zone, the difference in the geography and weather patterns of the eastern part of the State should assure that the revisions made in the open burning rule will not jeopardize this one PM–10 nonattainment area. For these same reasons, we believe these rule changes will not interfere with attainment and maintenance of the PM–10 NAAQS or increment in Montana. Therefore, we are approving ARM 17.8.601 and 17.8.606 into the SIP.

(c) Other Revisions to Open Burning Rule—ARM sections 17.8.601, 17.8.606, 17.8.610, 17.8.611, 17.8.612, 17.8.613

On July 2, 1999, the State adopted revisions to the Open Burning Rules (ARM 17.8.601, 17.8.606, 17.8.610, 17.8.611, 17.8.612, 17.8.613). The revisions (1) update the MDEQ's telephone number; (2) remove reference to the national weather service office as a source of forecasts of ventilation conditions and in its place indicate that ventilation conditions may be obtained from MDEQ; (3) allow open burning permits to be issued for periods other than one year; and (4) require additional information be submitted for emergency open burning permits.

We are approving the revisions to ARM 17.8.601, 17.8.606, 17.8.610, 17.8.611, 17.8.612, and 17.8.613, adopted on July 2, 1999, into the SIP.

5. Sub-Chapter 7—Permit, Construction, and Operation of Air Contaminant Sources:

(a) Definition and IBR—ARM 17.8.701 and ARM 17.8.702

On August 8, 1996, the State adopted a definition for ''negligible risk'' (ARM 17.8.701(10), formerly ARM 16.8.1101(10)) and updated the incorporation by references in ARM 17.8.702 (formerly ARM 16.8.1120). As indicated in an April 5, 2000 letter from the State to EPA, the definition of ''negligible risk,'' at ARM 17.8.701(10) and a document incorporated by reference in ARM 17.8.702(1)(f) were not intended to be incorporated into the SIP.

As indicated in the General Provisions section in II.B.1(b) above, on August 22, 1997, the State adopted updates to its incorporation by reference of documents. State rule ARM 17.8.702(3) was revised.

We are approving ARM 17.8.702 (except for ARM 17.8.702(1)(f)) into the SIP. We are not approving ARM 17.8.701(10) nor ARM 17.8.702(1)(f) into the SIP.

(b) Minor Corrections ARM 17.8.704(2), 17.8.705(1)(o), 17.8.720(2)

On January 20, 1995, the State adopted revisions to several sections of the permitting rules to clarify the rules and update incorrect citations. The following rules were revised: ARM 17.8.704(2), 17.8.705(1)(a), 17.8.720(2)) (formerly, ARM 16.8.1119(2), 16.8.1102(1)(o), and 16.8.1107(2), respectively). We are approving ARM 17.8.704(2), 17.8.705(1)(o), and 17.8.720(2) into the SIP.

(c) Malfunctions—ARM 17.8.705(1)(p)

On October 6, 1995, the State adopted revisions to its permitting rule (in ARM 17.8.705(1)(p) (formerly ARM 16.8.1102(1)(p)) to coincide with revisions to its malfunction rule. As discussed in section II.B.1(e) above, we believe the revision to the malfunction rule is acceptable. Therefore, we are approving ARM 17.8.705(1)(p) into the SIP.

(d) Public Review of Permit Application—ARM 17.8.720

On April 12, 1996, the State adopted revisions to ARM 17.8.720 (formerly ARM 16.8.1107) to allow an applicant to request an extension of the 60-day deadline for the department to issue a permit; to allow the department more time to issue a permit; to correct grammatical and citations in the rule; and to improve clarity of the rule. We are approving ARM 17.8.720 into the SIP.

6. Sub-Chapter 8—Prevention of Significant Deterioration:

(a) Definitions—ARM 17.8.801(29)(a)

On October 6, 1995, June 21, 1996 and June 12, 1998 the State adopted revisions to the definition of ''volatile organic compounds (VOC)'' in ARM 17.8.801(29)(a) (formerly 16.8.945(29)(a)). The State revised the definition to coincide with revisions to the federal definition. Since the definition of VOC is consistent with our definition, we are approving ARM 17.8.801(29)(a) into the SIP.

(b) Incorporation by Reference—ARM 17.8.802

As indicated in the General Provisions section II.B.1(b) above, on June 21, 1996 the State adopted revisions to its incorporation by reference of documents. State rule ARM 17.8.802 (formerly ARM 16.8.946) was revised.

As indicated in the General Provisions section II.B.1(b) above, on August 22, 1997, the State again adopted updates to its incorporation by reference of documents. State rules ARM 17.8.802(1)(g) and (3) were revised.

We are approving ARM 17.8.802 into the SIP.

7. Sub-Chapter 9—Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Non-attainment Areas:

(a) Definitions—ARM 17.8.901(20)(a)

On October 6, 1995, June 21, 1996 and June 12, 1998 the State adopted revisions to the definition of ''volatile organic compounds (VOC)'' in ARM 17.8.901(20)(a) (formerly ARM 16.8.1701(20)(a). The State revised the definition to coincide with revisions to the federal definition. Since the definition of VOC is consistent with our definitions, we are approving ARM 17.8.901(20)(a) into the SIP.

(b) Incorporation by Reference—ARM sections 17.8.901(14)(c) and 17.8.902(1)–(5)

As indicated in the General Provisions section II.B.1(b) above, on June 21, 1996 the State adopted revisions to its incorporation by reference of documents. The following sections were modified: ARM 17.8.901(14)(c) (formerly 16.8.1701(14)(c)) and ARM 17.8.902(1)–(5) (formerly ARM 16.8.1702(1)–(2)).

As indicated in the General Provisions section II.B.1(b) above, on August 22, 1997, the State again adopted updates to its incorporation by reference of documents. State rule ARM 17.8.902(3) was revised.

We are approving ARM 17.8.901(14)(c) and 17.8.902 into the SIP.

8. Sub-Chapter 10—Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Attainment or Unclassified Areas:

(a) Incorporation by Reference—ARM 17.8.1002

As indicated in the General Provisions section II.B.1(b) above, on June 21, 1996 the State adopted revisions to its incorporation by reference of documents. State rule ARM 17.8.1002(1)–(5) (formerly ARM 16.8.1802(1)–(2)) was revised.

As indicated in the General Provisions section II.B.1(b) above, on August 22, 1997, the State again adopted updates to its incorporation by reference of documents. State rule ARM 17.8.1002(3) was revised.

We are approving ARM 17.8.1002 into the SIP.

(b) Minor Corrections: ARM sections 17.8.1004 and 17.8.1005

On January 20, 1995, the State adopted revisions to several sections of the permitting rules to clarify the rules and update incorrect citations. The following rules were revised: ARM 17.8.1004 and 17.8.1005 (formerly, ARM 16.8.1803 and 16.8.1804, respectively). We are approving ARM 17.8.1004 and 17.8.1005 into the SIP.

9. Sub-Chapter 11—Visibility Impact Assessment:

(a) Incorporation by Reference—ARM 17.8.1102, 1103 and 1107

As indicated in the General Provisions section II.B.1(b) above, on June 21, 1996 the State adopted revisions to is incorporation by reference of documents. The following sections were modified: ARM 17.8.1102 (formerly ARM 16.8.1009); ARM 17.8.1103(1) (formerly ARM 16.8.1001) and ARM 17.8.1107(1) (formerly ARM 16.8.1004(1)).

As indicated in the General Provisions section II.B.1(b) above, on August 22, 1997, the State again adopted updates to its incorporation by reference of documents. The following sections were revised: ARM 17.8.1102(1)(b) and (3).

Because of the reformatting of the incorporation by reference of documents, on June 21, 1996 the State deleted and did not replace the following sections: ARM 16.8.1001(2) and 16.8.1004(2).

We are approving ARM 17.8.1102, 1103 and 1107 into the SIP and the deletion of ARM 16.8.1001(2) and 16.8.1004(2) from the SIP.

(b) Minor Corrections—ARM 17.8.1101(1), 17.8.1103(1), 17.8.1106(1), 17.8.1109(1), and 17.8.1111

On January 20, 1995 the State adopted revisions to several sections of the visibility rules to update incorrect citations. The following rules were revised: ARM 17.8.1101(1), 17.8.1103(1), 17.8.1106(1), 17.8.1109(1), and 17.8.1111 (formerly, ARM 16.8.1002(1), 16.8.1001(1), 16.8.1003(1), 16.8.1006(1), and 16.8.1008, respectively). We are approving ARM 17.8.1101(1), 17.8.1103(1), 17.8.1106(1), 17.8.1109(1), and 17.8.1111 into the SIP.

C. Category 3

We cannot approve certain types of rules into the SIP. A listing of each rule (or section of a rule) we are not approving in the SIP and a discussion of why we believe we can not approve that rule into the SIP is provided below:

1. Sub-Chapter 3—Emission Standards:

(a) Odors—ARM 17.8.315

We believe we have no legal basis in the Act for approving Montana's odor control rule ARM 17.8.315 (formerly ARM 16.8.1427) and making it Federally enforceable because odor control provisions are not generally related to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS). Therefore, we are not taking action to incorporate ARM 17.8.315 into the SIP.

(b) Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources—ARM 17.8.340(1) through (3)

ARM 17.8.340(1) through (3) (formerly ARM 16.8.1423(1) through (3)) is the rule the State uses to implement our new source performance standards (NSPS) in 40 CFR part 60. On May 16, 2001, we issued a letter delegating the

responsibility for all sources located, or to be located, in the State of Montana subject to the NSPS promulgated in 40 CFR part 60. The categories of new stationary sources covered by this delegation are all NSPS subparts in 40 CFR part 60, as in effect on July 1, 1998, except the subparts Cb, Cc, Cd and Ce. Given that the State now has delegation of authority for NSPS in 40 CFR part 60, pursuant to 110(k)(6) of the Act, we are removing the old codification ARM 16.8.1423(1) through (3) from the SIP and not approving the new codification of ARM 17.8.340(1) through (3) into the SIP. We are updating the table in 40 CFR 60.4(c) to indicate that the 40 CFR part 60 NSPS are now delegated to the State and revising EPA's address and Montana's and other States' agency name and address in 40 CFR 60.4(a) and (b)(BB), (b)(JJ) and (b)(TT).

The May 16, 2001 letter of delegation to the State follows:

Honorable Judy Martz, *Governor of Montana, State Capitol, Helena, Montana 59620–0801.*

Dear Governor Martz: On March 3, 2000 the State submitted a revision to the New Source Performance Standards (NSPS) rules in the Administrative Rules of Montana (ARM) 17.8.340. Specifically, the State revised its NSPS to incorporate the Federal NSPS in effect as of July 1, 1998.

Subsequent to States adopting NSPS regulations, EPA delegates the authority for the implementation and enforcement of those NSPS, so long as the State's regulations are equivalent to the Federal regulations. EPA reviewed the pertinent statutes and regulations of the State of Montana and determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS by the State of Montana. Therefore, pursuant to Section 111(c) of the Clean Air Act (Act), as amended, and 40 CFR part 60, EPA hereby delegates its authority for the implementation and enforcement of the NSPS to the State of Montana as follows:

(A) Responsibility for all sources located, or to be located, in the State of Montana subject to the standards of performance for new stationary sources promulgated in 40 CFR part 60. The categories of new stationary sources covered by this delegation are all NSPS subparts in 40 CFR part 60, as in effect on July 1, 1998. Note this delegation does not include the emission guidelines in subparts Cb, Cc, Cd, and Ce. These subparts require state plans which are approved under a separate process pursuant to Section 111(d) of the Act.

(B) Not all authorities of NSPS can be delegated to States under Section 111(c) of the Act, as amended. The EPA Administrator retains authority to implement those sections of the NSPS that require: (1) Approving equivalency determinations and alternative test methods, (2) decision making to ensure national consistency, and (3) EPA rulemaking to implement. Therefore, of the NSPS of 40 CFR part 60 being delegated in this letter, the enclosure lists examples of sections in 40 CFR part 60 that cannot be delegated to the State of Montana.

(C) As 40 CFR part 60 is updated, Montana should revise its regulations accordingly and in a timely manner and submit to EPA requests for updates to its delegation of authority.

This delegation is based upon and is a continuation of the same conditions as those stated in EPA's original delegation letter of May 18, 1977, to the Honorable Thomas L. Judge, then Governor of Montana, except that condition 6, relating to Federal facilities, was voided by the Clean Air Act Amendments of 1977. Please also note that EPA retains concurrent enforcement authority as stated in condition 3. In addition, if at any time there is a conflict between a State and Federal NSPS regulation, the Federal regulation must be applied if it is more stringent than that of the State, as stated in condition 9. EPA published its May 18, 1977 delegation letter in the notices section of the September 6, 1977 **Federal Register** (42 FR 44573), along with an associated rulemaking notifying the public that certain reports and applications required from operators of new or modified sources shall be submitted to the State of Montana (42 FR 44544). Copies of the **Federal Register** notices are enclosed for your convenience.

Since this delegation is effective immediately, there is no need for the State to notify the EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of Montana will be deemed to accept all the terms of this delegation. EPA will publish an information notice in the **Federal Register** in the near future to inform the public of this delegation, in which this letter will appear in its entirety.

If you have any questions on this matter, please contact me or have your staff contact Richard Long, Director of our Air and Radiation Program, at (303) 312–6005.

Sincerely yours,

Jack W. McGraw

Acting Regional Administrator

Enclosures

cc: Jan Sensibaugh, Director, Montana Department of Environmental Quality, John Wardell, 8MO, Enclosure to Letter Delegating NSPS in 40 CFR part 60, Effective Through July 1, 1998, to the State of Montana

EXAMPLES OF AUTHORITIES IN 40 CFR PART 60 WHICH CANNOT BE DELEGATED

40 CFR Subparts	Section(s)
A	60.8(b)(2) and (b)(3), and those sections throughout the standards that reference 60.8(b)(2) and (b)(3); 60.11(b) and (e).
Da	60.45a.
Db	60.44b(f), 60.44b(g) and 60.49b(a)(4).
Dc	60.48c(a)(4).
Ec	60.56c(i), 60.8
J	60.105(a)(13)(iii) and 60.106(i)(12).
Ka	60.114a.
Kb	60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).
O	60.153(e).
S	60.195(b).
DD	60.302(d)(3).
GG	60.332(a)(3) and 60.335(a).

EXAMPLES OF AUTHORITIES IN 40 CFR PART 60 WHICH CANNOT BE DELEGATED—Continued

40 CFR Subparts	Section(s)
VV	60.482–1(c)(2) and 60.484.
WW	60.493(b)(2)(i)(A) and 60.496(a)(1).
XX	60.502(e)(6)
AAA	60.531, 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e) and 60.539.
BBB	60.543(c)(2)(ii)(B).
DDD	60.562–2(c).
GGG	60.592(c).
III	60.613(e).
JJJ	60.623.
KKK	60.634.
NNN	60.663(e).
QQQ	60.694.
RRR	60.703(e).
SSS	60.711(a)(16), 60.713(b)(1)(i) and (ii), 60.713(b)(5)(i), 60.713(d), 60.715(a) and 60.716.
TTT	60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e) and 60.725(b).
VVV	60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a) and 60.746.
WWW	60.754(a)(5).

(d) Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources—Municipal Solid Waste Landfill Facilities—ARM 17.8.340(4)

On June 20, 1997, the State adopted rules for Municipal Solid Waste Landfill Facilities. We believe we have no legal basis in the Act for approving Montana's rule for Municipal Solid Waste Landfill Facilities, ARM 17.8.340(4), into the SIP because these rules are not generally related to attainment or maintenance of the NAAQS. Therefore, we are not taking action to incorporate ARM 17.8.340(4) into the SIP. However, on July 8, 1998 (63 FR 36858), we did approve these rules as meeting section 111(d) of the Act. See 40 CFR 62.6600–6602.

(e) Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources—Hospital/Medical/Infectious Waste Incinerator Facilities—ARM 17.8.340(5)

On October 16, 1998, the State adopted rules for Hospital/Medical/Infectious Waste Incinerator Facilities. We believe we have no legal basis in the Act for approving Montana's rule for Hospital/Medical/Infectious Waste Incinerator Facilities, ARM 17.8.340(5), into the SIP because these rules are not generally related to attainment or maintenance of the NAAQS. Therefore, we are not taking action to incorporate

ARM 17.8.340(5) into the SIP. However, on June 22, 2000 (65 FR 38732), we did approve these rules as meeting section 111(d) of the Act. See 40 CFR 62.6610–6612.

(f) Emission Standards for Hazardous Air Pollutants—ARM 17.8.341

ARM 17.8.341 (formerly ARM 16.8.1424) is the rule the State uses to implement our national emission standards for hazardous air pollutants (NESHAPs) regulations in 40 CFR part 61. On May 16, 2000, we issued a letter indicating that we were delegating the authority of 40 CFR part 61 to the State. Given that the State now has delegation of authority for NESHAPs in 40 CFR part 61, pursuant to 110(k)(6) of the Act, we are removing the old codification ARM 16.8.1424 from the SIP and not approving the new codification of ARM 17.8.341 into the SIP. We are updating the table in 40 CFR 61.04(c)(8) to indicate that the 40 CFR part 61 NESHAPs are now delegated to the State and revising EPA's address and Montana's and other States' agency name and address in 40 CFR 61.04(a) and (b)(G), (b)(BB), (b)(JJ), (b)(TT) and (b)(ZZ).

(g) Emission Standards for Hazardous Air Pollutants for Source Categories—ARM 17.8.342

On August 9, 1996, the State adopted ARM 17.8.342 (formerly ARM 16.8.1431) for the Maximum Achievable Control Technology (MACT) standards (i.e., 40 CFR part 63). We believe we have no legal basis in the Act for approving Montana's MACT rules into the SIP because these rules are not generally related to attainment or maintenance of the NAAQS. Therefore, we are not taking action to incorporate ARM 17.8.342 into the SIP. However, on May 16, 2000, we issued a letter indicating that we were delegating the authority of 40 CFR part 63 to the State.

(h) Air Quality Operating Permit Program Applicability—ARM 17.8.1204.

On January 20, 1995, the State adopted revisions to ARM 17.8.1204 (formerly ARM 16.8.2004) and the Governor of Montana submitted these revisions on April 14, 1999. Subchapter 12 pertains to the Operating Permit Program. We believe we have no legal basis in the Act for approving any of the provisions of the operating permit program into the SIP. Therefore, we are not taking action to incorporate ARM 17.8.1204 into the SIP. However, we fully approved Montana's Title V program on December 22, 2000, 65 FR 80785.

D. Category 4

Category 4 consists of those rules that we will act on at a later date.

(1) On April 14, 1999, the Governor of Montana submitted revisions to the Incorporation by Reference Rule, Visible Air Contaminant Rule and Kraft Pulp Mill Rule (ARM 17.8.302(1)(b) and (c), 17.8.304(4)(f) and 17.8.321 (formerly ARM 16.8.1429(2)(b) and (c), 16.8.1404(4)(f) and 16.8.1413, respectively)) which had been adopted by the State on May 19, 1995 and December 11, 1998. The revisions to the Kraft Pulp Mill Rule were adopted both prior to and after the air quality rules were recodified. As discussed earlier in section II.B.2(a), we are approving the revisions to ARM 17.8.302(1). We will act on the revisions and the recodification of ARM 17.8.304(4)(f) and 17.8.321 at a later date. These revisions are not being approved as part of SIP at this time. The prior codified Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 13, 1972, remains in the SIP.

(2) On December 8, 1997, the Governor of Montana submitted revisions to the Incinerator Rule, ARM 17.8.316, which were adopted by the State on June 11, 1997. The revisions to the Incinerator rule were adopted after the recodification of the air quality rules. We are approving the recodification, as indicated in Section II.A.2 above, but we will act on the June 11, 1997 revisions to the Incinerator Rule at a later date.

(3) The September 19, 1997 submittal contained Sub-Chapter 13, Conformity. We will act on the Conformity sub-chapter at a later date.

(4) The September 19, 1997 recodification contains paragraphs ARM 17.8.705(1)(q), 17.8.708, and 17.8.733(1)(c) (formerly ARM 16.8.1102(1)(q), 16.8.1121 and 16.8.1113(1)(c), respectively) that had been adopted by the State on August 8, 1996 but had not been submitted to us prior to the recodification. Revisions to ARM 17.8.705(1) and (2), 17.8.708 (repealed), and 17.8.733(1)(b) and (c) were subsequently adopted by the State on May 14, 1999. The August 8, 1996 and May 14, 1999 adopted revisions were submitted to EPA on August 26, 1999. With this document we are not approving ARM 17.8.705(1)(q), 17.8.708 and 17.8.733(1)(c), which were submitted with the recodification. We are addressing the August 26, 1999 submittal along with these recodified rules in a separate rulemaking action.

III. Miscellaneous Issues

(1) On June 21, 1996, the State repealed ARM 16.8.1419, Fluoride Emissions—Phosphate Processing. Previously we had incorporated this provision into the Federally approved SIP. Since fluoride emissions are not generally related to attainment or maintenance of the NAAQS, we are approving the deletion of ARM 16.8.1419 from the SIP. In a February 14, 2001 letter, the State indicated that ARM 16.8.1419 was not developed to satisfy the Clean Air Act section 111(d) requirements and that there are no phosphate fertilizer plants in Montana that meet the definition of affected facility under any of the 40 CFR part 60, subparts T, U, V, W or X, and that there are no phosphate fertilizer plants in Montana that meet the definition of affected facility under any of the subparts T, U, V, W, or X, constructed before October 22, 1974, and that have not reconstructed or modified since 1974. We are revising 40 CFR Part 62, Subpart BB to indicate that Montana has certified that it has no such sources.

(2) On November 7, 1996, the State repealed ARM 16.8.301, Standing (pertaining to a rehearing before the Board), because it merely refers the reader to existing statutory requirements, and ARM 16.8.401–404, Emergency Procedures (pertaining to Board hearings on emergency orders of the department), because most of the provisions repeat statutory language. Previously we had incorporated these provisions into the Federally approved SIP. Since these provisions are not generally related to attainment or maintenance of the NAAQS, we are approving the deletion of ARM 16.8.301 and 16.8.401–404 from the SIP.

(3) On November 7, 1996, the State repealed ARM 16.8.1104, Existing Sources and Stacks—Permit Application Requirements (requiring existing source constructed after November 23, 1968, to apply for an air quality permit), because the State believed the rule was no longer necessary; all such facilities have either applied for an air quality permit or have altered the facility in a manner that would require an air quality permit under other provisions of the department's air quality rules. Previously we had incorporated ARM 16.8.1104 into the Federally approved SIP. We agree with the State's assessment and are approving the deletion of ARM 16.8.1104 from the SIP.

(4) The April 14, 1999 submittal contained rule ARM 17.4.101 pertaining to alternative public hearing procedures. According to the State's April 5, 2000 letter to EPA, the State will be rescinding this rule. We are not acting on rule ARM 17.4.101.

(5) The State's September 19, 1997 submittal also contained the State

Emergency Episode Avoidance Plan (EEAP). The same EEAP was submitted on July 8, 1997. We approved the July 8, 1997 submittal on December 6, 1999 (64 FR 68034). Since the September 19, 1997 EEAP merely duplicates the July 8, 1997 EEAP, and we have already approved the July 8, 1997 EEAP, we are not acting on the September 19, 1997 submittal.

(6) On August 22, 1997, the Board revised ARM 17.8.1202 (formerly ARM 16.8.2003). The Governor's April 14, 1999 letter requested that ARM 17.8.1202 be rescinded. Subchapter 12 pertains to the Operating Permit Program. We have no legal basis in the Act for approving any of the provisions of the operating permit program into the SIP. However, on October 23, 1996 (61 FR 54946) we inadvertently incorporated ARM 16.8.2003 (now ARM 17.8.1202) into the SIP. Since approval of ARM 16.8.2003 into the SIP was in error, we are removing ARM 16.8.2003 from the SIP pursuant to section 110(k)(6) of the Act. Also, we fully approved Montana's Title V program on December 22, 2000, 65 FR 80785.

(7) On December 6, 1999, the Governor of Montana submitted a regulation from the Yellowstone County Air Pollution Control (YCAPC) program. The submittal consists solely of Regulation No. 002—Open Burning Restrictions. We believe it is appropriate to incorporate local air pollution control programs in the SIP if the program is needed for attainment and maintenance of any National Ambient Air Quality Standard (NAAQS). The State's Group II PM–10 SIP relies on many rules, including the State's open burning rules, to assure maintenance of the PM–10 NAAQS. We approved the Group II PM–10 SIP on January 20, 1994 (59 FR 2988). By approving the YCAPC's Regulation No. 002, the State has given Yellowstone County the responsibility to ensure that State open burning rules are met. Since the County is implementing measures that the State is relying upon to assure that the PM–10 SIP NAAQS are maintained, we believe it is appropriate to incorporate the county rules in the SIP. In addition, including the county rules in the SIP will make the county-issued open burning permits federally enforceable, further assuring the effectiveness of the PM–10 plan.

On December 23, 1992, then Montana Governor Stan Stephens submitted a SIP revision regarding the YCAPC major rule revisions. To date we have not acted on the December 23, 1992 submittal. The December 6, 1999 letter from Governor Marc Racicot indicates that the recent modifications to the YCAPC's program supercede the 1992 submittal and, therefore, rescinds the December 23, 1992 submittal. Accordingly, we are acting to approve the December 6, 1999 submittal of the YCAPC open burning program.

IV. Final Action

We are approving the revisions and recodification to the Administrative Rules of Montana submitted by the Governor on September 19, 1997, December 10, 1997, April 14, 1999 December 6, 1999 and March 3, 2000 except for the following provisions that we are not acting on, disapproving, or will act upon at a later date. The recodification and revisions that we are approving replace the prior SIP approved regulations (except that the Kraft Pulp Mill Rule, ARM 16.8.1413, effective 12/13/72, remains in the approved SIP). We are also approving into the SIP Yellowstone County's Local Regulation No.002—Open Burning. The provisions that we are not acting on because these rules are not appropriate to be in the SIP or because the State does not want them in the SIP include: ARM sections 17.4.101, 17.8.315, 17.8.340, 17.8.341, 17.8.342, 17.8.701(10) and 17.8.702(1)(f), and 17.8.1204.

The provisions that we are disapproving include: ARM 17.8.309(5)(b), 17.8.310(3)(e), and 17.8.324(1)(c) and 2(d).

The provisions that we will act upon at a later date include: ARM sections 17.8.304(4)(f), revisions to ARM 17.8.316 (adopted on 6/11/97), 17.8.321, 17.8.705(1)(q), 17.8.708, 17.8.733(1)(c), and 17.8.1301–1313. The provisions that we are removing from the SIP include: ARM sections 16.8.301, 16.8.401–404, 16.8.704(3), 16.8.1001(2), 16.8.1004(2), 16.8.1104, 16.8.1419, 16.8.1423, 16.8.1424, 16.8.1503(2) and 16.8.2003.

Finally, we are announcing the delegation of authority for NSPS implementation and enforcement to the State and updating the tables in 40 CFR 60.4(c) and 40 CFR 61.04(c)(8) to indicate that the 40 CFR part 60 NSPS and 40 CFR part 61 NESHAPs are now delegated to the State and revising EPA's address and Montana's and other States' agency name and address in 40 CFR 60.4(a), (b)(BB), (b)(JJ) and (b)(TT), and 40 CFR 61.04(a), (b)(G), (b)(BB), (b)(JJ), (b)(TT) and (b)(ZZ).

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This 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, 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

D. Executive Order 13175

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 final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This action does not involve or impose any requirements that affect Indian Tribes. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) 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 partial approval rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and 301 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Moreover, EPA's partial disapproval rule will not have a significant impact on a substantial number of small entities. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities. Furthermore, as explained in this action, the submission does not meet the requirements of the Clean Air Act and EPA cannot approve the submission. EPA has no option but to partially disapprove the submittal. The partial disapproval will not affect any existing State requirements applicable to the entities. Federal disapproval of a State submittal does not affect its State enforceability.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the partial approval and partial disapproval actions promulgated do not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action partially approves and partially disapproves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, 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.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by

reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 60

Environmental protection, Air pollution control, Aluminum, ammonium sulfate plants, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Drycleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Household appliances, Insulation, Intergovernmental relations, Iron, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Tires, Urethane, Vinyl, Waste treatment and disposal, Wool, Zinc.

40 CFR Part 61

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Vinyl chloride.

40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Fluoride, Intergovernmental relations, Phosphate fertilizer plants, Reporting and recordkeeping requirements.

Dated: May 16, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region 8.

40 CFR part 52, subpart BB of chapter I, title 40 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.*

2. Section 52.1370 is amended by adding paragraphs (c)(49) to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(49) On September 19, 1997, December 10, 1997, April 14, 1999, December 6, 1999 and March 3, 2000, the Governor submitted a recodification and revisions to the Administrative Rules of Montana. The recodification and revisions replace the prior SIP approved regulations (except that the Kraft Pulp Mill Rule, ARM 16.8.1413, effective 12/13/72, remains in the approved SIP).

(i) Incorporation by reference.

(A) Administrative Rule of Montana (ARM) Table of Contents; section 17.8.101, effective 6/26/98; sections 17.8.102–103, effective 10/8/99; section 17.8.105, effective 8/23/96; section 17.8.106, effective 10/8/99, sections 17.8.110–111, effective 8/23/96; sections17.8.130–131, effective 8/23/96; sections 17.8.140–142, effective 8/23/96; section 17.8.301, effective 8/23/96; section 17.8.302, effective 10/8/99; section 17.8.304 (excluding 17.8.304(4)(f)), effective 8/23/96; section 17.8.308, effective 8/23/96; section 17.8.309 (excluding 17.8.309(5)(b)), effective 8/23/96; section 17.8.310 (excluding 17.8.310(3)(e)), effective 8/23/96; section 17.8.316, effective 8/23/96; section 17.8.320, effective 8/23/96; sections 17.8.322–323, effective 8/23/96; section 17.8.324 (excluding 17.8.324(1)(c) and (2)(d)), effective 8/23/96; sections 17.8.325–326, effective 8/23/96; sections 17.8.330–334, effective 8/23/96; section 17.8.401–403, effective 8/23/96; section 17.8.601, effective 7/23/99; section 17.8.602, effective 9/9/97; sections 17.8.604–605; effective 8/23/96; section 17.8.606, effective 7/23/99; sections 17.8.610–613, effective 7/23/99; section 17.8.614–615, effective 8/23/96; section 17.8.701 (excluding 17.8.701(10)), effective 8/23/96; section 17.8.702 (excluding 17.8.702(1)(f)), effective 9/9/97; section 17.8.704, effective 8/23/96; section 17.8.705 (excluding 17.8.705(1)(q)) effective 8/23/96; sections 17.8.706–707, effective 8/23/96; section 17.8.710, effective 8/23/96; sections 17.8.715–717, effective 8/23/96; section 17.8.720, effective 8/23/96; sections 17.8.730–732, effective 8/23/96; section 17.8.733 (excluding 17.8.733(1)(c)), effective 8/23/96; section 17.8.734, effective 8/23/96; section 17.8.801, effective 6/26/98; section 17.8.802, effective 9/9/97; sections 17.8.804–809, effective 8/23/96; sections 17.8.818–828, effective 8/23/96; section 17.8.901, effective 6/26/98; section 17.8.902, effective 9/9/97; sections 17.8.904–906, effective 8/23/96; section 17.8.1001, effective 8/23/96; section 17.8.1002, effective 9/9/97; sections 17.8.1004–1007, effective 8/23/96; section 17.8.1101, effective 8/23/96; section 17.8.1102, effective 9/9/97; section 17.8.1103, effective 8/23/96; and sections 17.8.1106–1111, effective 8/23/96.

(B) April 27, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

(C) Board Order issued on September 24, 1999, by the Montana Board of Environmental Review approving the Yellowstone County Air Pollution Control Program.

(D) Yellowstone County Air Pollution Control Program, Regulation No. 002 Open Burning, effective September 24, 1999.

(E) March 6, 2001 letter from Robert Habeck, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Yellowstone County Air Pollution Control Program Regulation No. 002 Open Burning.

(ii) Additional material.

(A) April 5, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

3. Section 52.1384(c) is revised to read as follows:

§ 52.1384 Emission control regulations.

* * * * *

(c) * * *

The provisions in ARM 17.8.324(1)(c) and 2(d) (formerly ARM 16.8.1425(1)(c) and (2)(d)) of the State's rule regulating hydrocarbon emissions from petroleum products, which were submitted by the Governor on May 17, 1994 and later recodified with a submittal by the Governor on September 19, 1997, and which allow the discretion by the State to allow different equipment than that required by this rule, are disapproved. Such discretion cannot be allowed without requiring EPA review and approval of the alternative equipment to ensure that is equivalent in efficiency to that equipment required in the approved SIP.

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601 as amended by the Clean Air Act Amendments of 1990, Pub. L. 101–549, 104 Stat. 2399 (November 15, 1990; 402, 409, 415 of the Clean Air Act as amended, 104 Stat. 2399, unless otherwise noted).

Subpart A—General Provisions

§ 60.4 [Amended]

2. Section 60.4 is amended by:

a. Revising the names and addresses listed for the EPA Region VIII office in paragraph (a), the State of Montana in paragraph (b)(BB), the State of North Dakota in paragraph (b)(JJ) and the State of Utah in paragraph (b)(TT) to read as follows: and

b. Amending the table entitled ''Delegation Status of New Source Performance Standards [(NSPS) for Region VIII]'' in paragraph (c) by revising the column heading for ''MT'' and the entries for subparts ''Ec'', ''RRR'', ''UUU'' and ''WWW'' to read as follows:

§ 60.4 Address

* * * * *

(a) * * *

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming) Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, 999 18th Street, Suite 300, Denver, CO 80202–2466.

* * * * *

(b) * * *

(BB) State of Montana, Department of Environmental Quality, 1520 E. 6th Ave., PO Box 200901, Helena, MT 59620–0901.

Note: For a table listing Region VIII's NSPS delegation status, see paragraph (c) of this section.

* * * * *

(JJ) State of North Dakota, Division of Air Quality, North Dakota Department of Health, P.O. Box 5520, Bismarck, ND 58506–5520.

Note: For a table listing Region VIII's NSPS delegation status, see paragraph (c) of this section.

* * * * *

(TT) State of Utah, Division of Air Quality, Department of Environmental Quality, P.O. Box 144820, Salt Lake City, UT 84114–4820.

Note: For a table listing Region VIII's NSPS delegation status, see paragraph (c) of this section.

* * * * *

(c) * * *

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS [(NPSP)] FOR REGION VIII]

Subpart	CO	MT	ND	SD [1]	UT [1]	WY
* * * * *			*		*	
Ec-Hospital/Medical/Infectious Waste Incinerators	(*)	(*)	(*)	(*)	.....	.....
* * * * *			*		*	
RRR—VOC Emissions from Synthetic Organic Chemistry Manufacturing Industry (SOCMI) Reactor Processes	(*)	(*)	(*)	(*)	(*)	(*)
* * * * *			*		*	
UUU—Calciners and Dryers in Mineral Industries	(*)	(*)	(*)	(*)	(*)	(*)
* * * * *			*		*	
WWW—Municipal Solid Waste Landfills	(*)	(*)	(*)	(*)	(*)	(*)

(*) Indicates approval of State regulation.
[1] Indicates approval of State regulation as part of the State Implementation Plan (SIP).

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: Sec. 101, 112, 114, 116, 301, Clean Air Act as amended (42. U.S.C. 7401, 6412, 7414, 7416, 7601).

Subpart A—General Provisions

2. Section 61.04 is amended by:

§ 61.04 [Amended]

a. Revising the names and addresses listed for the EPA Region VIII office in paragraph (a), the State of Colorado in paragraph (b)(G), the State of Montana in paragraph (b)(BB), the State of North Dakota in paragraph (b)(JJ) and the State of Utah in paragraph (b)(TT) and adding the State of Wyoming in paragraph (b)(ZZ) to read as follows:

b. Amending the table in paragraph (c) entitled ''Region VIII.—Delegation Status of National Emission Standards for Hazardous Air Pollutants'' by revising the column heading for ''MT'' to read as follows:

§ 61.04 Address.

* * * * *

(a) * * *

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming) Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, 999 18th Street, Suite 300, Denver, CO 80202–2466.

* * * * *

(b) * * *

(G) State of Colorado, Air Pollution Control Division, Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246–1530.

Note: For a table listing Region VIII's NESHAP delegation status, see paragraph (c) of this section.

* * * * *

(BB) State of Montana, Department of Environmental Quality, 1520 E. 6th Ave., PO Box 200901, Helena, MT 59620–0901.

Note: For a table listing Region VIII's NESHAP delegation status, see paragraph (c) of this section.

* * * * *

(JJ) State of North Dakota, Division of Air Quality, North Dakota Department of Health, PO Box 5520, Bismarck, ND 58506–5520.

Note: For a table listing Region VIII's NESHAP delegation status, see paragraph (c) of this section.

* * * * *

(TT) State of Utah, Division of Air Quality, Department of Environmental Quality, PO Box 144820, Salt Lake City, UT 84114–4820.

Note: For a table listing Region VIII's NESHAP delegation status, see paragraph (c) of this section.

* * * * *

(ZZ) State of Wyoming, Air Quality Division, Department of Environmental Quality, 122 W. 25th St., Cheyenne, WY 82002.

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(c) * * *

REGION VIII.—DELEGATION STATUS OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS [1]

Subpart	CO	MT	ND [2]	SD [2]	UT [2]	WY
* * * * * * *						

* Indicates approval of delegation of subpart to state.

[1] Authorities which may not be delegated include 40 CFR 61.04(b), 61.12(d)(1), 61.13(h)(1)(ii), 61.112(c), 61.164(a)(2), 61.164(a)(3), 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), 61.174(a)(3), 61.242–1(c)(2), 61.244, and all authorities listed as not delegable in each subpart under Delegation of Authority.

[2] Indicates approval of National Emission Standards for Hazardous Air Pollutants as part of the State Implementation Plan (SIP) with the exception of the radionuclide NESHAP subparts B, Q, R, T, W which were approved through section 112(l) of the Clean Air Act.

[3] Delegation only for asbestos demolition, renovation, spraying, manufacturing, and fabricating operations, insulating materials, waste disposal for demolition, renovation, spraying, manufacturing and fabricating operations, inactive waste disposal sites for manufacturing and fabricating operations, and operations that convert asbestos-containing waste material into nonasbestos (asbestos-free) material.

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671.

Subpart BB—Montana

2. Add a new and undesignated center heading and § 62.6613 to subpart BB to read as follows:

Fluoride Emissions From Existing Phosphate Fertilizer Plants

§ 62.6613 Identification of plan—negative declaration.

The Montana Department of Environmental Quality certified in a letter dated February 14, 2001, that there are no phosphate fertilizer plants in Montana that meet the definition of affected facility under any of the subparts T, U, V, W or X. Additionally, there are no phosphate fertilizer plants in Montana that meet the definition of affected facility under any of the subparts T, U, V, W, or X, constructed before October 22, 1974, and that have not reconstructed or modified since 1974.

[FR Doc. 01–15027 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0058a, CO–001–0059a; FRL–6989–3]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Telluride and Pagosa Springs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the State of Colorado on May 10, 2000, for the purpose of redesignating the Telluride, Colorado and Pagosa Springs, Colorado areas from nonattainment to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}) under the 1987 standards. The Colorado Air Pollution Control Division's (Colorado) submittal, among other things, documents that the Telluride and Pagosa Springs areas have attained the PM_{10} national ambient air quality standards (NAAQS), requests redesignation to attainment and includes a maintenance plan for each of the areas demonstrating maintenance of the PM_{10} NAAQS for ten years. EPA is approving these redesignation requests and maintenance plans because Colorado has met the applicable requirements of the Clean Air Act (CAA), as amended. Upon the effective date of this approval, the Telluride and Pagosa Springs areas will be designated attainment for the PM_{10} NAAQS. This action is being taken under sections 107, 110, and 175A of the Clean Air Act.

DATES: This rule is effective on August 14, 2001 without further notice, unless EPA receives adverse comment by July 16, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202 and copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530.

FOR FURTHER INFORMATION CONTACT: Megan Williams, EPA, Region VIII, (303) 312–6431.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' are used, we mean the Environmental Protection Agency (EPA).

Table of Contents

I. EPA's Final Action
What Action Is EPA Taking in This Direct Final Rule?
II. Summary of Redesignation Request and Maintenance Plan
A. What Requirements Must Be Followed for Redesignations to Attainment?
B. Do the Telluride and Pagosa Springs Redesignation Requests and Maintenance Plans Meet the CAA Requirements?
C. Have the Transportation Conformity Requirements Been Met?
D. Did Colorado Follow the Proper Procedures for Adopting this Action?
III. Background
IV. Administrative Requirements

I. EPA's Final Action

What Action Is EPA Taking in this Direct Final Rule?

We are approving the Governor's submittal of May 10, 2000, that requests redesignation for the Telluride and Pagosa Springs nonattainment areas to attainment for the 1987 PM_{10} standards. Included in Colorado's submittal are changes to the Ambient Air Quality Standards Regulation and State Implementation Plan Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements) Regulation (SIP Specific Regulation) which we are approving, under section 110 of the CAA, into

Colorado's SIP. We are also approving the maintenance plans for the Telluride and Pagosa Springs PM_{10} nonattainment areas, which were submitted with Colorado's May 10, 2000 redesignation requests. We are approving these requests and maintenance plans because Colorado has adequately addressed all of the requirements of the CAA for redesignation to attainment applicable to the Telluride and Pagosa Springs PM_{10} nonattainment areas. Upon the effective date of this action, the Telluride and Pagosa Springs areas' designation status under 40 CFR part 81 will be revised to attainment.

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 today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments be filed. This rule will be effective August 14, 2001 without further notice unless the Agency receives adverse comments by July 16, 2001. If the EPA receives adverse comments, 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. The 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.

II. Summary of Redesignation Request and Maintenance Plan

A. What Requirements Must Be Followed for Redesignations to Attainment?

In order for a nonattainment area to be redesignated to attainment, the following conditions in section 107(d)(3)(E) of the CAA must be met:

(i) We must determine that the area has attained the NAAQS;

(ii) The applicable implementation plan for the area must be fully approved under section 110(k) of the CAA;

(iii) We must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) We must fully approve a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) The State containing such an area must meet all requirements applicable to the area under section 110 and part D of the CAA.

Our September 4, 1992 guidance entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' outlines how to assess the adequacy of redesignation requests against the conditions listed above.

On May 10, 2000, the Governor of Colorado submitted a revision to the SIP for the Telluride and Pagosa Springs area and a request that we redesignate these areas to attainment for PM_{10}. The following is a brief discussion of how Colorado's redesignation requests and maintenance plans meet the requirements of the CAA for redesignation of the Telluride and Pagosa Springs areas to attainment for PM_{10}.

B. Do the Telluride and Pagosa Springs Redesignation Requests and Maintenance Plans Meet the CAA Requirements?

1. Attainment of the PM_{10} NAAQS

A state must demonstrate that an area has attained the PM_{10} NAAQS through submittal of ambient air quality data from an ambient air monitoring network representing maximum PM_{10} concentrations. The data, which must be quality assured and recorded in the Aerometric Information Retrieval System (AIRS), must show that the average annual number of expected exceedances for the area is less than or equal to 1.0, pursuant to 40 CFR 50.6. In making this showing, the three most recent years of complete air quality data must be used.

Colorado operates one PM_{10} monitoring site in the Telluride PM_{10} nonattainment area. Colorado submitted ambient air quality data from the monitoring site which demonstrate that the area has attained the PM_{10} NAAQS. These air quality data were quality-assured and placed in AIRS. An exceedance of the 24-hour PM_{10} NAAQS was recorded in 1994 and 1999 but neither exceedance resulted in a violation of the standard (*i.e.,* the 3-year average of estimated exceedances remained below 1.0 per year). These two were the only recorded exceedances since PM_{10} monitoring began in Telluride in 1987. The annual PM_{10} NAAQS has never been exceeded in Telluride. The three most recent years of data for the area (1997–1999) are complete (i.e., data are available for at least 75% of the scheduled PM_{10} samples per quarter) with no recorded violations. We believe that Colorado has adequately demonstrated, through ambient air quality data, that the PM_{10} NAAQS have been attained in the Telluride area.

Colorado also operates one PM_{10} monitoring site in the Pagosa Springs PM_{10} nonattainment area. Colorado submitted ambient air quality data from the monitoring site which demonstrate that the area has attained the PM_{10} NAAQS. These air quality data were quality assured and placed in AIRS. Two exceedances of the 24-hour PM_{10} NAAQS were measured on December 21 and again on December 29, 1994. However, the 3-year average of estimated exceedances remained below 1.0 (per year) and therefore did not result in a violation of the 24-hour PM_{10} NAAQS. The three most recent years of data for the area (1997–1999) are complete (*i.e.,* data are available for at least 75% of the scheduled PM_{10} samples per quarter) with no recorded violations. While the area recently recorded an exceedance of the 24-hour PM_{10} NAAQS on June 12, 2000, this exceedance did not result in a violation of the standard and, thus, the area is still eligible for redesignation to attainment. The annual PM_{10} NAAQS has never been exceeded in Pagosa Springs. We believe that Colorado has adequately demonstrated, through ambient air quality data, that the PM_{10} NAAQS have been attained in the Pagosa Springs area.

2. State Implementation Plan Approval

Those States containing initial moderate PM_{10} nonattainment areas were required by the 1990 amendments to the CAA to submit a SIP by November 15, 1991 which demonstrated attainment of the PM_{10} NAAQS by December 31, 1994. To approve a redesignation request, the SIP for the area must be fully approved under section 110(k) and must satisfy all requirements that apply to that area. We partially/conditionally approved the PM_{10} SIP for Telluride on September 19, 1994 (59 FR 47807) and fully approved it, with the adoption of new street sanding requirements, on October 4, 1996 (61 FR 51784). We approved the PM_{10} SIP for Pagosa Springs on May 19, 1994 (59 FR 26126). These PM_{10} SIPs for Telluride and Pagosa Springs were approved as meeting the moderate PM_{10} nonattainment plan requirements that were due to EPA on November 15, 1991.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

A state must be able to reasonably attribute the improvement in air quality to emission reductions which are permanent and enforceable. The primary sources of PM_{10} emissions in the Telluride area are re-entrained road dust (from highways, paved roads, chip sealed roads, and unpaved roads) and woodburning. In the mid-1980's, Colorado adopted emission standards for all new woodburning stoves and fireplace inserts in Air Quality Control Commission Regulation No. 4. These regulations were most recently approved by us into the SIP on August 24, 1994. In addition, the town of Telluride and San Miguel County have adopted wood and coal burning emission reduction measures which: (1) Require the installation of cleaner-burning devices in existing dwellings which have pre-existing solid fuel burning devices; (2) prohibit solid fuel burning devices in new construction; (3) ban coal burning; and (4) limit the total number of fireplaces and woodstoves in the nonattainment area. These wood and coal burning controls were adopted and implemented throughout the 1980's and 1990's and were approved by EPA into the SIP in 1994. In addition, Telluride has adopted street sanding controls that require the use of street sanding material containing less than ''two percent fines'' (*i.e.,* two percent of the material passing through a #200 sieve as determined by the American Society for Testing Materials ''Standard Method for Sieve Analysis of Fine and Coarse Aggregates'', designation C136–84a (1988)). This control strategy was adopted in 1994 and approved by EPA in 1996. Colorado submitted revisions to their SIP Specific Regulation that change the recordkeeping and reporting requirements for street sanding in Telluride. These changes eliminate irrelevant recordkeeping requirements and require users to retain records for 2 years instead of annually submitting reports to the State. Since these changes in recordkeeping and reporting requirements do not change the enforceability of the street sanding control measures in Telluride, we are approving the changes into the SIP. In addition to these State and local control measures, the Federal Motor Vehicle Emission Control Program has reduced PM_{10} emissions in Telluride as older, higher emitting diesel vehicles are replaced with newer vehicles that meet tighter emission standards. Overall, despite growth in the Telluride nonattainment area (*e.g.,* in population, employment and vehicle miles traveled) since 1990, attainment of the PM_{10} NAAQS has been demonstrated. We have evaluated the various control measures, in addition to the 1996 attainment year emission inventory and the projected emissions described below, and have concluded that the continued attainment of the PM_{10} NAAQS in the Telluride area has resulted from emission reductions that are permanent and enforceable.

The primary source of PM_{10} emissions in the Pagosa Springs area is re-entrained road dust (from highways, paved roads, gravel roads, and dirt roads). The Town of Pagosa Springs paved 6.5 miles of unpaved roads in 1992, 1993 and 1994 in order to reduce PM_{10} emissions. In addition, Pagosa Springs has adopted street sanding controls that require the use of street sanding material containing less than ''one percent fines'' (*i.e.,* one percent of the material passing through a #200 sieve as determined by the American Society for Testing Materials ''Standard Method for Sieve Analysis of Fine and Coarse Aggregates'', designation C136–84a (1988)). Users of street sand on Highway 160 and Highway 84 must also use 15 percent less sand than an established base sanding amount. These sanding controls were adopted in 1992 and approved by EPA in 1994. Colorado submitted revisions to their SIP Specific Regulation that change the reporting requirements for street sanding in Pagosa Springs. These changes eliminate the road paving control measure that was completed in 1994 and require users to retain records for 2 years instead of annually submitting reports to the State. Since these changes in reporting requirements do not change the enforceability of the current street sanding control measures in Pagosa Springs, we are approving the changes into the SIP. In addition to these State and local control measures, the Federal Motor Vehicle Emission Control Program has reduced PM_{10} emissions in Pagosa Springs as older, higher emitting diesel vehicles are replaced with newer vehicles that meet tighter emission standards. Overall, despite growth in the Pagosa Springs nonattainment area (*e.g.,* in population and sales tax revenue), attainment of the PM_{10} NAAQS has been demonstrated. We have evaluated the various control measures, in addition to the 1997 attainment year emission inventory and the projected emissions described below, and have concluded the continued attainment of the PM_{10} NAAQS in the Pagosa Springs area has resulted from emission reductions that are permanent and enforceable.

4. Fully Approved Maintenance Plan Under Section 175A of the CAA

Section 107(d)(3)(E) of the CAA requires that, for a nonattainment area to be redesignated to attainment, we must fully approve a maintenance plan which meets the requirements of section 175A of the CAA. The plan must demonstrate continued attainment of the relevant NAAQS in the area for at least 10 years after our approval of the redesignation. Eight years after our approval of a redesignation, Colorado must submit a revised maintenance plan demonstrating attainment for the 10 years following the initial 10 year period. The maintenance plan must also contain a contingency plan to ensure prompt correction of any violation of the NAAQS. (See sections 175A(b) and (d).) Our September 4, 1992 guidance outlines 5 core elements that are necessary to ensure maintenance of the relevant NAAQS in an area seeking redesignation from nonattainment to attainment. Those elements, as well as guidelines for subsequent maintenance plan revisions, are as follows:

a. Attainment Inventory. The maintenance plan should include an attainment emission inventory to identify the level of emissions in the area which is sufficient to attain the NAAQS. An emission inventory for Telluride was developed for the attainment year (1996). The inventory was based on the 1991 base year inventory approved by us in 1996 and includes emissions from wood and coal burning, restaurants, aircraft, a stationary source, mobile exhaust and re-entrained dust from paved and unpaved roads. Emissions were updated to reflect the latest emission factors, device counts (for stoves/fireplaces), traffic estimates and also to reflect the road paving that has occurred in the area.

An emission inventory for Pagosa Springs was developed for the attainment year (1997). The inventory was based on the 1988 base year inventory approved by us in 1994 and includes emissions from wood and coal burning, mobile exhaust and re-entrained dust from paved and unpaved roads. Emissions were updated to reflect the latest emission factors and traffic estimates as well as the road paving and street sand controls that have occurred in the area.

Colorado conducted silt loading studies during the spring of 1997 in Telluride and Pagosa Springs to update the road dust emission factors used in the inventories. The revised emission factors for road dust used in the Telluride and Pagosa Springs

inventories reflect the control measures that are in place in these areas and include the street sanding controls as well as voluntary street sweeping. Colorado adjusted the emission factors to account for a lack of sanding during the 1997 study period. However, no adjustment was made to account for the voluntary street sweeping that may have occurred. Since the voluntary street sweeping is not an enforceable control measure in the PM_{10} SIPs for these areas, an additional adjustment to the road dust emission factors must be taken into consideration in our review. If the voluntary street sweeping had been suspended for the duration of the silt loading studies, PM_{10} emission projections would likely increase no more than 2% in Telluride and 3% in Pagosa Springs. Based on these estimates, the areas would still be able to demonstrate maintenance of the 24-hour NAAQS. Thus, we believe Colorado has prepared adequate attainment inventories for the Telluride and Pagosa Springs areas.

b. Maintenance Demonstration. A state may generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. Colorado chose the modeling approach for both Telluride and Pagosa Springs.

The maintenance demonstration for both the Telluride and Pagosa Springs areas uses the chemical mass balance (CMB) roll-forward methodology, which is the same level of modeling used in the original attainment demonstrations for the moderate PM_{10} SIPs for these areas. The CMB receptor model data are used to identify the sources of emissions that influence PM_{10} concentrations in the area. Colorado used the attainment inventories to further refine the CMB source identification for each area and then apportion the design day concentration. The design day concentration was determined using EPA's ''Table look-up'' method. Based on the number of samples collected during a three year period from 1996—1998 (934 samples in Telluride and 1025 samples in Pagosa Springs), the third highest concentration measured during that period is used as the design value: 101 $\mu g/m^3$ for Telluride and 89 $\mu g/m^3$ for Pagosa Springs. Colorado prepared a maintenance inventory for the year 2012 for each area and rolled forward the design day concentration based on the changes that occurred in the emission inventory from the attainment year to the maintenance year. Based on this process, the Telluride 2012 maintenance concentration is 147 $\mu g/m^3$ and the Pagosa Springs 2012 maintenance concentration is 121 $\mu g/m^3$. Since these 2012 projections for Telluride and Pagosa Springs are below the 24-hour PM_{10} NAAQS, maintenance is demonstrated.

Although EPA would normally insist on some interim year projections between the attainment year and 2012, we have no reason to believe that total emissions will be greater than the 2012 projections in any of the interim years. Colorado applied simple, environmentally conservative, growth rates to all source categories other than stationary sources. The stationary source in the Telluride inventory was projected at maximum allowable emissions. Thus, total emissions in all years before 2012 should be less than 2012 total emissions and no interim year projections are required.

Since no violations of the *annual* PM_{10} NAAQS have ever occurred in Telluride or Pagosa Springs and since the maintenance demonstration clearly shows maintenance of the 24-hour PM_{10} NAAQS in these areas through the year 2012, it is reasonable and adequate to assume that protection of the 24-hour standard will be sufficient to protect the annual standard as well. Thus, EPA believes Colorado has adequately demonstrated that the Telluride and Pagosa Springs areas will maintain the PM_{10} NAAQS for at least the next ten years.

c. Monitoring Network. Once a nonattainment area has been redesignated to attainment, the State must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area. The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. Colorado operates one PM_{10} monitoring site in the Telluride area and one in the Pagosa Springs area. We approve these sites annually, and any future change would require discussion with, and approval from, us. In their May 10, 2000 submittal, Colorado committed to continue to operate these PM_{10} monitoring stations in Telluride and Pagosa Springs, in accordance with 40 CFR part 58.

d. Verification of Continued Attainment. A state's maintenance plan submittal should indicate how it will track the progress of the maintenance plan. This is necessary due to the fact that the emission projections made for the maintenance demonstration depend on assumptions of point and area source growth. Colorado commits to analyze the monitoring data in Telluride and Pagosa Springs to verify continued attainment of the PM_{10} NAAQS. Additionally, in a letter dated January 24, 2001, from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, Colorado commits to reviewing inventory assumptions (*i.e.,* emission factors, actual or projected population growth and growth in vehicle miles traveled, etc.) on a 3-year basis. EPA relies on this commitment in approving the Telluride and Pagosa Springs maintenance plans and the above-referenced letter is archived as Additional Materials in 40 CFR 52.320(c)(90)(ii).

e. Contingency Plan. Section 175A(d) of the CAA requires that a maintenance plan also include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. For the purposes of section 175A, a state is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved. However, the contingency plan is an enforceable part of the SIP and should ensure that contingency measures are adopted expeditiously once they are triggered. The plan should discuss the measures to be adopted and a schedule and procedure for adoption and implementation. The State should also identify the specific indicators, or triggers, which will be used to determine when the contingency plan will be implemented.

The Telluride and Pagosa Springs contingency plans will be triggered upon our determination that a PM_{10} NAAQS violation has occurred in Telluride or Pagosa Springs. The Telluride and Pagosa Springs contingency plans provide that, within six months of our determination that a violation has occurred, Colorado and the local government staff in the area will develop appropriate contingency measure(s) intended to prevent or correct a violation of the PM_{10} standard. If a violation of the PM_{10} NAAQS has occurred, a public hearing process at the State and local level will begin. If the Colorado Air Quality Control Commission (AQCC) agrees that the implementation of local measures will prevent further exceedances or violations, the AQCC may approve of the local measures without adopting State requirements. If, however, the AQCC finds locally adopted contingency measures to be inadequate,

the AQCC will adopt State enforceable measures as deemed necessary to prevent additional exceedances or violations. Any State-enforceable measures will become part of the next revised maintenance plan, submitted to us for approval.

Potential contingency measures for the Telluride and Pagosa Springs areas include: transportation control measures designed to reduce vehicle miles traveled, increased street sweeping, additional road paving, more stringent street sand specifications, voluntary or mandatory woodburning bans, expanded use of alternative de-icers, re-establishing nonattainment new source review permitting requirements for stationary sources, or other measures as deemed appropriate.

The Telluride and Pagosa Springs contingency plans provide that the contingency measures will be adopted and fully implemented within one year of a PM_{10} NAAQS violation.

f. Subsequent Maintenance Plan Revisions. In accordance with section 175A(b) of the CAA, the State of Colorado is required to submit a revision to the maintenance plan eight years after the redesignation of the Telluride and Pagosa Springs areas to attainment for PM_{10}. This revision is to provide for maintenance of the NAAQS for an additional ten years following the first ten year period. Colorado committed, in the Telluride and Pagosa Springs redesignation requests, to submit a revised maintenance plan, for each area, to EPA no later than December 31, 2008.

5. Meeting Applicable Requirements of Section 110 and Part D of the CAA

In order for an area to be redesignated to attainment, section 107(d)(3)(E) requires that it must have met all applicable requirements of section 110 and part D of the CAA. We interpret this to mean that, for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to, or at the time of, submitting a complete redesignation request. In our evaluation of a redesignation request, we don't need to consider other requirements of the CAA that became due after the date of the submission of a complete redesignation request.

a. Section 110 Requirements. Section 110(a)(2) contains general requirements for nonattainment plans. For purposes of redesignation, the Colorado SIP was reviewed to ensure that all applicable requirements under the amended CAA were satisfied. These requirements were met for Telluride with Colorado's March 17, 1993 and April 22, 1996 submittals for the Telluride PM_{10} nonattainment area. We provided full approval of the Telluride SIP Element on October 4, 1996 (61 FR 51784). The section 110(a)(2) requirements were met for Pagosa Springs with Colorado's February 24, 1993 and December 9, 1993 submittals for the Pagosa Springs PM_{10} nonattainment area. We approved these submittals on May 19, 1994 (59 FR 26126).

b. Part D Requirements. Before a PM_{10} nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D. Subpart 1 of part D establishes the general requirements applicable to all nonattainment areas, subpart 4 of part D establishes specific requirements applicable to PM_{10} nonattainment areas.

The requirements of sections 172(c) and 189(a) regarding attainment of the PM_{10} NAAQS, and the requirements of section 172(c) regarding reasonable further progress, imposition of Reasonably Available Control Measures (RACM), the adoption of contingency measures, and the submission of an emission inventory, have been satisfied through our September 19, 1994 partial/conditional approval of the Telluride PM_{10} SIP (59 FR 47807), our October 4, 1996 full approval of the Telluride PM_{10} SIP (61 FR 51784) with the adoption of new street sanding requirements, our May 19, 1994 approval of the Pagosa Springs PM_{10} SIP (59 FR 26126), and the demonstration that the Telluride and Pagosa Springs areas are now attaining the NAAQS.

Although EPA's regulations (see 40 CFR 51.396) require that states adopt transportation conformity provisions in their SIPs for areas designated nonattainment or subject to an EPA-approved maintenance plan, we have decided that a transportation conformity SIP is not an applicable requirement for purposes of evaluating a redesignation request under section 107(d) of the CAA. This decision is reflected in EPA's 1996 approval of the Boston carbon monoxide redesignation. (See 61 FR 2918, January 30, 1996.)

We approved the requirements of the part D new source review (NSR) permit program for the Pagosa Springs moderate PM_{10} nonattainment area on August 18, 1994 (59 FR 42506). In that same **Federal Register** action, we only partially approved Colorado's nonattainment NSR permitting regulations for the Telluride moderate PM_{10} nonattainment area because Colorado did not submit NSR permitting regulations for sources of PM_{10} precursors in Telluride and because EPA had not yet found that such sources did not contribute significantly in Telluride. Colorado's nonattainment area NSR permitting regulations were fully approved on September 19, 1994 when we partially/conditionally approved the PM_{10} SIP element for Telluride (59 FR 47807). Once the Telluride and Pagosa Springs areas are redesignated to attainment, the prevention of significant deterioration (PSD) requirements of part C of the CAA will apply. We must ensure that Colorado has made any needed modifications to its PSD regulations so that its PSD regulations will apply in the Telluride and Pagosa Springs areas after redesignation. Colorado's PSD regulations, which we approved as meeting all applicable Federal requirements, apply to any area designated as unclassifiable or attainment and, thus, will become fully effective in the Telluride and Pagosa Springs area upon redesignation of the area to attainment.

C. Have the Transportation Conformity Requirements Been Met?

Under our transportation conformity regulations, States are to define the mobile vehicle emissions budget to which Federal transportation plans must demonstrate conformity. The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS.

Colorado had previously adopted mobile source emissions budgets for Telluride for the years 1994 and 1997 of 16,901 lb/day and 14,687 lb/day, respectively. In the Telluride maintenance plan, Colorado established a new mobile source emissions budget of 10,001 lb/day for the year 2012 and beyond. This budget is the total of the 2012 mobile source PM_{10} emissions and includes vehicle exhaust, highways, paved collector roads, paved local roads and dirt roads. EPA's approval of 10,001 lb/day as the budget means that this value must be used for conformity determinations for all years after 2012. This budget was adopted in Colorado's Ambient Air Standards Regulation and submitted to us for approval. We are approving the emission budget for Telluride into the SIP.

Colorado has also previously adopted mobile source emissions budgets for Pagosa Springs for the years 1994 and 1997 of 6,204 lb/day and 6,281 lb/day, respectively. In the Pagosa Springs maintenance plan, Colorado established a new mobile source emissions budget of 7,486 lb/day for the year 2012 and beyond. This budget is the total of the 2012 mobile source PM_{10} emissions and includes vehicle exhaust, highways,

paved roads, gravel roads and dirt roads. EPA's approval of 7,486 lb/day as the budget means that this value must be used for conformity determinations for all years after 2012. This budget was adopted in Colorado's Ambient Air Standards Regulation and submitted to us for approval. We are approving the emission budget for Pagosa Springs into the SIP.

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision in Environmental Defense Fund vs. the Environmental Protection Agency, No. 97–1637, that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in State Implementation Plans (SIPs) are adequate before they are used to determine the conformity of Transportation Plans or Transportation Improvement Programs. In response to the court decision, we make any submitted SIP revision containing an emission budget available for public comment and respond to these comments before announcing our adequacy determination. EPA's transportation conformity rule (40 CFR part 93) spells out criteria that EPA must use in its adequacy review.

EPA sent a letter to the Colorado Air Pollution Control Division on July 12, 2000 stating that the motor vehicle emissions budgets in the submitted Telluride and Pagosa Springs PM_{10} maintenance plans are adequate. This finding has also been announced on EPA's conformity website: *http://www.epa.gov/otaq/transp/conform/adequacy.htm.* We documented our adequacy determination for Telluride and Pagosa Springs in the **Federal Register** on August 3, 2000 (65 FR 47726). The budgets took effect on August 18, 2000 (15 days after our announcement in the **Federal Register**), superseding the prior PM_{10} emissions budgets for Telluride and Pagosa Springs.

D. Did Colorado Follow the Proper Procedures for Adopting This Action?

The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission. Section 110(a)(2) of the CAA provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(l) of the CAA similarly provides that each revision to an implementation plan submitted by a State under the CAA must be adopted by such State after reasonable notice and public hearing.

Colorado held a public hearing for the proposed rule changes on March 16, 2000. The rulemaking was adopted by the Air Quality Control Commission (AQCC) directly after the March 16, 2000 hearing and was formally submitted to EPA by the Governor on May 10, 2000. We reviewed the submission against our completeness criteria in 40 CFR part 51, appendix V. We determined the submission was complete and notified Colorado in a letter dated August 7, 2000. We have evaluated the Governor's submittal and have determined that Colorado met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

III. Background

To implement our 1987 revisions to the particulate matter NAAQS, on August 7, 1987 (52 FR 29383), we categorized areas of the nation into three groups based on the likelihood that protection of the PM_{10} NAAQS would require revisions of the existing SIP. We identified both Telluride and Pagosa Springs as PM_{10} ''Group I'' areas of concern, i.e., areas with a strong likelihood of violating the PM_{10} NAAQS and requiring a substantial SIP revision. The Telluride and Pagosa Springs areas were among several Group I PM_{10} areas, all of which were designated and classified as moderate PM_{10} nonattainment areas by operation of law upon enactment of the Clean Air Act Amendments of 1990 (November 15, 1990). See 56 FR 56694 at 56705–706 (November 6, 1991).

By November 15, 1991, States containing initial moderate PM_{10} nonattainment areas were required to submit most elements of their PM_{10} SIPs. (See sections 172(c), 188, and 189 of the CAA.) Some provisions, such as PM_{10} contingency measures required by section 172(c)(9) of the CAA and nonattainment new source review (NSR) provisions, were due at later dates. In order for a nonattainment area to be redesignated to attainment, the above mentioned conditions in section 107(d)(3)(E) of the CAA must be met. We partially/conditionally approved the PM_{10} SIP for Telluride on September 19, 1994 (59 FR 47807) and fully approved it, with the adoption of new street sanding requirements, on October 4, 1996 (61 FR 51784). We approved the PM_{10} SIP for Pagosa Springs on May 19, 1994 (59 FR 26126).

EPA promulgated new standards for PM_{10} on September 18, 1997. Areas were to be designated under the new PM_{10} standard by July 2000. On May 14, 1999, the United States Court of Appeals for the D.C. Circuit in American Trucking Associations, Inc. et al., v. United States Environmental Protection Agency vacated the 1997 PM_{10} standard. Because of the Court ruling, we are continuing to implement the pre-existing PM_{10} standard, and are therefore approving redesignations to qualified PM_{10} nonattainment areas. On May 10, 2000, the Governor of Colorado submitted a request to redesignate the Telluride and Pagosa Springs moderate PM_{10} nonattainment areas to attainment (for the 1987 PM_{10} NAAQS) and submitted maintenance plans for the areas.

IV. Administrative Requirements

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

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective August 14, 2001 unless EPA receives adverse written comments by July 16, 2001.

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: May 1, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

40 CFR parts 52 and 81, chapter I, title 40 are amended as follows:

PART 52—[AMENDED]

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

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

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(90) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(90) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM_{10} nonattainment areas and requested that these areas be redesignated to attainment for the PM_{10} National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Colorado Air Quality Control Commission, ''State Implementation Plan Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),'' 5 CCR 1001–20, revisions adopted 3/16/00, effective 5/30/00, as follows: Section I., Pagosa Springs Attainment/Maintenance Area and Section II., Telluride Attainment/Maintenance Area.

(ii) Additional Material.

(A) January 24, 2001 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, clarifying the commitments of the Verification of Continued Attainment section of the Telluride and Pagosa Springs maintenance plans.

3. Section 52.332 is amended by adding paragraph (j) to read as follows:

§ 52.332 Moderate PM–10 nonattainment area plans.

* * * * *

(j) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM_{10} nonattainment areas and requested that these areas be redesignated to attainment for the PM_{10} National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

2. In § 81.306, the table entitled ''Colorado-PM–10'' is amended by revising the entries under Archuleta County for the ''Pagosa Springs Area'' and under San Miguel County for ''Telluride'' to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
*	*	*	*	*	*	*
Archuleta County:						
Pagosa Springs Area	August 14, 2001	Attainment.				

COLORADO—PM–10—Continued

Designated area	Designation		Classification	
	Date	Type	Date	Type
Township 35N–Range 2W:Sections 13, 14, 15; Section 23 NE, N ½ SE; Section 24 all except SWSW; Section 25 N ½NE, NENW.			
Township 35N–Range 1W: Section 18 W ½				
* * *	*	*	*	*
San Miguel County:				
Telluride	August 14, 2001	Attainment.		
The Telluride attainment/maintenance area begins 28 at the intersection ofColorado State Highway 145 and the Telluride service area boundary, existed in 1991. The western edge of the 2 nonattainment area until it meets Remine Creek is defined as follows: A tract of land located in a portion of the west one-half of Section 28 and the east one-half of Section 29, Township 43 North, Range 9 west, of New Mexico Principal Meridian, County of San Miguel, State of Colorado, described as follows: Beginning at the southwest corner of the said Section 28; Thence N 89 deg.36′00″ W. 292.70 Feet; Thence S 04 deg.05′12″ W. 538.63 Feet; Thence N 03 deg.29′42″ W. 780.19 Feet; Thence N 22 deg.15′00″ E. 3344.16 Feet; Thence S 51 deg.51′49″ E. 570.44 Feet; Thence S 03 deg.15′36″ E. 1106.22 Feet; Thence S 45 deg.24′42″ E. 546.96 Feet; Thence S 28 deg.41′12″ W. 549.62 Feet; Thence S 29 deg.40′09″ E. 169.68 Feet; Thence S 44 deg.30′03″ W. 649.51 Feet; Thence S 85 deg.54′00″ E. 660.00 Feet; Thence S 04 deg.06′00″ W. 660.00 Feet; Thence N 89 deg.56′00″ E. 1318.68 Feet; to the true point of beginning containing 11249 acres as described above. Then, at Remine Creek, the attainment/maintenance boundary follows the service area boundary for 9.65 miles to the 9,200 foot contour line. The boundary then intersects Bear Creek. Here the attainment/maintenance boundary diverges from the service area boundary (9,200 foot contour line). The attainment/maintenance boundary continues in a west, southwest direction for 0.92 miles from the intersection of the 9,200 foot contour line and Bear Creek to the top of ski lift number 9 in the Telluride Ski Area at an elevation of about 11,900 feet. The boundary then shifts and runs in a north-westerly direction for 0.83 miles from the top of lift 9 to the top of lift 7, which is located at an elevation of 10,490 feet. From the top of lift 7, the attainment/maintenance boundary continues in a north-westerly direction for 0.5 miles to the intersection of lift 3 with the 10,000 foot control line. The attainment/maintenance boundary follows the 10,000 foot contour line in a south, south-west direction for 3.2 miles, until it intersects Skunk Creek. Here the boundary diverges from the 10,000 foot contour line and follows Skunk Creek in a northerly direction for 2.25 miles. At the intersection of Skunk Creek and Colorado State Highway 145, the attainment/maintenance boundary leaves the creek and follows Highway 145 in a northerly direction until it meets the service area boundary as it existed prior to changes adopted in 1991.				
* * *	*	*	*	*

* * * * *

[FR Doc. 01–15029 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL–6976–4]

North Carolina; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on the State of North Carolina's application for final approval.

SUMMARY: The State of North Carolina has applied for approval of its underground storage tank program for petroleum and hazardous substances under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed North Carolina's application and has reached a final determination that North Carolina's underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for approval. Thus, EPA is granting final approval to the State of North Carolina to operate its underground storage tank program for petroleum and hazardous substances.

EFFECTIVE DATE: Final approval for the State of North Carolina's underground storage tanks program shall be effective August 14, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA, Region 4, Sam Nunn Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303, phone number: (404) 562–9441.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes the Environmental Protection Agency (EPA) to approve state underground storage tank programs to operate in the state in lieu of the Federal underground storage tank (UST) program. To qualify for final authorization, a state's program must: (1) Be ''no less stringent'' than the Federal program for the seven elements set forth at RCRA Section 9004(a)(1) through (7); and (2) provide for adequate enforcement of compliance with UST standards of RCRA Section 9004(a). Note that RCRA sections 9005 (on information-gathering) and 9006 (on Federal enforcement) by their terms apply even in states with programs approved by EPA under RCRA section 9004. Thus, the Agency retains its authority under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the state authorized analogues to these provisions.

On January 16, 1998, the State of North Carolina submitted an official application to obtain final program approval to administer the underground storage tank program for petroleum and hazardous substances. On August 10, 1999, EPA published a tentative decision announcing its intent to grant North Carolina final approval. Further background on the tentative decision to grant approval appears at 64 FR 43336, August 10, 1999.

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA requested advance notice for testimony and reserved the right to cancel the public hearing for lack of public interest. Since there was no public request, the public hearing was cancelled. No public comments were received regarding EPA's approval of North Carolina's underground storage tank program.

The State of North Carolina is not approved to operate the underground storage tank program on Indian lands within the State's borders.

B. Decision

I conclude that the State of North Carolina's application for final program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, North Carolina is granted final approval to operate its underground storage tank program for petroleum and hazardous substances. The State of North Carolina now has the responsibility for managing all regulated underground storage tank facilities within its border and carrying out all aspects of the underground storage tank program except with regard to Indian lands where EPA will have regulatory authority. North Carolina also has primary enforcement responsibility, although EPA retains the right to conduct enforcement actions under section 9006 of RCRA.

C. Administrative Requirements

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local or tribal governments or the private sector. The UMRA generally excludes from the definition of ''Federal intergovernmental mandate'' duties that arise from participation in a voluntary Federal program. North Carolina's participation in EPA's state program approval process under RCRA Subtitle I is voluntary. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

In addition, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

Although small governments may own and/or operate underground storage tanks, they are already subject to the regulatory requirements under the existing State requirements that EPA is now approving and, thus, are not subject to any additional significant or unique requirements by virtue of this action. Thus, the requirements of section 203 of the UMRA also do not apply to today's rule.

Regulatory Flexibility Act (RFA) (as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute 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 organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's action on small entities, small entity is defined as: (1) A small business as specified in the Small Business Administration regulations; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action does not impose any new requirements on small entities because small entities that own and/or operate underground storage tanks are already subject to the State underground storage tank requirements which EPA is now approving. This action merely approves for the purpose of RCRA section 9004 those existing State requirements.

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. The 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 today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

Compliance With Executive Order 13045 (Children's Health)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' applies to any rule that: (1) The Office of Management and Budget determines is ''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.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it approves a state program.

Compliance 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 final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This rule is not subject to Executive Order 13175 because it does not significantly or uniquely affect the communities of Indian tribal governments. This rule merely incorporates by reference the North Carolina underground storage tank program requirements that EPA has already approved. North Carolina is not approved to implement the RCRA underground storage tank program in Indian country. This action has no effect on the underground storage tank program that EPA implements in the Indian country within the State. Thus, Executive Order 13175 does not apply to this rule.

Compliance 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 direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

This action does not have federalism implications. It will not have a substantial direct effect on 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, because it

affects only one state. This action simply provides EPA approval of North Carolina's voluntary proposal for its State underground storage tank program to operate in lieu of the Federal underground storage tank program in that State. Thus, the requirements of section 6 of the Executive Order do not apply.

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) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: This document is issued under the authority of Section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6974(b), 6991c.

Dated: April 26, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–14896 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL–6976–5]

Underground Storage Tank Program: Approved State Program for North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act (RCRA) of 1976, as amended, authorizes the Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the Federal program. Part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. This rule codifies in part 282 the prior approval of North Carolina's underground storage tank program and incorporates by reference appropriate provisions of the State's statutes and regulations.

DATES: This regulation is effective August 14, 2001, unless EPA publishes a prior **Federal Register** document withdrawing this immediate final rule. All comments on the codification of North Carolina's underground storage tank program must be received by the close of business July 16, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of August 14, 2001, in accordance with 5 U.S.C. 552(a).

ADDRESSES: Comments may be mailed to Mr. John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, Sam Nunn Federal Center, 61 Forsyth Street SW., 15th Floor Tower, Atlanta, Georgia 30303. Comments received by EPA may be inspected in the Underground Storage Tank Section, located at EPA Region 4 Library from 8 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, Sam Nunn Federal Center, 61 Forsyth Street S.W., Atlanta, Georgia 30303, phone number: (404) 562–9441.

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, 42 U.S.C. 6991c, allows the Environmental Protection Agency (EPA) to approve state underground storage tank programs to operate in the state in lieu of the Federal underground storage tank program. EPA is publishing elsewhere in this issue a **Federal Register** document announcing its decision to grant approval to North Carolina. Approval is effective on August 14, 2001.

EPA codifies its approval of state programs in 40 CFR part 282 and incorporates by reference therein the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of North Carolina's underground storage tank program. This codification reflects the state program in effect at the time EPA granted North Carolina approval under section 9004(a), 42 U.S.C. 6991c(a) for its underground storage tank program. Notice and opportunity for comment were provided earlier on the Agency's decision to approve the North Carolina program, and EPA is not now reopening that decision nor requesting comment on it.

This effort provides clear notice to the public of the scope of the approved program in each state. By codifying the approved North Carolina program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in North Carolina, the status of Federally approved requirements of the North Carolina program will be readily discernible.

To codify EPA's approval of North Carolina's underground storage tank program, EPA has added section 282.83 to title 40 of the CFR. Section 282.83 incorporates by reference for enforcement purposes the State's statutes and regulations. Section 282.83 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the underground storage tank program under subtitle I of RCRA.

The Agency retains the authority under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and Federal

procedures rather than the state authorized analogues to these provisions. Therefore, the approved North Carolina enforcement authorities will not be incorporated by reference. Section 282.83 lists those approved North Carolina authorities that would fall into this category.

The public also needs to be aware that some provisions of the State's underground storage tank program are not part of the Federally approved state program. These non-approved provisions are not part of the RCRA subtitle I program because they are ''broader in scope'' than subtitle I of RCRA. See 40 CFR 281.12(a)(3)(ii). As a result, state provisions which are ''broader in scope'' than the Federal program are not incorporated by reference for purposes of enforcement in part 282. Section 282.83 of the codification simply lists for reference and clarity the North Carolina statutory and regulatory provisions which are ''broader in scope'' than the Federal program and which are not, therefore, part of the approved program being codified today. ''Broader in scope'' provisions cannot be enforced by EPA; the State, however, will continue to enforce such provisions.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. It does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector. This rule merely incorporates by reference certain existing State underground storage tank program requirements which EPA previously approved and with which regulated entities must already comply. Further, the UMRA generally excludes from the definition of ''Federal intergovernmental mandate'' duties that arise from participation in a voluntary Federal program. The requirements being codified today are the result of North Carolina's voluntary participation in EPA's state program approval process under RCRA Subtitle I. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

In addition, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may own and/or operate underground storage tanks, this codification incorporates into the CFR North Carolina's underground storage tank program requirements which EPA already approved under 40 CFR Part 281. Small governments are not subject to any additional significant or unique requirements by virtue of this action. Thus, the requirements of section 203 of the UMRA also do not apply to today's rule.

Regulatory Flexibility Act (RFA) (as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.)

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute 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 organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's action on small entities, small entity is defined as: (1) A small business as specified in the Small Business Administration regulations; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action does not impose any new requirements on small entities because small entities that own and/or operate underground storage tanks are already subject to the State underground storage tank program requirements which EPA is now incorporating by reference.

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. The 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 today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

Compliance With Executive Order 13045 (Children's Health)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' applies to any rule that: (1) The Office of Management and Budget determines is ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria,

the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions based on environmental health or safety risks.

Compliance 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 final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This rule is not subject to Executive Order 13175 because it does not significantly or uniquely affect the communities of Indian tribal governments. This rule merely incorporates by reference the North Carolina underground storage tank program requirements that EPA has already approved. North Carolina is not approved to implement the RCRA underground storage tank program in Indian country. This action has no effect on the underground storage tank program that EPA implements in the Indian country within the State. Thus, Executive Order 13175 does not apply to this rule.

Compliance 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 direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has Federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This action does not have Federalism implications. It will not have a substantial direct effect on 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, because it affects only one State. Further, this action simply incorporates by reference the State's already approved underground storage tank program requirements. Thus, the requirements of section 6 of the Executive Order do not apply.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: April 26, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

For the reasons set forth in the preamble, 40 CFR Part 282 is amended as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Subpart B—Approved State Programs

2. Subpart B is amended by adding § 282.83 to read as follows:

§ 282.83 North Carolina State-Administered Program.

(a) The State of North Carolina is approved to administer and enforce an underground storage tank program in lieu of the Federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, UST Section, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the North Carolina program on April 26, 2001 with an effective date of August 14, 2001.

(b) North Carolina has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, North Carolina must revise its approved program to adopt new changes to the Federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If North Carolina obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the **Federal Register**.

(d) North Carolina has final approval for the following elements submitted to EPA in the State's program application for final approval and approved by EPA on April 26, 2001. Copies may be obtained from the North Carolina Department of Environment and Natural Resources, Division of Waste Management, UST Section, 2728 Capital Blvd., Raleigh, NC 27604.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) North Carolina Statutory Requirements Applicable to the Underground Storage Tank Program, 1997.

(B) North Carolina Regulatory Requirements Applicable to the Underground Storage Tank Program, 1997 and 1998.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(*1*) General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21, Water and Air Resources

§ 143–215.6A Enforcement procedures: civil penalties
§ 143–215.6B Enforcement procedures: criminal penalties
§ 143–215.6C Enforcement procedures: injunctive relief

(*2*) General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21A, Oil Pollution and Hazardous Substances Control

§ 143–215.79 Inspections and investigations; entry upon property
§ 143–215.88A Enforcement procedures: civil penalties
§ 143–215.88B Enforcement procedures: criminal penalties
§ 143–215.91A Limited liability for volunteers in oil and hazardous substance abatement
§ 143–215.94 Joint and several liability
§ 143–215.94F Limited amnesty
§ 143–215.94G Authority of the Department to engage in cleanups; actions for fund reimbursement (Insofar as (e) outlines enforcement authorities.)
§ 143–215.94K Enforcement
§ 143–215.94W Enforcement procedures: civil penalties
§ 143–215.94Y Enforcement procedures: criminal penalties
§ 143–215.94Z Enforcement procedures: injunctive relief

(*3*) General Statutes of North Carolina, Chapter 143B—Executive Organization Act of 1973

§ 143B–282 Environmental Management Commission—Creation; powers and duties
§ 143B–282.1 Environmental Management Commission—quasi-judicial powers; procedures

(*4*) General Statutes of North Carolina, Chapter 150B—Administrative Procedure Act

§ 150B–23 Commencement; assignment of administrative law judge; hearing required; notice; intervention

(*5*) General Statutes of North Carolina, Chapter 1A—Rules of Civil Procedure

Rule 24 Intervention

(B) The regulatory provisions include:

(*1*) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2N, Underground Storage Tanks

Section .0100 General Considerations (Insofar as .0101(c) provides inspection and enforcement authority.)

(*2*) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks

Section .0100 General Considerations (Insofar as .0101(c) provides inspection and enforcement authority.)

(*3*) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds

Section .0100 General Considerations (Insofar as .0101(d) provides inspection and enforcement authority.)

(iii) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(*1*) General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21A, Oil Pollution and Hazardous Substances Control

§ 143–215.83 Discharges (Insofar as (c) addresses permit requirements.)
§ 143–215.92 Lien on vessel (Insofar as it addresses vessels, which are not regulated by the Federal program.)
§ 143–215.94A Definitions (Insofar as .94A(2) subjects certain heating oil tanks and the piping connected to otherwise excluded tanks to the regulatory requirements.)
§ 143–215.94C Commercial leaking petroleum underground storage tank cleanup fees (Insofar as it establishes annual operating fees.)
§ 143–215.94U Registration of petroleum commercial underground storage tanks; operation of petroleum underground storage tanks; operating permit required (Insofar as it requires owners and operators to obtain operating permits and pay operating fees for their tanks, and imposes requirements on individuals other than UST owners and operators.)

(B) The regulatory provisions include:

(*1*) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2N, Underground Storage Tanks

Section .0200 Program Scope and Interim Prohibition (Insofar as .0201 subjects USTs containing de minimis concentrations of regulated substances to closure requirements)
Section .0800 Out-of-Service UST Systems and Closure Insofar as .0802 subjects USTs containing de minimis concentrations of regulated substances to closure requirements)

(*2*) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks

Section .0200 Program Scope (Insofar as .0203(b)(1) defines ''annual operating fee'')
Section .0400 Responsibilities of Owners and Operators (Insofar as

.0402(b)(2) addresses annual operating fee requirements.)

(*3*) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds

Section .0200 Program Scope (Insofar as .0201(a) and (b) and .0202 (b)(1) relate to annual operating fees.)
Section .0300 Annual Operating Fees (Insofar as .0301 sets forth annual operating fee requirements.)
Section .0400 Reimbursement Procedure (Insofar as .0401(b) relates to annual operating fees.)

(2) *Statement of legal authority.* (i) ''Attorney General's Statement for Final Approval'', signed by the State Attorney General on January 5, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of North Carolina to EPA, August 11, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(iii) Letter from the Attorney General of North Carolina to EPA, September 24, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application on December 19, 1997, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on December 19, 1997, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 4 and the North Carolina Department of Environment and Natural Resources, Division of Waste Management, UST Section, signed by the EPA Regional Administrator on July 29, 1999, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to Part 282 is amended by adding in alphabetical order ''North Carolina'' and its listing.

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

North Carolina

(a) The statutory provisions include:

General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21A, Oil Pollution and Hazardous Substances Control

§ 143–215.75 Title
§ 143–215.76 Purpose
§ 143–215.77 Definitions
§ 143–215.77A Designation of hazardous substances and determination of quantities which may be harmful
§ 143–215.78 Oil pollution control program
§ 143–215.80 Confidential information
§ 143–215.81 Authority supplemental
§ 143–215.82 Local ordinances
§ 143–215.83 Discharges (Except insofar as (c) addresses permit requirements.)
§ 143–215.84 Removal of prohibited discharges
§ 143–215.85 Required notice
§ 143–215.86 Other State agencies and State-designated local agencies
§ 143–215.87 Oil or Other Hazardous Substances Pollution Protection Fund
§ 143–215.88 Payment to State agencies or State-designated local agencies
§ 143–215.89 Multiple liability for necessary expenses
§ 143–215.90 Liability for damage to public resources
§ 143–215.93 Liability for damage caused
§ 143–215.93A Limitation on liability of persons engaged in removal of oil discharges
§ 143–215.94A Definitions (Except insofar as .94A(2) subjects certain heating oil tanks and the piping connected to otherwise excluded tanks to the regulatory requirements.)
§ 143–215.94B Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund
§ 143–215.94D Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund
§ 143–215.94E Rights and obligations of the owner and operator
§ 143–215.94G Authority of the Department to engage in cleanups; actions for fund reimbursement (Except insofar as (e) outlines enforcement authorities.)
§ 143–215.94H Financial responsibility
§ 143–215.94I Insurance pools authorized; requirements
§ 143–215.94J Limitation of liability of the State of North Carolina
§ 143–215.94L Adoption of rules; administrative procedure; short title; miscellaneous provisions
§ 143–215.94M Reports
§ 143–215.94N Applicability
§ 143–215.94O Petroleum Underground Storage Tank Funds Council
§ 143–215.94P Groundwater Protection Loan Fund
§ 143–215.94T Adoption and implementation of regulatory program
§ 143–215.94V Standards for petroleum underground storage tank cleanup

(b) The regulatory provisions include:

North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2L: Groundwater Classification and Standards

1. Section .0100 General Considerations

.0101 Authorization
.0102 Definitions
.0103 Policy
.0104 Restricted Designation (RS)
.0105 Adoption by Reference (Repealed)
.0106 Corrective Action
.0107 Compliance Boundary
.0108 Review Boundary
.0109 Delegation
.0110 Monitoring
.0111 Reports
.0112 Analytical Procedures
.0113 Variance
.0114 Notification Requirements
.0115 Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks

2. Section .0200 Classifications and Groundwater Quality Standards

.0201 Groundwater Classifications
.0202 Groundwater Quality Standards

3. Section .0300 Assignment of Underground Water Classifications

.0301 Classifications: General
.0302 Statewide
.0303 Broad River Basin
.0304 Cape Fear River Basin
.0305 Catawba River Basin
.0306 Chowan River Basin
.0307 French Broad River Basin
.0308 Hiwassee River Basin
.0309 Little Tennessee River Basin
.0310 Savannah River Basin
.0311 Lumber River Basin
.0312 Neuse River Basin
.0313 New-Watauga River Basin
.0314 Pasquotank River Basin
.0315 Roanoke River Basin
.0316 Tar Pamlico River Basin
.0317 White Oak River Basin
.0318 Yadkin-Pee Dee River Basin
.0319 Reclassification

North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2N, Underground Storage Tanks

1. Section .0100 General Provisions

.0101 General (Except insofar as .0101(c) provides inspection and enforcement authority.)
.0102 Copies of referenced Federal regulations
.0103 Adoption by reference updates
.0104 Identification of tanks

2. Section .0200 Program Scope and Interim Prohibition

.0201 Applicability (Except insofar as it subjects USTs containing de minimis

concentrations of regulated substances to closure requirements)
.0202 Interim prohibition for deferred UST systems
.0203 Definitions

3. Section .0300 UST Systems: Design, Construction, Installation, and Notification

.0301 Performance standards for new UST systems
.0302 Upgrading of existing UST systems
.0303 Notification requirements

4. Section .0400 General Operating Requirements

.0401 Spill and overfill control
.0402 Operation and maintenance of corrosion protection
.0403 Compatibility
.0404 Repairs allowed
.0405 Reporting and recordkeeping

5. Section .0500 Release Detection

.0501 General requirements for all UST systems
.0502 Requirements for petroleum UST systems
.0503 Requirements for hazardous substance UST systems
.0504 Methods of release detection for tanks
.0505 Methods of release detection for piping
.0506 Release detection recordkeeping

6. Section .0600 Release Reporting, Investigation, and Confirmation

.0601 Reporting of suspected releases
.0602 Investigation due to off-site impacts
.0603 Release investigation and confirmation steps
.0604 Reporting and cleanup of spills and overfills

7. Section .0700 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

.0701 General
.0702 Initial response
.0703 Initial abatement measures and site check
.0704 Initial site characterization
.0705 Free product removal
.0706 Investigations for soil and ground water cleanup
.0707 Corrective action plan
.0708 Public participation

8. Section .0800 Out-of-Service UST Systems and Closure

.0801 Temporary closure
.0802 Permanent closure and changes-in-service (Except insofar as it subjects USTs containing de minimis concentrations of regulated substances to closure requirements)
.0803 Assessing the site at closure or change-in-service
.0804 Applicability to previously closed UST systems
.0805 Closure records

North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks

1. Section .0100 General Considerations

.0101 General (Except insofar as .0101(c) provides inspection and enforcement authority.)
.0102 Copies of referenced Federal regulations
.0103 Substituted sections

2. Section .0200 Program Scope

.0201 Applicability
.0202 Compliance dates
.0203 Definitions (Except insofar as (b)(1) defines ''annual operating fee'')
.0204 Amount and scope of required financial responsibility

3. Section .0300 Assurance Mechanisms

.0301 Allowable mechanisms and combinations of mechanisms
.0302 Self insurance
.0303 Guarantee
.0304 Insurance and risk retention group coverage
.0305 Surety bond
.0306 Letter of credit
.0307 Standby trust fund
.0308 Insurance pools
.0309 Substitution of financial assurance mechanisms
.0310 Cancellation or nonrenewal by a provider of assurance

4. Section .0400 Responsibilities of Owners and Operators

.0401 Reporting by owner or operator
.0402 Record keeping (Except insofar as (b)(2) addresses annual operating fee requirements.)

5. Section .0500 Changes in Status

.0501 Drawing on financial assurance mechanisms
.0502 Release from the requirements
.0503 Incapacity of owner or operator or provider of assurance
.0504 Replenishment

North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds

1. Section .0100 General Considerations

.0101 General (Except insofar as .0101(d) provides inspection and enforcement authority.)
.0102 Copies of rules incorporated by reference
.0103 False or misleading information

2. Section .0200 Program Scope

.0201 Applicability (Except insofar as .0201(a) and (b) relate to annual operating fees.)
.0202 Definitions (Except insofar as .0202 (b)(1) relates to annual operating fees.)

3. Section .0300 Annual Operating Fees

.0302 Notification

4. Section .0400 Reimbursement Procedure

.0401 Eligibility of owner or operator (Except insofar as .0401(b) relates to annual operating fees.)
.0402 Cleanup costs
.0403 Third party claims
.0404 Requests for reimbursement
.0405 Method of reimbursement
.0406 Reimbursement apportionment
.0407 Final action

[FR Doc. 01–14895 Filed 6–14–01; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3800

[WO–320–1990–PB–24 1A]

RIN 1004–AD22

Mining Claims Under the General Mining Laws; Surface Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is issuing this final rule to amend at this time only one provision of its regulations for surface management of mining operations conducted under the Mining Laws. This final rule changes the date by which operators with plans of operation approved by BLM before January 20, 2001, must provide a financial guarantee—from July 19, 2001, to November 20, 2001, for operations that already have financial guarantees, and to September 13, 2001 for operations without any financial guarantee.

The amendment is necessary because BLM field offices and the State governments with which we cooperate are not able to implement the financial guarantee requirements in the existing regulations to enable operators to comply by the deadline in those regulations. Changing the deadline will better enable BLM and the States to implement fully the financial guarantee requirements in the BLM surface management regulations. BLM intends to retain the financial guarantee (sometimes referred to as ''bonding'') provisions in these regulations that became effective on January 20, 2001. BLM will issue a final rule addressing other issues identified in its March 23, 2001, notice of proposed rulemaking at a later date.

EFFECTIVE DATE: July 16, 2001.

ADDRESSES: You may send inquiries or suggestions to Director (320), 501LS, Bureau of Land Management, 1849 C St., NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Bob M. Anderson, Deputy Assistant Director for Minerals, Realty, and Resource Protection, at (202) 208–4201, or Michael H. Schwartz, Group Manager for Regulatory Affairs, at (202) 452–5198. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Background
II. Reasons for This Final Rule
III. Procedural Matters

I. Background

On November 21, 2000 (65 FR 69998), BLM published a final rule completely revising 43 CFR subpart 3809 (the 2000 regulations). Among its features, that final rule contained financial guarantee requirements for operators whose plans of operations BLM approved before the effective date of the rule, January 20, 2001. The rule contained regulations requiring such operators to provide financial guarantees that comply with the new regulations by July 19, 2001.

The 2000 regulations were issued following a complex procedural history. In the 1998 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Pub. L. 105–277, sec. 120(a)), Congress directed the National Academy of Sciences (''NAS'') to review the adequacy of existing regulations of hardrock mining on Federal lands in each State in which it occurs, without regard to BLM's proposed regulations. The law directed the National Research Council (''NRC''), within the NAS, to complete the study by July 31, 1999. In the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106–31, § 3002, 113 Stat. 57, 89–90), Congress prohibited Interior from both completing its work on the February 9, 1999, proposed rule and issuing a final rule until Interior provided at least 120 days for public comment on the proposed rule, subsequent to the publication of the NRC study. The NRC completed and published its report, entitled *Hardrock Mining on Federal Lands* (''NRC study''), in late September 1999.

In addition, Congress enacted a series of provisions in Interior appropriations acts beginning in 1997 that pertain to the 3809 rules. The last one, in the FY 2001 Interior Appropriations bill, provides as follows:

> None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 CFR Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled ''Hardrock Mining on Federal Lands'' so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

FY 2001 Interior Appropriations Act, Pub. L. No. 106–291, § 156, 114 Stat. 922, 962–63 (Oct. 11, 2000).

After the 2000 rules were issued, four lawsuits were filed challenging those rules; three in the U.S. District Court for the District of Columbia, and one in the U.S. District Court for the District of Nevada. In one of those lawsuits, *National Mining Association* v. *Department of the Interior,* No. 1:00CV02998 (D.D.C., filed December 15, 2000), the plaintiffs sought to enjoin the effectiveness of all of the 2000 rules, except for the bonding provisions. On January 19, 2001, the judge denied the plaintiff's motion for a preliminary injunction. The litigation has been stayed until September 4, 2001, pending a decision on the proposal described in the next paragraph.

On March 23, 2001, BLM published a proposed rule, 66 FR 16162, to suspend, in whole or in part, the 2000 regulations. As stated in the proposal, the suspension would provide BLM the opportunity to review some of the requirements of the new rule in light of issues the plaintiffs raised in the legal challenges to the rules and concerns expressed by others, including the Governor of Nevada. BLM proposed to reinstate the previous rules (commonly referred to as the ''1980 regulations''). We also requested comment on whether we should retain some combination of the 2000 regulations and the 1980 regulations. The 45-day comment period on the proposal closed on May 7, 2001. BLM has received more than 25,000 comments. BLM is currently considering what action to take next on the proposal, and intends to issue a final rule in the next few months.

In advance of decisions involving the rest of the rulemaking, and for the reasons explained below, BLM is issuing this final rule now to address one issue—the timing of the financial guarantee requirements for operations for which BLM approved a plan of operations before January 20, 2001.

II. Reasons for This Final Rule

General Financial Guarantee Comments and BLM Position

The overwhelming majority of comments expressed support for the financial guarantee provisions in the 2000 rules. Many comments filed by individuals and environmental groups urged the retention of the 2000 regulations, including the financial guarantee provisions. There were, however, some dissenting views. A number of comments, some of which were filed by representatives of the mining industry and by states which contain hardrock mining operations covered by 43 CFR subpart 3809, urged reinstatement of the 1980 regulations. Many of these latter respondents recognized, however, that the BLM rules must comply with recent congressional enactments and not be inconsistent with the recommendations of the NRC study. Accordingly, most agreed that the final rule could reflect the so-called ''NRC Alternative,'' which was Alternative 5 in BLM's final environmental impact statement for the 2000 regulations. This alternative included provisions reflecting only the NRC study's recommended regulatory changes.

A number of small miners expressed concern over their financial ability to meet the requirements of the rule if they have to post a financial guarantee for notice level activities. Comments also suggested that, at least for notice level activities, BLM should establish a standard bond amount as suggested by the NRC study. In addition, the State of Alaska (see below) expressed concern about effect of the rules on its bond pool. We received one industry comment suggesting that BLM phase out existing corporate guarantees.

Addressing a regulatory gap, the NRC Study recommended that ''Financial assurance should be required for reclamation of disturbances to the environment caused by all mining activities beyond those classified as casual use, even if the area disturbed is less than 5 acres.'' (NRC Study, Recommendation 1, pp. 8, 93.) The principal import of this recommendation was to require financial assurances for ''notice-level'' activities, that is, those operations disturbing less than 5 acres of public lands on which reclamation has not been completed, for which the previous rules did not authorize the posting of financial assurances. The NRC study also included other discussions to achieve its stated objective of guaranteeing financial assurance, such as the establishment of standard bond amounts for certain types of activities on specific kinds of terrain. (NRC study, pp. 94–95.)

As a general matter, BLM intends to follow the NRC study recommendation, and has concluded that we should retain the financial guarantee provisions of the 2000 regulations to ensure that

sound financial guarantees will exist. With respect to the comments advocating that BLM eliminate the financial guarantee requirement for notice level activities, we cannot do so. This would be inconsistent with the NRC Study recommendation and therefore prohibited by the FY 2001 Interior and Related Agencies Appropriations Act.

BLM also continues to believe that the rules provide sufficient flexibility to establish standard bond amounts for particular activities on specific kinds of terrain. The preamble of the 2000 rule (See 65 FR 70066, column 2) explains that the ''final rule is broad enough to allow BLM field managers to establish and accept standard financial guarantee amounts.'' However, even if BLM field managers do this, financial guarantees must meet the likely cost of reclamation for the specific activity. As to the use of bond pools, the preamble to the 2000 rule (See 65 FR 70073) clearly supports the use of State bond pools if the BLM State Director determines the pool is sound. We continue to adhere to this position.

Although under the 1980 regulations, the bonding provision for plans of operations was discretionary with BLM, most operators having plans of operation that were approved under the previous rules did post financial guarantees with BLM or the state. Thus the 2000 regulations codified an existing practice for most plan-level operations, and, consistent with the NRC study, made the posting of a sufficient financial guarantee compulsory for disturbances caused by all mining activities beyond casual use.

Current Implementation Issue

The problem BLM currently faces is how to complete the transition from the previous financial guarantee requirements to the ones in the 2000 regulations for operations under plans that BLM approved before January 20, 2001. The 2000 rule at section 3809.505 establishes July 19, 2001, as the date by which mining operations with plans of operations approved before January 20, 2001, must come into compliance with the new financial assurance provisions of the 2000 regulations. Implementation of the provision by that date has proven to be difficult.

The reasons for the problem vary. In many states, BLM implements bonding and financial guarantee requirements in cooperation with State agencies. In some States, BLM accepts State-approved bonds to satisfy these requirements. In at least 6 States, either BLM or the State or both will be unable to implement the financial guarantee requirement by the July 19, 2001, deadline. Reasons for this inability include an unrealistic deadline to start with, uncertainty over the fate of the 2000 rules caused by the pending lawsuits, and a multiplicity of State agencies with which BLM must coordinate. BLM cooperates with State governments through memoranda of understanding (MOUs). Many of these MOUs need updating to meet the requirements of the new regulations and, in some cases, States will need to revise their laws. Thus, on July 19, 2001, for reasons beyond their control, a number of operators would not be in compliance with the 2000 regulations unless BLM changes that date.

For example, in Alaska, the State legislature authorized a State bond pool covering bonds under the 1980 regulations. Most small scale operators in Alaska are unable to get bonds from any source other than the State bond pool. The MOU under which BLM accepts these State bond pool bonds expires July 17, 2001. Although the MOU could be renewed in its present form, it would not be in compliance with the 2000 regulations. The BLM Alaska State Office is not able to modify the MOU to make it consistent with the 2000 regulations by July 17 or July 19, 2001. The consequences of failing to make this deadline would be that miners in Alaska would be left without a source of bonds, potentially resulting in a general shutdown in the middle of the placer mining season.

In Arizona, there is no single State program with which BLM coordinates. Rather, many agencies exist with different standards and requirements. Further, no single acceptable State financial guarantee exists that is intended to cover entire mining operations from exploration to reclamation and termination. We need to review all mining financial guarantees in the State for compliance with the 2000 regulations, and notify operators of deficiencies. BLM does not expect to complete this review by July 19, 2001, despite its best efforts to do so.

To remedy this implementation problem, this final rule extends the effective date of the financial guarantee requirements in section 3809.505 of the 2000 regulations from July 19, 2001, to November 20, 2001, for operations with plans of operations that BLM approved before January 20, 2001, that have a financial guarantee in place. BLM is also extending the deadline for acquiring an initial financial guarantee. Those operators with ongoing activities who had plans of operations approved before January 20, 2001, but who did not have a financial guarantee, must provide a financial guarantee by September 13, 2001. This latter date establishes a shorter time period to comply with the financial guarantee requirements in the 2000 rule than BLM is giving those operators who already have an approved financial guarantee.

We are taking today's action separate and apart from the rest of the rulemaking because we want to ensure that BLM properly implements the transfer to the financial guarantee system contained in the 2000 rule. As stated above, unless further analysis of comments on our March 23, 2001, proposed rule discloses significant new information strongly supporting a change in the approach to financial guarantees, it is our intention to continue with the current framework for financial guarantees. Once we complete review and analysis of the many comments received in response to the March 23, 2001, proposal (66 FR 16162), we expect to issue a final rule addressing other matters related to the 2000 regulations.

III. Procedural Matters

In its March 23, 2001, proposal, BLM stated that it intends to rely on the support documents prepared for the 2000 regulations for its final actions. We explain below how we have met the procedural requirements related to this final rule, and the extent to which those earlier documents support this final rule.

Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget reviewed the 2000 regulations under Executive Order 12866. The **Federal Register** preamble to the final 2000 regulations discussed the impacts of those regulations. The incremental impact of today's action is minimal. Extending the deadline for implementing the financial assurance requirements for existing operations with plans approved before January 20, 2001, will not have an effect on the economy in excess of $100 million. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. It does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor does it raise novel legal or policy issues.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make these regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the regulations clearly stated? (2) Do the regulations contain technical language or jargon that interferes with their clarity? (3) Is the description of the regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the regulations? How could this description be more helpful in making the regulations easier to understand?

Please send any comments you have on the clarity of the regulations to the address specified in the **ADDRESSES** section.

National Environmental Policy Act

This final rule amends regulations that constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). BLM has prepared a final environmental impact statement (EIS) for the 2000 regulations, which is on file and available to the public in the BLM Administrative Record at the Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, and on BLM's home page at www.blm.gov. The effect of this final rule is to postpone a deadline in the regulations that cannot be met. The impacts of this change are minimal and are covered by the final EIS for the 2000 regulations. Thus this final rule does not constitute a major Federal action that would have a significant effect upon the quality of the human environment.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This final rule is covered by the regulatory flexibility analysis of the 2000 regulations (see 65 FR 70103, and particularly the discussion of bonding beginning on page 70104). This rule merely extends the deadline for compliance, making compliance easier for small entities.

Therefore, BLM has determined under the RFA that the incremental effects of this final rule would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This final rule is not a ''major rule'' as defined at 5 U.S.C. 804(2). The rule merely extends a deadline on a regulatory requirement that was already established after completion of an analysis BLM did to comply with SBREFA.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year; nor does it have a significant or unique effect on State, local, or tribal governments or the private sector. The rule merely extends a deadline for operators with approved plans of operations predating January 20, 2001. It imposes no requirements on State, local, or tribal entities. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. The rule merely extends a deadline on a regulatory requirement that is already established. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

As part of the process establishing the 2000 regulations, which this final rule amends, BLM prepared a Federalism Assessment (see 65 FR 70109). The final rule 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. It continues in effect the present procedural arrangements between BLM and the various western States in providing for financial guarantees for mining operations—the memorandum of understanding process. It merely provides additional time for both BLM and the States to prepare for implementation of new regulatory requirements for financial guarantees for mining operations. Therefore, in accordance with Executive Order 13132, BLM has determined that this final rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that this final rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have found that this final rule does not include policies that have tribal implications. Providing additional time for both BLM and the States to prepare for implementation of new regulatory requirements for financial guarantees for mining operations will not have an impact on Tribes.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a significant energy action. It will not have an adverse effect on energy supplies. The rule applies only to the date by which operators must comply with financial guarantee provisions of these regulations.

Paperwork Reduction Act

These regulations do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal author of this rule is Richard Deery, Solid Minerals Group, assisted by Ted Hudson of the Regulatory Affairs Group, Washington Office, Bureau of Land Management, and Joel Yudson, Office of the Solicitor, Department of the Interior.

List of Subjects for 43 CFR part 3800

Administrative practice and procedure, Environmental protection, Intergovernmental relations, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas.

Dated: June 1, 2001.

Piet deWitt,

Acting Assistant Secretary of the Interior.

For the reasons stated in the Preamble, and under the authorities cited below, subpart 3809, part 3800, Subchapter C, Chapter II, Subtitle B, Title 43 of the Code of Federal Regulations is amended as set forth below:

PART 3800—MINING CLAIMS UNDER THE GENERAL MINING LAWS

Subpart 3809—Surface Management

1. The authority citation for subpart 3809 continues to read as follows:

Authority: 16 U.S.C. 1280; 30 U.S.C. 22; 30 U.S.C. 612; 43 U.S.C. 1201; and 43 U.S.C. 1732, 1733, 1740, 1781, and 1782.

2. Revise § 3809.505 to read as follows:

§ 3809.505 How do the financial guarantee requirements of this subpart apply to my existing plan of operations?

For each plan of operations approved before January 20, 2001, for which you or your predecessor in interest posted a financial guarantee under the regulations in force before that date, you must post a financial guarantee according to the requirements of this subpart no later than November 20, 2001, at the local BLM office with jurisdiction over the lands involved. You do not need to post a new financial guarantee if your existing financial guarantee satisfies this subpart. If you are conducting operations under a plan of operations approved before January 20, 2001, but you have not provided a financial guarantee, you must post a financial guarantee under § 3809.551 by September 13, 2001.

[FR Doc. 01–15136 Filed 6–14–01; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 354

RIN 3067–AC87

Fee for Services To Support FEMA's Offsite Radiological Emergency Preparedness Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule establishes the policies and administrative basis for FEMA to assess fees on Nuclear Regulatory Commission (NRC) licensees to recover the full amount of the funds that we obligate to provide services for offsite radiological emergency planning and preparedness beginning in Fiscal Year (FY) 2001.

EFFECTIVE DATE: This rule is effective July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Vanessa E. Quinn, Preparedness, Training, and Exercises Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3664, (telephone fax) 202–646–3508, (email) *vanessa.quinn@fema.gov*.

SUPPLEMENTARY INFORMATION: Throughout the preamble and the rule, the terms ''we'', ''our'' and ''us'' refer to FEMA.

Background: A Chronology

• *1991.* On March 6, 1991, we published in the **Federal Register** (56 FR 9452–9459) a final rule, 44 CFR part 353, that established a structure for assessing and collecting user fees from NRC licensees. Under 44 CFR part 353, Radiological Emergency Preparedness (REP) services provided by FEMA personnel and FEMA contractors were reimbursable only if these services were site-specific in nature and directly contributed to the fulfillment of emergency preparedness requirements needed for licensing by the NRC under the Atomic Energy Act of 1954, as amended. Although we published a new approach for the assessment and collection of fees from licensees for FY 1999 and beyond, part 353 remains in effect and will apply in any subsequent fiscal year for which the Congress does not authorize us to collect user fees for generic services.

• *1992.* Public Law 102–389, October 6, 1992, 106 Stat. 1571–1606, expanded reimbursable REP Program activities by authorizing us to charge licensees of commercial nuclear power plants fees to recover the full amount of the funds anticipated to be obligated for our REP Program for FY 1993.

• *1993.* On July 1, 1993, we published in the **Federal Register** (58 FR 35770–35775) an interim final rule, 44 CFR part 354, to establish and set forth the policies and administrative basis for assessing and collecting these fees. We reserved the option to reissue or amend part 354 for other fiscal years provided that the Congress enacted appropriate authority.

• Public Law 103–124, September 23, 1993, 107 Stat. 1297, directed us to continue assessing and collecting fees to recover the full amount of the funds anticipated to be obligated for our REP Program for FY 1994. In addition, the Administration proposed to assess such fees for subsequent fiscal years.

• Using the methodology established by the interim final rule, 44 CFR part 354, we calculated the final hourly user fee rate for FEMA personnel during FY 1993 at $122.88. On December 13, 1993, we published a notice to this effect in the **Federal Register** (58 FR 65274). The notice explained that we would not publish a final rule at that time, pending a reconsideration of the methodology used for FY 1993 and taking into consideration the comments received on interim final rule 44 CFR part 354.

• *1994.* We continued the methodology established by the interim final rule 44 CFR part 354 in effect for FY 1994 by notice in the **Federal Register** (59 FR 26350, published May 19, 1994).

• Using the methodology established by the interim final rule, we calculated the final hourly user fee rate for FEMA personnel during FY 1994 at $120.79. On November 28, 1994, we published a notice to this effect in the **Federal Register** (59 FR 60792–60793).

• On July 27, 1994, we published a proposed rule in the **Federal Register**, 59 FR 38306–38309, 44 CFR part 354. Predicated on Congress passing authorizing legislation, this rule proposed to establish fees for FY 1995 assessed at a flat rate based on fiscal year budgeted funds for REP Program services performed by FEMA personnel and by FEMA contractors whether or not those services directly supported NRC licensing requirements.

• *1995.* Under our appropriation for FY 1995, Public Law 103–327, September 28, 1994, 108 Stat. 2325, the Congress authorized us to assess and collect fees from Nuclear Regulatory Commission (NRC) licensees to recover approximately, but not less than, 100 percent of the amounts that we anticipated would be obligated for our Radiological Emergency Preparedness (REP) Program. This appropriations act further required us to publish through rulemaking a fair and equitable methodology for the assessment and collection of fees applicable to persons subject to FEMA's radiological emergency preparedness regulations. Public Law 103–327 granted authority for these user fees to be assessed and collected for fiscal year 1995 services only. Although the public law was limited to FY 1995, we reserved the option to reissue or amend part 354 for other fiscal years provided that the Congress enacted appropriate authority.

• Under final rule 44 CFR part 354, 60 FR 15628–15634, published on March 24, 1995, we acted to recover fiscal year budgeted funds for REP

Program services performed by FEMA personnel and by FEMA contractors whether or not those services directly supported NRC licensing requirements. We assessed fees for FY 1995–FY 1998 using a historically-based methodology in which we calculated two components for each site: (1) A site-specific, biennial exercise-related component and (2) a flat fee component.

• Public Law 105–276, 112 Stat. 2502, established in the Treasury a Radiological Emergency Preparedness Fund, which will be available for offsite radiological emergency planning, preparedness, and response. This Act gives continuing authority to the Director of FEMA, beginning in fiscal year 1999 and thereafter, to publish fees to be assessed and collected, applicable to persons subject to our radiological emergency preparedness regulations. As in previous Acts, we must collect not less than 100 percent of the amounts needed for our radiological emergency preparedness program, and the methodology for assessment and collection of fees must be fair and equitable. We must deposit fees received in the Fund as offsetting collections, which became available on October 1, 1999, and remain available until expended.

• *1998.* On December 15, 1998, we published the interim final rule with request for comments in the **Federal Register**, 63 FR 69001. The comment period was for 60 days following publication. We received no comments during the comment period. On the same day we published a notice that established the fiscal year 1999 hourly rate at $33.01 for assessing and collecting fees from NRC licensees.

• *1999.* Our Appropriations Act for FY 2000, Public Law 106–74, 113 Stat. 1087, again required us to collect user fees of not less than 100 per cent to be assessed and collected for fiscal year 2000 services only. Fees collected become available for authorized purposes on October 1, 2000.

• *2000.* This final rule contains one minor revision to the December 13, 1998 interim final rule. Under the description of flat fee services, we have added two more services. We will recover future costs that we incur relating to activities involving the REP Program Implementation Oversight Working Group and training and transitioning to any new REP Program technical support contractor(s) as part of our REP Program User Fee.

Historically-based methodology. 44 CFR part 354 adopted theis historically-based approach to the methodology in place of the flat fee approach described in the proposed rule. We adopted this approach based on the numerous public comments that we received on our proposed flat fee methodology and on the results of our comparison of different user fee methodologies, which used actual data from fiscal years 1993 and 1994.

The historically-based methodology contains elements of the flat fee methodology and of the Nuclear Energy Institute (NEI) methodology. The methodology responds to commenters who objected to the flat fee's lack of site-specific considerations and accountability by factoring in site-specific information relating to the majority of site-specific activities, *i.e.*, plume pathway emergency planning zone (EPZ) biennial REP exercises.

The historically-based methodology also preserves many of the benefits of a flat fee methodology, specifically:

(1) the ability to provide each licensee with a bill early in the fiscal year, thus facilitating the licensee's planning and budgeting process by greatly increasing the predictability of the licensee's bill;

(2) the ability of States and licensees to request needed technical assistance;

(3) the earlier deposit of funds in the U.S. Treasury, thus benefiting the U.S. taxpayer;

(4) a reduction of our resources needed to track administrative costs, thus making the accounting and billing process more efficient and cost-effective for the Government and freeing up our scarce resources for other REP Program activities; and

(5) the historically-based methodology ensures fairness and equity in billing licensees.

Agreements and criteria for services that we provide. We provide services primarily under a Memorandum of Understanding (MOU) between the NRC and FEMA, published on September 14, 1993 (58 FR 47996–48001) and under regulations issued by both FEMA (44 CFR parts 350, 351, and 352) and the NRC (10 CFR parts 50 and 52).

We evaluate radiological emergency response plans and exercises using joint FEMA–NRC criteria, NUREG–0654/FEMA–REP–1, Revision 1 and Supplement 1. When State and local governments do not participate in the development of an emergency plan, the licensee may submit a licensee offsite plan to the NRC. Under the MOU, the NRC can request that we review a licensee offsite plan and provide its assessments and findings on the adequacy of such plans and preparedness evaluated under Supplement 1.

Revisions Pertaining to This Rule

This final rule makes one principal change to 44 CFR part 354. We add several items to the list of services for which fees can be collected as part of the flat fee component of the REP user fee billings. These added services include: training and transition costs that we incur as a result of awarding any new REP Program technical support contract; and any other costs that we incur resulting from our REP Program Strategic Review implementation and oversight working group activities. In other respects the rule remains as published as an interim final rule in 1998.

National Environmental Policy Act

This rule is excluded from the preparation of an environmental assessment or environmental impact statement under 44 CFR 10.8(d)(2)(ii), where the rule is related to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2).

Regulatory Flexibility Act

Under the Regulatory Flexibility Act agencies must consider the impact of their rulemakings on ''small entities'' (small businesses, small organizations and local governments). When an agency is required by 5 U.S.C. 553 to publish a notice of proposed rulemaking, a regulatory flexibility analysis is required for both the proposed rule and the final rule if the rulemaking could ''have a significant economic impact on a substantial number of small entities.'' The Act also provides that if a regulatory flexibility analysis is not required, the agency must certify in the rulemaking document that the rulemaking will not ''have a significant economic impact on a substantial number of small entities.''

For the reasons that follow I certify that a regulatory flexibility analysis is not required for this rule because it would not have a significant economic impact on a substantial number of small entities. This final rule makes minor and technical amendments that our appropriations acts mandate. This rule does not contain any significant substantive changes from our present radiological emergency preparedness regulations and does not substantially change how we collect fees that NRC licensees owe to the United States for services that we perform. While preparing the existing regulations we adjusted the rule to include: (1) A site-specific, biennial exercise-related component and (2) a flat fee component. We base the site-specific, exercise-related component on the average

number of hours spent by our personnel in REP exercise-related activities since the beginning of our user fee program (1991) for each site, and multiply the average number of REP exercise-related hours for each site by the average hourly rate in effect for the fiscal year for a REP Program employee. That adjustment helps make the fees collected reflect more equitably the costs for our services than would a flat fee alone, which vary with each utility involved in the biennial exercises. The rule thus adjusts the economic impact of the fees to the relative capacities of the utilities to bear the direct and indirect costs of the regulation.

For the reasons stated I certify that the Regulatory Flexibility Act does not apply to this final rule. We have prepared no regulatory flexibility analysis under that Act.

Paperwork Reduction Act

The Office of Management & Budget (OMB) has approved the information collection requirements contained in this final rule under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and has assigned OMB control number 3067–0201. The information in this final rule does not change any of the information collection requirements currently approved by OMB.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this final rule under the provisions of Executive Order 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rule addresses the statutorily required need to reimburse the United States for services that we provide to the nuclear power industry for offsite radiological emergency planning and preparedness in communities near nuclear power plants. Our annual appropriations acts require the rule. The rule relates to fees paid by 45 NRC licensees at 64 sites for the services provided by our Agency for emergency management planning and exercises. Collections under the program total less than $15,000,000 per year. In its final form the rule responds to comments received from businesses of differing sizes within the regulated industry and makes adjustments to the methods for determining the fees that ensure fairness and equity in billing licensees.

This rule will not adversely affect the availability of funding to small entities, it will not have significant secondary or incidental effects on a substantial number of small entities, and it will not create any additional burden on small entities, particularly State, local and tribal governments.

For the reasons stated I certify that this proposed rule is not a significant regulatory action within the meaning of § 2(f) of Executive Order 12866 of September 30, 1993, 58 FR 51735. The Office of Management and Budget has not reviewed this rule under Executive Order 12866.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under the provisions of under Executive Order 13132, Federalism, dated August 4,1999. We find that the statutory imposition of fees and the regulatory implementation of the statutory requirements that the nuclear power industry reimburse FEMA for offsite radiological emergency planning and preparedness in communities near nuclear power plants involves no 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 various levels of government. Therefore, we have concluded that this rule involves no policies that have federalism implications under Executive Order 13132, and we have not prepared a federalism assessment. The Office of Management and Budget has reviewed this rule under the provisions of Executive Order 13132.

Congressional Review of Agency Rulemaking

We have sent the final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Pub. L.104–121. This final rule is not a ''major rule'' within the meaning of that Act. It does not result in nor is it likely to result in an annual effect on the economy of $100,000,000 or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have ''significant adverse effects'' on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

This final rule is exempt from the requirements of the Regulatory Flexibility Act, as certified previously, and complies with the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 354

Disaster assistance, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Technical assistance.

Accordingly, revise 44 CFR part 354 to read as follows:

PART 354—FEE FOR SERVICES TO SUPPORT FEMA'S OFFSITE RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Sec.
354.1 Purpose.
354.2 Scope of this regulation.
354.3 Definitions.
354.4 Assessment of fees.
354.5 Description of site-specific, plume pathway EPZ biennial exercise-related component services and other services.
354.6 Billing and payment of fees.
354.7 Failure to pay.

Authority: Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Sec. 109, Pub. L. 96–295, 94 Stat. 780; Sec. 2901, Pub. L. 98–369, 98 Stat. 494; Title III, Pub. L. 103–327, 108 Stat. 2323–2325; Pub.L. 105–276, 112 Stat. 2502; EO 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; EO

12657, 53 FR 47513, 3 CFR, 1988 Comp., p. 611.

§ 354.1 Purpose.

This part establishes the methodology for FEMA to assess and collect user fees from Nuclear Regulatory Commission (NRC) licensees of commercial nuclear power plants to recover at least 100 percent of the amounts that we anticipate to obligate for our Radiological Emergency Preparedness (REP) Program as authorized under Title III, Public Law 105–276, 112 Stat. 2461, 2502. Public Law 105–276 established in the Treasury a Radiological Emergency Preparedness Fund, to be available under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et. seq.), and under Executive Order 12657 (3 CFR, 1988 Comp., p. 611), for offsite radiological emergency planning, preparedness, and response. Beginning in fiscal year 1999 and thereafter, the Director of FEMA must publish fees to be assessed and collected, applicable to persons subject to FEMA's radiological emergency preparedness regulations. The methodology for assessment and collection of fees must be fair and equitable and must reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Our assessment of fees include our costs for use of agency resources for classes of regulated persons and our administrative costs to collect the fees. Licensees deposit fees by electronic transfer into the Radiological Emergency Preparedness Fund in the U.S. Treasury as offsetting collections.

§ 354.2 Scope of this regulation.

The regulation in this part applies to all persons or licensees who have applied for or have received from the NRC:

(a) A license to construct or operate a commercial nuclear power plant;

(b) A possession-only license for a commercial nuclear power plant, with the exception of licensees that have received an NRC-approved exemption to 10 CFR 50.54(q) requirements;

(c) An early site permit for a commercial nuclear power plant;

(d) A combined construction permit and operating license for a commercial nuclear power plant; or

(e) Any other NRC licensee that is now or may become subject to requirements for offsite radiological emergency planning and preparedness.

§ 354.3 Definitions.

The following definitions of terms and concepts apply to this part:

Biennial exercise means the joint licensee/State and local government exercise, evaluated by FEMA, conducted around a commercial nuclear power plant site once every two years in conformance with 44 CFR part 350.

EPZ means emergency planning zone.

Federal Radiological Preparedness Coordinating Committee (FRPCC) means a committee chaired by FEMA with representatives from the Nuclear Regulatory Commission, Environmental Protection Agency, Department of Health and Human Services, Department of Interior, Department of Energy, Department of Transportation, Department of Agriculture, Department of Commerce, Department of State, Department of Veterans Affairs, General Services Administration, National Communications System, the National Aeronautics and Space Administration and other Federal departments and agencies as appropriate.

FEMA means the Federal Emergency Management Agency.

Fiscal Year means the Federal fiscal year, which begins on the first day of October and ends on the thirtieth day of September.

NRC means the U. S. Nuclear Regulatory Commission.

Obligate or *obligation* means a legal reservation of appropriated funds for expenditure.

Persons or *Licensee* means the utility or organization that has applied for or has received from the NRC:

(1) A license to construct or operate a commercial nuclear power plant;

(2) A possession-only license for a commercial nuclear power plant, with the exception of licensees that have received an NRC-approved exemption to 10 CFR 50.54(q) requirements;

(3) An early site permit for a commercial nuclear power plant;

(4) A combined construction permit and operating license for a commercial nuclear power plant; or

(5) Any other NRC license that is now or may become subject to requirements for offsite radiological emergency planning and preparedness activities.

Plume pathway EPZ means for planning purposes, the area within approximately a 10-mile radius of a nuclear plant site.

RAC means Regional Assistance Committee chaired by FEMA with representatives from the Nuclear Regulatory Commission, Environmental Protection Agency, Department of Health and Human Services, Department of Energy, Department of Agriculture, Department of Transportation, Department of Commerce, Department of Interior, and other Federal departments and agencies as appropriate.

REP means Radiological Emergency Preparedness, as in FEMA's REP Program.

Site means the location at which one or more commercial nuclear power plants (reactor units) have been, or are planned to be built.

Site-specific services mean offsite radiological emergency planning, preparedness and response services provided by FEMA personnel and by FEMA contractors that pertain to a specific commercial nuclear power plant site.

Technical assistance means services provided by FEMA to accomplish offsite radiological emergency planning, preparedness and response, including provision of support for the preparation of offsite radiological emergency response plans and procedures, and provision of advice and recommendations for specific aspects of radiological emergency planning, preparedness and response, such as alert and notification and emergency public information.

We, our, us, means and refers to FEMA.

§ 354.4 Assessment of fees.

(a)(1) We assess user fees from licensees using a methodology that includes charges for REP Program services provided by both our personnel and our contractors. Beginning in FY 1995, we established a four-year cycle from FY 1995–1998 with predetermined user fee assessments that were collected each year of the cycle. The following six-year cycle will run from FY 1999 through FY 2004. The fee for each site consists of two distinct components:

(i) A *site-specific, biennial exercise-related component* to recover the portion of the REP program budget associated only with plume pathway emergency planning zone (EPZ) biennial exercise-related activities. We determine this component by reviewing average biennial exercise-related activities/hours that we use in exercises conducted since the inception of our REP user fee program in 1991. We completed an analysis of REP Program activities/hours used during the FY 1991–1995 cycle at the end of that four-year cycle. We will make adjustments to the site-specific user fees for the next proposed FY 1999–2004 six-year cycle.

(ii) A *flat fee component* that is the same for each site and recovers the remaining portion of the REP Program budgeted funding that does not include biennial exercise-related activities.

(2) We will assess fees only for REP Program services provided by our personnel and by our contractors, and we will not assess fees for those services

that other Federal agencies involved in the FRPCC or the RAC's provide.

(b) *Determination of site-specific, biennial exercise-related component for our personnel.* We will determine an average biennial exercise-related cost for our personnel for each commercial nuclear power plant site in the REP Program. We base this annualized cost (dividing the average biennial exercise-related cost by two) on the average number of hours spent by our personnel in REP exercise-related activities for each site. We will determine the average number of hours using an analysis of site-specific exercise activity spent since the beginning of our user fee program (1991). We determine the actual user fee assessment for this component by multiplying the average number of REP exercise-related hours that we determine and annualize for each site by the average hourly rate in effect for the fiscal year for a REP Program employee. We will revise the hourly rate annually to reflect actual budget and cost of living factors, but the number of annualized, site-specific exercise hours will remain constant for user fee calculations and assessments throughout the six-year cycle. We will continue to track and monitor exercise activity during the six-year cycle, FY 1999–2004. We will make appropriate adjustments to this component to calculate user fee assessments for later six-year cycles.

(c) *Determination of site-specific, biennial exercise-related component for FEMA contract personnel.* We have determined an average biennial exercise-related cost for REP contractors for each commercial nuclear power plant site in the REP Program. We base this annualized cost (dividing the average biennial exercise-related cost by two) on the average costs of contract personnel in REP site-specific exercise-related activities since the beginning of our user fee program (1991). We will continue to track and monitor activity during the initial six-year cycle, FY 1999–2004, and we will make appropriate adjustments to this component for calculation of user fee assessments during subsequent six-year cycles.

(d) *Determination of flat fee component.* For each year of the six-year cycle, we recover the remainder of REP Program budgeted funds as a flat fee component. Specifically, we determine the flat fee component by subtracting the total of our personnel and contractor site-specific, biennial exercise-related components, as outlined in paragraphs (a) and (b) of this section, from the total REP budget for that fiscal year. We then divide the resulting amount equally among the total number of licensed commercial nuclear power plant sites (defined under 354.2) to arrive at each site's flat fee component for that fiscal year.

(e) *Discontinuation of charges.* When we receive a copy from the NRC of their approved exemption to 10 CFR 50.54(q) requirements stating that offsite radiological emergency planning and preparedness are no longer required at a particular commercial nuclear power plant site, we will discontinue REP Program services at that site. We will no longer assess a user fee for that site from the beginning of the next fiscal year.

§ 354.5 Description of site-specific, plume pathway EPZ biennial exercise-related component services and other services.

Site-specific and other REP Program services provided by FEMA and FEMA contractors for which FEMA will assess fees on licensees include the following:

(a) *Site-specific, plume pathway EPZ biennial exercise-related component services.* (1) Schedule plume pathway EPZ biennial exercises.

(2) Review plume pathway EPZ biennial exercise objectives and scenarios.

(3) Provide pre-plume pathway EPZ biennial exercise logistics.

(4) Conduct plume pathway EPZ biennial exercises, evaluations, and post exercise briefings.

(5) Prepare, review and finalize plume pathway EPZ biennial exercise reports, give notice and conduct public meetings.

(6) Activities related to Medical Services and other drills conducted in support of a biennial, plume pathway exercise.

(b) *Flat fee component services.* (1)Evaluate State and local offsite radiological emergency plans and preparedness.

(2) Schedule other than plume pathway EPZ biennial exercises.

(3) Develop other than plume pathway EPZ biennial exercise objectives and scenarios.

(4) Pre-exercise logistics for other than the plume pathway EPZ.

(5) Conduct other than plume pathway EPZ biennial exercises and evaluations.

(6) Prepare, review and finalize other than plume pathway EPZ biennial exercise reports, notice and conduct of public meetings.

(7) Prepare findings and determinations on the adequacy or approval of plans and preparedness.

(8) Conduct the formal 44 CFR part 350 review process.

(9) Provide technical assistance to States and local governments.

(10) Review licensee submissions pursuant to 44 CFR part 352.

(11) Review NRC licensee offsite plan submissions under the NRC/FEMA Memorandum of Understanding on Planning and Preparedness, and NUREG–0654/FEMA–REP–1, Revision 1, Supplement 1. You may obtain copies of the NUREG–0654 from the Superintendent of Documents, U.S. Government Printing Office.

(12) Participate in NRC adjudication proceedings and any other site-specific legal forums.

(13) Alert and notification system reviews.

(14) Responses to petitions filed under 10 CFR 2.206.

(15) Congressionally-initiated reviews and evaluations.

(16) Responses to licensee's challenges to FEMA's administration of the fee program.

(17) Respond to actual radiological emergencies.

(18) Develop regulations, guidance, planning standards and policy.

(19) Coordinate with other Federal agencies to enhance the preparedness of State and local governments for radiological emergencies.

(20) Coordinate REP Program issues with constituent organizations such as the National Emergency Management Association, Conference of Radiation Control Program Directors, and the Nuclear Energy Institute.

(21) Implement and coordinate REP Program training with FEMA's Emergency Management Institute (EMI) to assure effective development and implementation of REP training courses and conferences.

(22) Participation of REP personnel as lecturers or to perform other functions at EMI, conferences and workshops.

(23) Any other costs that we incur resulting from our REP Program Strategic Review implementation and oversight working group activities.

(24) Costs associated with a transition phase should we decide to advertise and award a contract for technical support to the REP Program. Transition phase activities may include training new contractor personnel in the REP Exercise Evaluation and Planning courses, and on-the-job training for new evaluators at a select number of REP exercises.

(25) Services associated with the assessment of fees, billing, and administration of this part.

(26) Disaster-initiated reviews and evaluations.

§ 354.6 Billing and payment of fees.

(a) *Electronic billing and payment.* We will deposit all funds collected under

this part to the Radiological Emergency Preparedness Fund as offsetting collections, which will be available for our REP Program. The Department of the Treasury revisions to section 8025.30 of publication I–TFM 6–8000 require Federal agencies to collect funds by electronic funds transfer when such collection is cost-effective, practicable, and consistent with current statutory authority. Working with the Department of the Treasury we now provide for payment of bills by electronic transfers through Automated Clearing House (ACH) credit payments.

(b) We will send bills that are based on the assessment methodology set out in § 354.4 to licensees to recover the full amount of the funds that we budget to provide REP Program services. Licensees that have more than one site will receive consolidated bills. We will forward one bill to each licensee during the first quarter of the fiscal year, with payment due within 30 days. If we exceed our original budget for the fiscal year and need to make minor adjustments, the adjustment will appear in the bill for the next fiscal year.

§ 354.7 Failure to pay.

Where a licensee fails to pay a prescribed fee required under this part, we will implement procedures under 44 CFR part 11, subpart C, to collect the fees under the Debt Collection Act of 1982 (31 U.S.C. 3711 *et seq.*).

Dated: June 8, 2001.

Joe M. Allbaugh,

Director.

[FR Doc. 01–15054 Filed 6–14–01; 8:45 am]

BILLING CODE 6718–06–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 97–192; FCC 00–408]

Effective Date Established for Procedures for Reviewing Requests for Relief From State and Local Regulations

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (''the Commission'') announces that the rule adopted in the *RF Procedures Order* of November 17, 2000 (*RF Procedures Order*), regarding its review of requests for relief from impermissible State and local regulation of personal wireless service facilities based on the environmental effects of radiofrequency (RF) emissions has been approved by the Office of Management and Budget (OMB).

DATES: The amendment to § 1.1206(a) published at 66 FR 3499, January 16, 2001, is effective June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Evan Baranoff at (202) 418–7142 of the Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: On November 17, 2000, the Commission adopted the *RF Procedures Order* in 47 CFR Part 1, in WT Docket No. 97–192, FCC 00–408 (66 FR 3499) to address the issues raised in the Commission's Notice of Proposed Rulemaking (62 FR 48034) regarding the review of requests for relief from impermissible State and local regulation of personal wireless service facilities based on the environmental effects of radiofrequency (RF) emissions. In the *RF Procedures Order,* the Commission provided that such requests under section 332(c)(7)(B)(v) of the Communications Act of 1934, as amended,[1] shall be filed as petitions for declaratory ruling, and also established certain required and recommended procedures regarding the service of pleadings and comment periods in such proceedings.

2. The rule change to Note 1 to § 1.1206(a), which was published on January 16, 2001 (66 FR 3499), received OMB approval on June 1, 2001, pursuant to OMB Control No. 3060–0977. The RF Procedures Order amended Note 1 to § 1.1206(a) of the Commission's rules so that the expanded service requirements set forth in that note apply to petitions filed pursuant to section 332(c)(7)(B)(v) (i.e., petitions for relief from impermissible State and local regulation of personal wireless service facilities on the basis of RF emissions). Thus, petitioners seeking relief under Section 332(c)(7)(B)(v) must serve a copy of such petitions on those State and local governments that are the subject of the petitions, as well as on those State and local governments. Accordingly, this rule change will become effective June 15, 2001. This notice constitutes publication of the effective date of this rule change.

3. The Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800. The Public Notice is also available via the internet at: *http://www.fcc.gov/Bureaus/Wireless/News_Releases/2001/index.html* in da01–1368.doc and da01–1368.txt formats.

[1] 47 U.S.C. 332(c)(7)(B)(v).

List of Subjects in 47 CFR Part 1

Communications common carriers, Telecommunications, Permit-but-disclose proceedings.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15125 Filed 6–14–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 98–76; FCC 01–160]

Rules To Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants in part the petitions for partial reconsideration filed by Tandy Corporation and Uniden of America, Inc. We affirm our decision to require manufacturers to make scanning receivers more difficult to modify by making the circuitry inaccessible; relax the warning label requirements for certain devices; and clarify the compliance measurement rules.

DATE: Effective July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Rodney Conway, Office of Engineering and Technology, (202) 418–2904.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order,* ET Docket No. 98–76, FCC 01–160, adopted May 10, 2001, and released May 22, 2001. The full text of this Commission decision is available on the Commission's Internet site at *http://www.fcc.gov.* It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street, SW, Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036. Comments may be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html* or by e-mail to ecfs@fcc.gov.

Summary of the Memorandum Opinion and Order

1. In the *Report and Order,* 64 FR 22559, April 27, 1999, in this proceeding, the Commission adopted rules that require scanning receivers to include adequate filtering so that they do not pick up cellular service transmissions. In addition, the amended rules require that scanning receivers be designed so that their tuning, control and filtering circuitry are not easily accessible and that any attempts to modify the scanning receiver to receive cellular service transmissions will likely render the scanning receiver inoperable. Further, the Commission modified the rules to require that a warning label be affixed to scanning receivers to indicate that modification of the receiver to receive cellular service transmissions is a violation of FCC rules and Federal law. To further ensure that parties do not circumvent these requirements by developing a scanning receiver that tunes the cellular frequencies but automatically switches among only two or three frequencies, the Commission modified the definition of a scanning receiver to include receivers that switch between ''two or more'' frequencies instead of ''four or more'' frequencies. The manufacture or importation of scanning receivers and frequency converters designed or marketed for use with scanning receivers that do not comply with these new provisions were required to cease on or before October 25, 1999.

2. In their petitions for reconsideration, Tandy and Uniden request that the Commission exempt scanning receivers that are built with the capability to receive only frequencies much lower than those capable of intercepting cellular signals from the circuitry inaccessibility requirement and the warning label requirement. Specifically, Tandy and Uniden state that scanners that only operate in the range of 30 MHz to 512 MHz should be exempted. The petitioners state that the inaccessibility requirement is over-burdensome to both manufacturers and consumers because it will likely increase the manufacturing cost and make it impossible to make future repairs for those scanning receivers that do not have a tuning range of concern for intercepting cellular service. Further, Tandy and Uniden request that scanning receivers that tune at or below 512 MHz be exempted from the warning label requirement because it will require additional steps in the manufacturing process or require changes to the tooling equipment, with either option likely to increase production costs.

3. We decline to adopt the requested exemptions of the circuitry inaccessibility requirement and the warning label requirement for scanning receivers that tune at or below 512 MHz. The fact that a scanner is intended to tune only below 512 MHz does not ensure that reception of cellular telephone frequencies will not occur. For example, a superheterodyne receiver is capable of receiving images at frequencies separated from the tuned frequency by twice the first intermediate frequency (''IF'') of the receiver. Within a scanner having a first IF frequency of 250 MHz, image reception of the 800 MHz cellular telephone bands could occur when the scanner is tuned in the 300 MHz range. For this reason, some scanners that tune only up to 512 MHz could potentially be modified to receive cellular telephone frequencies. Therefore, we will not exempt scanners from the circuitry inaccessibility and labeling requirements based on the 512 MHz frequency cutoff proposed by the petitioners. With regard to the petitioners' concerns about increased manufacturing costs and the inability to make future repairs, we find no other reasonable alternative to the inaccessibility requirement that will provide the same level of prevention of unlawful modifications. We find that these requirements are the best method available to continue to satisfy the requirement of the *Telephone Disclosure and Dispute Resolution Act (''TDDRA''),* Public Law 102–556, that scanning receivers not be capable of readily being altered by the user to receive cellular service transmissions. We also note that in the *R&O*, the Commission allowed flexibility in the ways that a manufacturer may make tuning and control circuitry inaccessible in order to minimize any burdens imposed by the new rules. We also find that the rules imposed for scanners that tune only below 512 MHz are no more burdensome than for other scanners. We therefore reaffirm our finding that the rules adopted in the *R&O* represent the most efficient and least restrictive method to accomplish the Commission's policies and objectives and the statutory mandate of Congress.

4. Tandy and Uniden request that the Commission reword the language contained in the labeling requirement to state that ''intentional reception or disclosure of certain radio communications may violate Federal law.'' Tandy and Uniden believe that this wording would more closely satisfy language contained in a bill that was pending in the House of Representatives at the time the petitions were filed. We note Congress did not pass H.R. 514 or any subsequent bill that would require a change in the warning label wording. Absent specific legislative action, we find that it would be overly burdensome to scanning receiver manufacturers to adopt any additional changes to the warning label at this time. In addition, we are concerned that the language proposed by Tandy and Uniden does not clearly state that modification of the device to receive cellular service transmissions is a violation of FCC rules and Federal law. We therefore decline to adopt the requested changes in the warning label wording.

5. The petitioners further request that the rules be modified to permit the warning label to be placed on the outside of the device packaging material and in the owners manual as is provided for in § 15.19(b)(3) of the Commission's rules for certain other devices. Tandy and Uniden state that some scanning receivers are so small or compact as to make the inclusion of the full label impossible without significant design modification. Uniden states that it would intentionally have to make the casing larger than is otherwise required for the enclosed device, resulting in considerable waste with regard to production materials, and inconvenience for the consumer who must handle and carry a unit larger than necessary. We believe that an exception of the labeling requirement can be made for small devices and are amending the rules accordingly. For devices that are so small that it is not practicable to place the warning label on the device, the warning label shall be placed in a prominent location in the instruction manual or pamphlet supplied to the user, and also on the container in which the device is marketed. The FCC identifier must be displayed on the device.

6. Uniden is concerned that the adoption of a new definition for scanning receivers will require the filing of new applications for equipment authorization for devices that were not previously considered scanning receivers such as a typical weather band scanner. The Commission's intention of enacting a new definition of a scanning receiver was to prevent individuals from manufacturing a scanning receiver that scans fewer than four frequencies to circumvent our scanning receiver rules. It was not the intention of the Commission to change the definition of a scanning receiver to encompass receivers that have not been considered scanning receivers in the past. We agree with Uniden that receivers designed

solely for the reception of National Oceanic & Atmospheric Administration (''NOAA'') broadcast weather band signals should continue to be exempt from the scanning receiver definition. The scanning receiver definition will be modified to include the weather radio exemption. We also note that scanning receivers designed solely for the reception of broadcast signals under part 73 of our rules or used as part of a licensed service, continue to be exempt from the scanning receiver regulations. In order to further clarify this in the definition, we are replacing the words ''licensed station'' with ''licensed service.''

7. We agree with Tandy and Uniden that the wording of the signal rejection ratio rule adopted in the *R&O* was not clear, § 15.121(b), states that only cellular service signals that are ''38 dB or higher'' than the receiver sensitivity should be rejected. This was not the Commission's intended meaning for § 15.121(b). As stated in the *R&O,* the Commission adopted the proposal from the *Notice of Proposed Rule Making,* 63 FR 31685, June 10, 1998, in this proceeding, which stated that scanning receivers must reject cellular service signals that are up to 38 dB higher than the minimum receiver sensitivity. Therefore, we will amend § 15.121(b) so that it is clearly understood that scanning receivers must reject cellular service signals that are 38 dB or lower based upon a 12 dB SINAD specification.

8. Pursuant to the authority contained in Sections 4(i), 302, 303(e), 303(f), 303(g), 303(r), and 405 of the Communications Act of 1934, as amended, it is ordered, that the Petitions for Reconsideration filed by Tandy Corporation and Uniden America Corporation, are *Granted* in part and *Denied* in all other respects.

9. Part 15 of the Commission's Rules and Regulations are amended, effective July 16, 2001. Authority for issuance of this Memorandum Opinion and Order is contained in Section 4(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Section 154(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304 and 307.

List of Subjects

Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the FCC amends 47 CFR part 15 as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

2. Section 15.3 is amended by revising paragraph (v) to read as follows:

§ 15.3 Definitions.

* * * * *

(v) *Scanning receiver.* For the purpose of this part, this is a receiver that automatically switches among two or more frequencies in the range of 30 to 960 MHz and that is capable of stopping at and receiving a radio signal detected on a frequency. Receivers designed solely for the reception of the broadcast signals under part 73 of this chapter, for the reception of NOAA broadcast weather band signals, or for operation as part of a licensed service are not included in this definition.

* * * * *

3. Section 15.121 is amended by revising paragraphs (b) and (f) to read as follows:

§ 15.121 Scanning receivers and frequency converters used with scanning receivers.

* * * * *

(b) Except as provided in paragraph (c) of this section, scanning receivers shall reject any signals from the Cellular Radiotelephone Service frequency bands that are 38 dB or lower based upon a 12 dB SINAD measurement, which is considered the threshold where a signal can be clearly discerned from any interference that may be present.

* * * * *

(f) Scanning receivers shall have a label permanently affixed to the product, and this label shall be readily visible to the purchaser at the time of purchase. The label shall read as follows: WARNING: MODIFICATION OF THIS DEVICE TO RECEIVE CELLULAR RADIOTELEPHONE SERVICE SIGNALS IS PROHIBITED UNDER FCC RULES AND FEDERAL LAW.

(1) ''Permanently affixed'' means that the label is etched, engraved, stamped, silkscreened, indelible printed or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal, plastic or other material fastened to the equipment by welding, riveting, or permanent adhesive. The label shall be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. The label shall not be a stick-on, paper label.

(2) When the device is so small that it is not practicable to place the warning label on it, the information required by this paragraph shall be placed in a prominent location in the instruction manual or pamphlet supplied to the user and shall also be placed on the container in which the device is marketed. However, the FCC identifier must be displayed on the device.

* * * * *

[FR Doc. 01–15127 Filed 6–14–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1180

[STB Ex Parte No. 582 (Sub–No. 1)]

Major Rail Consolidation Procedures

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rules.

SUMMARY: The Surface Transportation Board (STB or Board) adopts final regulations governing proposals for major rail consolidations. These new rules substantially increase the burden on applicants to demonstrate that a proposed transaction would be in the public interest, by requiring them, among other things, to demonstrate that the transaction would enhance competition where necessary to offset negative effects of the merger, such as competitive harm or service disruptions.

EFFECTIVE DATE: These rules are effective July 11, 2001.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565–1613. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. A printed copy of the Board's decision is available for a fee by contacting: Dā-To-Dā Office Solutions, Room 405, 1925 K Street, NW., Washington, DC 20006, telephone (202) 293–7776. The Board's decision is also available for viewing and downloading on the Board's website at ''www.stb.dot.gov.''

Small entities. The Board certifies that the revisions to our regulations 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 *et seq.*). These rules have created additional filing requirements only for Class I applicants, which are very large rail carriers. At the same time we have given increased weight to issues and concerns of smaller railroads and shippers, a change that should benefit these small entities.

Environment. This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Board releases available via the Internet. Decisions and notices of the Board, including this decision, are available on the Board's website at ''www.stb.dot.gov.''

Authority: 49 U.S.C. 721, 11323–11325.

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

Decided: June 7, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes. Chairman Morgan commented and dissented in part with a separate expression. Vice Chairman Clyburn and Commissioner Burkes commented with separate expressions.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, Title 49, Subtitle B, Chapter X, Part 1180 of the Code of Federal Regulations is amended as follows:

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

1. The authority citation for part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

2. Section 1180.0 is revised to read as follows:

§ 1180.0 Scope and purpose.

(a) *General.* The regulations in this subpart set out the information to be filed and the procedures to be followed in control, merger, acquisition, lease, trackage rights, and any other consolidation transaction involving more than one railroad that is initiated under 49 U.S.C. 11323. Section 1180.2 separates these transactions into four types: *Major, significant, minor,* and *exempt.* The informational requirements for these types of transactions differ. Before an application is filed, the designation of type of transaction may be clarified or certain of the information required may be waived upon petition to the Board. This procedure is explained in § 1180.4. The required contents of an application are set out in §§ 1180.6 (general information supporting the transaction), 1180.7 (competitive and market information), 1180.8 (operational information), 1180.9 (financial data), 1180.10 (service assurance plans), and 1180.11 (transnational and other informational requirements). A *major* application must contain the information required in §§ 1180.6(a), 1180.6(b), 1180.7(a), 1180.7(b), 1180.8(a), 1180.8(b), 1180.9, 1180.10, and 1180.11. A *significant* application must contain the information required in §§ 1180.6(a), 1180.6(c), 1180.7(a), 1180.7(c), and 1180.8(b). A *minor* application must contain the information required in §§ 1180.6(a) and 1180.8(c). Procedures (including time limits, filing requirements, participation requirements, and other matters) are contained in § 1180.4. All applications must comply with the Board's Rules of General Applicability, 49 CFR parts 1100 through 1129, unless otherwise specified. These regulations may be cited as the Railroad Consolidation Procedures.

(b) *Waiver.* We will waive application of the regulations contained in this subpart for a consolidation involving The Kansas City Southern Railway Company and another Class I railroad and instead will apply the regulations in this subpart A in effect before July 11, 2001 and contained in the 49 CFR, Parts 1000 to 1199, edition revised as of October 1, 2000, unless we are shown why such a waiver should not be allowed. Interested parties must file any objections to this waiver within 10 days after the applicants' prefiling notification (see 49 CFR § 1180.4(b)(1)).

3. Section 1180.1 is revised to read as follows:

§ 1180.1 General policy statement for merger or control of at least two Class I railroads.

(a) *General.* To meet the needs of the public and the national defense, the Surface Transportation Board (Board) seeks to ensure balanced and sustainable competition in the railroad industry. The Board recognizes that the railroad industry (including Class II and III carriers) is a network of competing and complementary components, which in turn is part of a broader transportation infrastructure that also embraces the nation's highways, waterways, ports, and airports. The Board welcomes private-sector initiatives that enhance the capabilities and the competitiveness of this transportation infrastructure. Although mergers of Class I railroads may advance our nation's economic growth and competitiveness through the provision of more efficient and responsive transportation, the Board does not favor consolidations that reduce the transportation alternatives available to shippers unless there are substantial and demonstrable public benefits to the transaction that cannot otherwise be achieved. Such public benefits include improved service, enhanced competition, and greater economic efficiency. The Board also will look with disfavor on consolidations under which the controlling entity does not assume full responsibility for carrying out the controlled carrier's common carrier obligation to provide adequate service upon reasonable demand.

(b) *Consolidation criteria.* The Board's consideration of the merger or control of at least two Class I railroads is governed by the public interest criteria prescribed in 49 U.S.C. 11324 and the rail transportation policy set forth in 49 U.S.C. 10101. In determining the public interest, the Board must consider the various goals of effective competition, carrier safety and efficiency, adequate service for shippers, environmental safeguards, and fair working conditions for employees. The Board must ensure that any approved transaction would promote a competitive, efficient, and reliable national rail system.

(c) *Public interest considerations.* The Board believes that mergers serve the public interest only when substantial and demonstrable gains in important public benefits—such as improved service and safety, enhanced competition, and greater economic efficiency—outweigh any anticompetitive effects, potential service disruptions, or other merger-related harms. Although further consolidation of the few remaining Class I carriers could result in efficiency gains and improved service, the Board believes additional consolidation in the industry is also likely to result in a number of anticompetitive effects, such as loss of geographic competition, that are increasingly difficult to remedy directly or proportionately. Additional consolidations could also result in service disruptions during the system integration period. Accordingly, to assure a balance in favor of the public interest, merger applications should include provisions for enhanced

competition, and, where both carriers are financially sound, the Board is prepared to use its conditioning authority as necessary under 49 U.S.C. 11324(c) to preserve and/or enhance competition. In addition, when evaluating the public interest, the Board will consider whether the benefits claimed by applicants could be realized by means other than the proposed consolidation. The Board believes that other private-sector initiatives, such as joint marketing agreements and interline partnerships, can produce many of the efficiencies of a merger while risking less potential harm to the public.

(1) *Potential benefits.* By eliminating transaction cost barriers between firms, increasing the productivity of investment, and enabling carriers to lower costs through economies of scale, scope, and density, mergers can generate important public benefits such as improved service, more competition, and greater economic efficiency. A merger can strengthen a carrier's finances and operations. To the extent that a merged carrier continues to operate in a competitive environment, its new efficiencies would be shared with shippers and consumers. Both the public and the consolidated carrier can benefit if the carrier is able to increase its marketing opportunities and provide better service. A merger transaction can also improve existing competition or provide new competitive opportunities, and such enhanced competition will be given substantial weight in our analysis. Applicants shall make a good faith effort to calculate the net public benefits their proposed merger would generate, and the Board will carefully evaluate such evidence. To ensure that applicants have no incentive to exaggerate these projected benefits to the public, the Board expects applicants to propose additional measures that the Board might take if the anticipated public benefits fail to materialize in a timely manner. In this regard, the Board recognizes, however, that applicants require the flexibility to adapt to changing marketplace or other circumstances and that it is inevitable that an approved merger may not necessarily be implemented in precisely the manner anticipated in the application. Applicants will be held accountable, however, if they do not act reasonably in light of changing circumstances to achieve promised merger benefits.

(2) *Potential harm.* The Board recognizes that consolidation can impose costs as well as benefits. It can reduce competition both directly and indirectly in particular markets, including product markets and geographic markets. Consolidation can also threaten essential services and the reliability of the rail network. In analyzing these impacts we must consider, but are not limited by, the policies embodied in the antitrust laws.

(i) *Reduction of competition.* Although in specific markets railroads operate in a highly competitive environment with vigorous intermodal competition from motor and water carriers, mergers can deprive shippers of effective options. Intramodal competition can be reduced when two carriers serving the same origins or destinations merge. Competition arising from shippers' build-out, transloading, plant siting, and production shifting choices can be eliminated or reduced when two railroads serving overlapping areas merge. Competition in product and geographic markets can also be eliminated or reduced by mergers, including end-to-end mergers. Any railroad combination entails a risk that the merged carrier would acquire and exploit increased market power. Applicants shall propose remedies to mitigate and offset competitive harms. Applicants shall also explain how they would at a minimum preserve competitive and market options such as those involving the use of major existing gateways, build-outs or build-ins, and the opportunity to enter into contracts for one segment of a movement as a means of gaining the right separately to pursue rate relief for the remainder of the movement.

(ii) *Harm to essential services.* The Board must ensure that essential freight, passenger, and commuter rail services are preserved wherever feasible. An existing service is essential if there is sufficient public need for the service and adequate alternative transportation is not available. The Board's focus is on the ability of the nation's transportation infrastructure to continue to provide and support essential services. Mergers should strengthen, not undermine, the ability of the rail network to advance the nation's economic growth and competitiveness, both domestically and internationally. The Board will consider whether projected shifts in traffic patterns could undermine the ability of the various network links (including Class II and Class III rail carriers and ports) to sustain essential services.

(iii) *Transitional service problems.* Experience shows that significant service problems can arise during the transitional period when merging firms integrate their operations, even after applicants take extraordinary steps to avoid those disruptions. Because service disruptions harm the public, the Board, in its determination of the public interest, will weigh the likelihood of transitional service problems. In addition, under paragraph (h) of this section, the Board will require applicants to provide a detailed service assurance plan. Applicants also should explain how they would cooperate with other carriers in overcoming serious service disruptions on their lines during the transitional period and afterwards.

(iv) *Enhanced competition.* To offset harms that would not otherwise be mitigated, applicants should explain how the transaction and conditions they propose would enhance competition.

(d) *Conditions.* The Board has broad authority under 49 U.S.C. 11324(c) to impose conditions on consolidations, including requiring divestiture of parallel tracks or the granting of trackage rights and access to other facilities. The Board will condition the approval of Class I combinations to mitigate or offset harm to the public interest, and will carefully consider conditions proposed by applicants in this regard. The Board may impose conditions that are operationally feasible and produce net public benefits, but will not impose conditions that undermine or defeat beneficial transactions by creating unreasonable operating, financial, or other problems for the combined carrier. Conditions are generally not appropriate to compensate parties who may be disadvantaged by increased competition. The Board anticipates that mergers of Class I carriers would likely create some anticompetitive effects that would be difficult to mitigate through appropriate conditions, and that transitional service disruptions might temporarily negate any shipper benefits. To offset such potential harms and improve the prospect that their proposal would be found to be in the public interest, applicants should propose conditions that would not simply preserve but also enhance competition. The Board seeks to enhance competition in ways that strengthen and sustain the rail network as a whole (including that portion of the network operated by Class II and III carriers).

(e) *Employee protection.* The Board is required to provide a fair arrangement for the protection of the rail employees of applicants who are affected by a consolidation. The Board supports early notice and consultation between management and the various unions, leading to negotiated implementing agreements, which the Board strongly favors. Otherwise, the Board respects the sanctity of collective bargaining agreements and will look with extreme disfavor on overrides of collective bargaining agreements except to the

very limited extent necessary to carry out an approved transaction. The Board will review negotiated agreements to ensure fair and equitable treatment of all affected employees. Absent a negotiated agreement, the Board will provide for protection at the level mandated by law (49 U.S.C. 11326(a)), and if unusual circumstances are shown, more stringent protection will be provided to ensure that employees have a fair and equitable arrangement.

(f) *Environment and safety.* (1) The National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* (NEPA), requires the Board to take environmental considerations into account in railroad consolidation cases. To meet its responsibilities under NEPA and related environmental laws, the Board must consider significant potential beneficial and adverse environmental impacts in deciding whether to approve a transaction as proposed, deny the proposal, or approve it with conditions, including appropriate environmental mitigation conditions addressing concerns raised by the parties, including federal, state, and local government entities. The Board's Section of Environmental Analysis (SEA) ensures that the agency meets its responsibilities under NEPA and the implementing regulations at 49 CFR part 1105 by providing the Board with an independent environmental review of merger proposals. In preparing the necessary environmental documentation, SEA focuses on the potential environmental impacts resulting from merger-related changes in activity levels on existing rail lines and rail facilities. The Board generally will mitigate only those impacts that would result directly from an approved transaction, and will not require mitigation for existing conditions and existing railroad operations.

(2) During the environmental review process, railroad applicants have negotiated agreements with affected communities, including groups of communities and other entities such as state and local agencies. The Board encourages voluntary agreements of this nature because they can be extremely helpful and effective in addressing specific local and regional environmental and safety concerns, including the sharing of costs associated with mitigating merger-related environmental impacts. Generally, these privately negotiated solutions between an applicant railroad and some or all of the communities along particular rail corridors or other appropriate entities are more effective, and in some cases more far-reaching, than any environmental mitigation options the Board could impose unilaterally. Therefore, when such agreements are submitted to it, the Board generally will impose these negotiated agreements as conditions to approved mergers, and these agreements generally will substitute for specific local and site-specific environmental mitigation for a community that otherwise would be imposed. Moreover, to encourage and give effect to negotiated solutions whenever possible, the opportunity to negotiate agreements will remain available throughout the oversight process to replace local and site-specific environmental mitigation imposed by the agency. The Board will require compliance with the terms of all negotiated agreements submitted to it during oversight by imposing appropriate environmental conditions to replace the local and site-specific mitigation previously imposed.

(3) Applicants will be required to work with the Federal Railroad Administration, on a case-by-case basis, to formulate Safety Integration Plans (SIPs) to ensure that safe operations are maintained throughout the merger implementation process. As part of the environmental review process, applicants will be required to submit:

(i) A SIP and

(ii) Evidence about potentially blocked grade crossings as a result of merger-related traffic increases or operational changes.

(g) *Oversight.* As a condition to its approval of any major transaction, the Board will establish a formal oversight process. For at least the first 5 years following approval, applicants will be required to present evidence to the Board, on no less than an annual basis, to show that the merger conditions imposed by the Board are working as intended, that the applicants are adhering to the various representations they made on the record during the course of their merger proceeding, that no unforeseen harms have arisen that would require the Board to alter existing merger conditions or impose new ones, and that the merger benefit projections accepted by the Board are being realized in a timely fashion. Parties will be given the opportunity to comment on applicants' submissions, and applicants will be given the opportunity to reply to the parties' comments. During the oversight period, the Board will retain jurisdiction to impose any additional conditions it determines are necessary to remedy or offset adverse consequences of the underlying transaction.

(h) *Service assurance and operational monitoring.* (1) The quality of service is of vital importance. Accordingly, applicants must file, with their initial application and operating plan, a Service Assurance Plan identifying the precise steps they would take to ensure adequate service and to provide for improved service. This plan must include the specific information set forth at § 1180.10 on how shippers, connecting railroads (including Class II and III carriers), and ports across the new system would be affected and benefitted by the proposed consolidation. As part of this plan, applicants will be required to provide service benchmarks, describe the extent to which they have entered into any arrangements with shippers and shipper groups to compensate for service failures, and establish contingency plans that would be available to mitigate any unanticipated service disruption.

(2) The Board will conduct significant post-approval operational monitoring to help ensure that service levels after a merger are reasonable and adequate.

(3) The Board also will require applicants to establish problem resolution teams and specific procedures for problem resolution to ensure that any unanticipated post-merger problems related to service or any other transportation matters, including claims, are promptly addressed. These teams should include representatives of all appropriate employee categories. Also, the Board envisions the establishment of a Service Council made up of shippers, railroads, passenger service representatives, ports, rail labor, and other interested parties to provide an ongoing forum for the discussion of implementation issues.

(4) *Loss and damage claims handling.* Shippers or shortlines who have freight claims under 49 CFR part 1005 during merger implementation shall file such claims, in writing or electronically, with the merged carrier. The claimant shall provide supporting documentation regarding the effect on the claimant, and the specific damages (in a determinable amount) incurred. Pursuant to 49 CFR part 1005, the merged carrier shall acknowledge each claim within 30 days and successively number each claim. Within 120 days of carrier receipt of the claim, the merged carrier shall respond to each claim by paying, declining, or offering a compromise settlement. The Board will take notice of these claims and their disposition as a matter of oversight. During each annual oversight period, the merged carrier shall report on claims received, their type, and their disposition for each quarterly period covered by oversight. While shippers and shortlines may also contract with the applicants for specific remedies with respect to claims, final

adjudication of contract issues as well as unresolved claims will remain a matter for the courts.

(5) *Service failure claims.* Applicants must suggest a protocol for handling claims related to failure to provide reasonable service due to merger implementation problems. Commitments to submit all such claims to arbitration will be favored.

(6) *Alternative rail service.* Where shippers and connecting railroads require relief from extended periods of inadequate service, the procedures at 49 CFR parts 1146 and 1147 are available for the Board to review the documented service levels and to consider shipper proposals for alternative service relief when other avenues of relief have already been explored with the merged carrier in an effort to restore adequate service.

(i) *Cumulative impacts and crossover effects.* Because there are so few remaining Class I carriers and the railroad industry constitutes a network of competing and complementary components, the Board cannot evaluate the merits of a major transaction in isolation. The Board must also consider the cumulative impacts and crossover effects likely to occur as rival carriers react to the proposed combination. The Board expects applicants to explain how additional Class I mergers would affect the eventual structure of the industry and the public interest. Applicants should generally discuss the likely impact of such future mergers on the anticipated public benefits of their own merger proposal. Applicants will be expected to discuss whether and how the type or extent of any conditions imposed on their proposed merger would have to be altered, or any new conditions imposed, should we approve any future consolidation(s).

(j) *Inclusion of other carriers.* The Board will consider requiring inclusion of another carrier as a condition to approval only where there is no other reasonable alternative for providing essential services, the facilities fit operationally into the new system, and inclusion can be accomplished without endangering the operational or financial success of the new company.

(k) *Transnational and other informational issues.* (1) All applicants must submit ''full system'' competitive analyses and operating plans—incorporating any operations in Canada or Mexico—from which we can determine the competitive, service, employee, safety, and environmental impacts of the prospective operations within the United States, and explain how cooperation with the Federal Railroad Administration would be maintained to address potential impacts on operations within the United States of operations or events elsewhere on their systems. All applicants must further provide information concerning any restrictions or preferences under foreign or domestic law and policies that could affect their commercial decisions. Applicants must also address how any ownership restrictions might affect our public interest assessment.

(2) The Board will consult with relevant officials, as appropriate, to ensure that any conditions it imposes on an approved transaction are consistent with the North American Free Trade Agreement and other pertinent international agreements to which the United States is a party. In addition, the Board will cooperate with those Canadian and Mexican agencies charged with approval and oversight of a proposed transnational railroad combination.

(l) *National defense.* Rail mergers must not detract from the ability of the United States military to rely on rail transportation to meet the nation's defense needs. Applicants must discuss and assess the national defense ramifications of their proposed merger.

(m) *Public participation.* To ensure a fully developed record on the effects of a proposed railroad consolidation, the Board encourages public participation from federal, state, and local government departments and agencies; affected shippers, carriers, and rail labor; and other interested parties.

4. Section 1180.3 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1180.3 Definitions.

(a) *Applicant.* The term *applicant* means the parties initiating a transaction, but does not include a wholly owned direct or indirect subsidiary of an applicant if that subsidiary is not a rail carrier. Parties who are considered applicants, but for whom the information normally required of an applicant need *not* be submitted, are:

(1) In *minor* trackage rights applications, the transferor and

(2) In responsive applications, a primary applicant.

(b) *Applicant carriers.* The term *applicant carriers* means: any applicant that is a rail carrier; any rail carrier operating in the United States, Canada, and/or Mexico in which an applicant holds a controlling interest; and all other rail carriers involved in the transaction. Because the service provided by these commonly controlled carriers can be an important competitive aspect of the transactions that we approve, applicant carriers are subject to the full range of our conditioning power. Carriers that are involved in an application only by virtue of an existing trackage rights agreement with applicants are not applicant carriers.

* * * * *

5. Section 1180.4 is amended by revising paragraph (a)(1) to read as follows, by removing paragraph (a)(4), by adding new paragraphs (b)(4) and (c)(6)(vi) to read as follows, and by revising paragraphs (d), (e)(2), (e)(3), and (f)(2) to read as follows:

§ 1180.4 Procedures.

(a) * * * (1) The original and 25 copies of all documents shall be filed in *major* proceedings. The original and 10 copies shall be filed in *significant* and *minor* proceedings.

* * * * *

(b) * * *

(4) *Prefiling notification.* When filing the notice of intent required by paragraph (b)(1) of this section, applicants also must file:

(i) *A proposed procedural schedule.* In any proceeding involving either a major transaction or a significant transaction, the Board will publish a **Federal Register** notice soliciting comments on the proposed procedural schedule, and will, after review of any comments filed in response, issue a procedural schedule governing the course of the proceeding.

(ii) *A proposed draft protective order.* The Board will issue, in each proceeding in which such an order is requested, an appropriate protective order.

(iii) *A statement of waybill availability for major transactions.* Applicants must indicate, as soon as practicable after the issuance of a protective order, that they will make their 100% traffic tapes available (subject to the terms of the protective order) to any interested party on written request. The applicants may require that, if the requesting party is itself a railroad, applicants will make their 100% traffic tapes available to that party only if it agrees, in its written request, to make its own 100% traffic tapes available to applicants (subject to the terms of the protective order) when it receives access to applicants' tapes.

(iv) Applicants may also propose the use of a voting trust at this stage, or at a later stage, if that becomes necessary. In each proceeding involving a major transaction, applicants contemplating the use of a voting trust must explain how the trust would insulate them from an unlawful control violation and why their proposed use of the trust, in the

context of their impending control application, would be consistent with the public interest. Following a brief period of public comment and replies by applicants, the Board will issue a decision determining whether applicants may establish and use the trust.

(c) * * *

(6) * * *

(vi) The information and data required of any applicant may be consolidated with the information and data required of the affiliated applicant carriers.

(d) *Responsive applications.* (1) No responsive applications shall be permitted to minor transactions.

(2) An inconsistent application will be classified as a major, significant, or minor transaction as provided in § 1180.2(a) through (c). The fee for an inconsistent application will be the fee for the type of transaction involved. See 49 CFR 1002.2(f)(38) through (41). The fee for any other type of responsive application is the fee for the particular type of proceeding set forth in 49 CFR 1002.2(f).

(3) Each responsive application filed and accepted for consideration will automatically be consolidated with the primary application for consideration.

(e) * * *

(2) The evidentiary proceeding will be completed:

(i) Within 1 year after the primary application is accepted for a *major* transaction;

(ii) Within 180 days for a *significant* transaction; and

(iii) Within 105 days for a *minor* transaction.

(3) A final decision on the primary application and on all consolidated cases will be issued:

(i) Within 90 days after the conclusion of the evidentiary proceeding for a *major* transaction;

(ii) Within 90 days for a *significant* transaction; and

(iii) Within 45 days for a *minor* transaction.

* * * * *

(f) * * *

(2) Except as otherwise provided in the procedural schedule adopted by the Board in any particular proceeding, petitions for waiver or clarification must be filed at least 45 days before the application is filed.

* * * * *

6. Section 1180.6 is amended by revising paragraphs (b)(1), (b)(2), (b)(3), (b)(4), (b)(6), and (b)(8) to read as follows, and by adding new paragraphs (b)(9), (b)(10), (b)(11), (b)(12), and (b)(13) to read as follows:

§ 1180.6 Supporting information.

* * * * *

(b) * * *

(1) *Form 10–K (exhibit 6).* Submit: The most recent filing with the Securities and Exchange Commission (SEC) under 17 CFR 249.310 made within the year prior to the filing of the application by each applicant or by any entity that is in control of an applicant. These shall not be incorporated by reference, and shall be updated with any Form 10–K subsequently filed with the SEC during the pendency of the proceeding.

(2) *Form S–4 (exhibit 7).* Submit: The most recent filing with the SEC under 17 CFR 239.25 made within the year prior to the filing of the application by each applicant or by any entity that is in control of an applicant. These shall not be incorporated by reference, and shall be updated with any Form S–4 subsequently filed with the SEC during the pendency of the proceeding.

(3) *Change in control (exhibit 8).* If an applicant carrier submits an annual report Form R–1, indicate any change in ownership or control of that applicant carrier not indicated in its most recent Form R–1, and provide a list of the principal six officers of that applicant carrier and of any related applicant, and also of their majority-owned rail carrier subsidiaries. If any applicant carrier does not submit an annual report Form R–1, list all officers of that applicant carrier, and identify the person(s) or entity/entities in control of that applicant carrier and all owners of 10% or more of the equity of that applicant carrier.

(4) *Annual reports (exhibit 9).* Submit: The two most recent annual reports to stockholders by each applicant, or by any entity that is in control of an applicant, made within 2 years of the date of filing of the application. These shall not be incorporated by reference, and shall be updated with any annual or quarterly report to stockholders issued during the pendency of the proceeding.

* * * * *

(6) *Corporate chart (exhibit 11).* Submit a corporate chart indicating all relationships between applicant carriers and all affiliates and subsidiaries and also companies controlling applicant carriers directly, indirectly or through another entity (with each chart indicating the percentage ownership of every company on the chart by any other company on the chart). For each company: include a statement indicating whether that company is a noncarrier or a carrier; and identify every officer and/or director of that company who is also an officer and/or director of any other company that is part of a different corporate family that includes a rail carrier. Such information may be referenced through notes to the chart.

* * * * *

(8) *Intercorporate or financial relationships.* Indicate whether there are any direct or indirect intercorporate or financial relationships at the time the application is filed, not disclosed elsewhere in the application, through holding companies, ownership of securities, or otherwise, in which applicants or their affiliates own or control more than 5% of the stock of a non-affiliated carrier, including those relationships in which a group affiliated with applicants owns more than 5% of the stock of such a carrier. Indicate the nature and extent of any such relationships, and, if an applicant owns securities of a carrier subject to 49 U.S.C. Subtitle IV, provide the carrier's name, a description of securities, the par value of each class of securities held, and the applicant's percentage of total ownership. For purposes of this paragraph, ''affiliates'' has the same meaning as ''affiliated companies'' in Definition 5 of the Uniform System of Accounts (49 CFR part 1201, subpart A).

(9) *Employee impact exhibit.* The effect of the proposed transaction upon applicant carriers' employees (by class or craft), the geographic points where the impacts would occur, the time frame of the impacts (for at least 3 years after consolidation), and whether any employee protection agreements have been reached. This information (except with respect to employee protection agreements) may be set forth in the following format:

EFFECTS ON APPLICANT CARRIERS' EMPLOYEES

Current Location	.....
Jobs Classification	.....
Jobs Transferred to	.....
Jobs Abolished	.....
Jobs Created	.....
Year	.....

(10) *Conditions to mitigate and offset merger-related harms.* Applicants are expected to propose measures to mitigate and offset merger-related harms. These conditions should not simply preserve, but also enhance, competition.

(i) Applicants must explain how they would preserve competitive options for shippers and for Class II and III rail carriers. At a minimum, applicants must explain how they would preserve the use of major existing gateways, the potential for build-outs or build-ins, and

the opportunity to enter into contracts for one segment of a movement as a means of gaining the right separately to pursue rate relief for the remainder of the movement.

(ii) Applicants should explain how the transaction and conditions they propose would enhance competition and improve service.

(11) *Calculating public benefits.* Applicants must enumerate and, where possible, quantify the net public benefits their merger would generate (if approved). In making this estimate, applicants should identify the benefits that would arise from service improvements, enhanced competition, cost savings, and other merger-related public interest benefits, and should discuss whether the particular benefits they are relying upon could be achieved short of merger. Applicants must also identify, discuss, and, where possible, quantify the likely negative effects approval would entail, such as losses of competition, potential for service disruption, and other merger-related harms. In addition, applicants must suggest additional measures that the Board might take if it approves the application and the anticipated public benefits identified by applicants fail to materialize in a timely manner.

(12) *Downstream merger applications.* (i) Applicants should anticipate whether additional Class I mergers are likely to be proposed in response to their own proposal and explain how, taken together, these mergers, if approved, could affect the eventual structure of the industry and the public interest.

(ii) Applicants are expected to discuss whether any conditions imposed on an approval of their proposed merger would have to be altered, or any new conditions imposed, if the Board should approve additional future rail mergers.

(13) *Purpose of the proposed transaction.* The purpose sought to be accomplished by the proposed transaction, such as improving service, enhancing competition, strengthening the nation's transportation infrastructure, creating operating economies, and ensuring financial viability.

* * * * *

7. Section 1180.7 is revised to read as follows:

§ 1180.7 Market analyses.

(a) For *major* and *significant* transactions, applicants shall submit impact analyses (exhibit 12) describing the impacts of the proposed transaction—both adverse and beneficial—on inter-and intramodal competition with respect to freight surface transportation in the regions affected and on the provision of essential services by applicants and other carriers. An impact analysis should include underlying data, a study of the implications of those data, and a description of the resulting likely effects of the proposed transaction on the transportation alternatives that would be available to the shipping public. Each aspect of the analysis should specifically address significant impacts as they relate to the applicable statutory criteria (49 U.S.C. 11324(b) or (d)), essential services, and competition. Applicants must identify and address relevant markets and issues, and provide additional information as requested by the Board on markets and issues that warrant further study. Applicants (and any other party submitting analyses) must demonstrate both the relevance of the markets and issues analyzed and the validity of their methodology. All underlying assumptions must be clearly stated. Analyses should reflect the consolidated company's marketing plan and existing and potential competitive alternatives (inter- as well as intramodal). They can address: city pairs, interregional movements, movements through a point, or other factors; a particular commodity, group of commodities, or other commodity factor that would be significantly affected by the transaction; or other effects of the transaction (such as on a particular type of service offered).

(b) For *major* transactions, applicants shall submit ''full system'' impact analyses (incorporating any operations in Canada or Mexico) from which they must demonstrate the impacts of the transaction—both adverse and beneficial—on competition within regions of the United States and this nation as a whole (including inter- and intramodal competition, product competition, and geographic competition) and the provision of essential services (including freight, passenger, and commuter) by applicants and other network links (including Class II and Class III rail carriers and ports). Applicants' impact analyses must at least provide the following types of information:

(1) The anticipated effects of the transaction on traffic patterns, market concentrations, and/or transportation alternatives available to the shipping public. Consistent with § 1180.6(b)(10), these would incorporate a detailed examination of any competition-enhancing aspects of the transaction and of the specific measures proposed by applicants to preserve existing levels of competition and essential services;

(2) Actual and projected market shares of originated and terminated traffic by railroad for each major point on the combined system. Applicants may define points as individual stations or as larger areas (such as Bureau of Economic Analysis statistical areas or U.S. Department of Agriculture Crop Reporting Districts) as relevant and indicate the extent of switching access and availability of terminal belt railroads. Applicants should list points where the number of serving railroads would drop from two to one and from three to two, respectively, as a result of the proposed transaction (both before and after applying proposed remedies for competitive harm);

(3) Actual and projected market shares of revenues and traffic volumes for major interregional or corridor flows by major commodity group. Origin/destination areas should be defined at relevant levels of aggregation for the commodity group in question. The data should be broken down by mode and (for the railroad portion) by single-line and interline routings (showing gateways used);

(4) For each major commodity group, an analysis of traffic flows indicating patterns of geographic competition or product competition across different railroad systems, showing actual and projected revenues and traffic volumes;

(5) Maps and other graphic displays where helpful in illustrating the analyses in this section;

(6) An explicit delineation of the projected impacts of the transaction on the ability of various network links (including Class II and Class III rail carriers and ports) to participate in the competitive process and to sustain essential services; and

(7) Supporting data for the analyses in this section, such as the basis for projections of changes in traffic patterns, including shipper surveys and econometric or other statistical analyses. If not made part of the application, applicants shall make these data available in a repository for inspection by other parties or otherwise supply these data on request, for example, electronically. Access to confidential information will be subject to protective order. For information drawn from publicly available published sources, detailed citations will suffice.

(8) If necessary, an explanation as to how the lack of reliable and consistent data has limited applicants' ability to satisfy any of the requirements in this paragraph (b).

(c) For *significant* transactions, specific regulations on impact analyses are not provided so that the parties will have the greatest leeway to develop the

best evidence on the impacts of each individual transaction. As a general guideline, applicants shall provide supporting data that may (but need not) include: current and projected traffic flows; data underlying sales forecasts or marketing goals; interchange data; market share analysis; and/or shipper surveys. *It is important to note that these types of studies are neither limiting nor all-inclusive*. The parties must provide supporting data, but are free to choose the type(s) and format. If not made part of the application, applicants shall make these data available in a repository for inspection by other parties or otherwise supply these data on request, for example, electronically. Access to confidential information will be subject to protective order. For information drawn from publicly available published sources, detailed citations will suffice.

8. Section 1180.8 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and by adding a new paragraph (a) to read as follows:

§ 1180.8 Operational data.

(a) Applications for *major* transactions must include a full-system operating plan—incorporating any prospective operations in Canada and Mexico—from which they must demonstrate how the proposed transaction would affect operations within regions of the United States and on a nationwide basis. As part of the environmental review process, applicants shall submit:

(1) A Safety Integration Plan, prepared in consultation with the Federal Railroad Administration, to ensure that safe operations would be maintained throughout the merger implementation process.

(2) Information on what measures they plan to take to address potentially blocked crossings as a result of merger-related changes in operations or increases in rail traffic.

* * * * *

9. A new § 1180.10 is added to subpart A to read as follows:

§ 1180.10 Service assurance plans.

For *major* transactions: Applicants must submit a Service Assurance Plan, which, in concert with the operating plan requirements, identifies the precise steps to be taken by applicants to ensure that projected service levels would be attainable and that key elements of the operating plan would improve service. The plan shall describe with reasonable precision how operating plan efficiencies would translate into present and future benefits for the shipping public. The plan must also describe any potential area of service degradation that might result due to operational changes and how instances of degraded service might be mitigated. Like the Operating Plan on which it is based, the Service Assurance Plan must be a full-system plan encompassing:

(a) *Integration of operations.* Based on the operating plan, and using appropriate benchmarks, applicants must develop a Service Assurance Plan describing how the proposed transaction would result in improved service levels and how and where service might be degraded. This description should be a precise route level review, but not a shipper-by-shipper review. Nonetheless, the plan should be sufficient for individual shippers to evaluate the projected improvements and changes, and respond to the potential areas of service degradation for their customary traffic routings. The plan should inform Class II and III railroads and other connecting railroads of the operational changes or changes in service terms that might affect their operations, including operations involving major gateways.

(b) *Coordination of freight and passenger operations.* If Amtrak or commuter services are operated over the lines of applicant carriers, applicants must describe definitively how they would continue to facilitate these operations so as to fulfill existing performance agreements for those services. Whether or not the passenger services are operated over lines of applicants or applicants' operations are on the lines of passenger agencies, applicants must establish operating protocols ensuring effective communications with Amtrak and/or regional rail passenger operators to minimize any potential transaction-related negative impacts.

(c) *Yard and terminal operations.* The operational fluidity of yards and terminals is key to the successful implementation of a transaction and effective service to shippers. Applicants must describe how the operations of principal classification yards and major terminals would be changed or revised and how these revisions would affect service to customers. As part of this analysis, applicants must furnish dwell time benchmarks for each facility described in this paragraph, and estimate what the expected dwell time would be after the revised operations are implemented. Also required will be a discussion of on-time performance for the principal yards and terminals in the same terms as required for dwell time.

(d) *Infrastructure improvements.* Applicants must identify potential infrastructure impediments (using volume/capacity line and terminal forecasts), formulate solutions to those impediments, and develop time frames for resolution. Applicants must also develop a capital improvement plan (to support the operating plan) for timely funding and completion of the improvements critical to transition of operations. They should also describe improvements related to future growth, and indicate the relationship of the improvements to service delivery.

(e) *Information technology systems.* Because the accurate and timely integration of applicants' information systems is vitally important to service, applicants must identify the process to be used for systems integration and training of involved personnel. This must include identification of the principal operations-related systems, operating areas affected, implementation schedules, the realtime operations data used to test the systems, and pre-implementation training requirements needed to achieve completion dates. If such systems will not be integrated and on line prior to implementation of the transaction, applicants must describe the interim systems to be used and the adequacy of those systems to ensure service delivery.

(f) *Customer service.* To achieve and maintain customer confidence in the transaction and to ensure the successful integration and consolidation of existing customer service functions, applicants must identify their plans for the staffing and training of personnel within or supporting the customer service centers. This discussion must include specific information on the planned steps to familiarize customers with any new processes and procedures that they may encounter in using the consolidated systems and/or changes in contact locations, telephone numbers, or communication mode.

(g) *Labor.* Applicants must furnish a plan for reaching necessary labor implementing agreements. Applicants must also provide evidence that sufficient qualified employees would be available at the proper locations to effect implementation.

(h) *Training.* Applicants must establish a plan for providing necessary training to employees involved with operations, train and engine service, operating rules, dispatching, payroll and timekeeping, field data entry, safety and hazardous material compliance, and contractor support functions (e.g., crew van service), as well as training for other employees in functions that would be affected by the acquisition.

(i) *Contingency plans for merger-related service disruptions.* To address potential disruptions of service that could occur, applicants must establish contingency plans. Those plans, based upon available resources and traffic flows and density, must identify potential areas of disruption and the risk of occurrence. Applicants must provide evidence that contingency plans would be in place to promptly restore adequate service levels. Applicants must also provide for the establishment of problem resolution teams and describe the specific procedures to be utilized for problem resolution.

(j) *Timetable.* Applicants must identify all major functional or system changes/consolidations that would occur and the time line for successful completion.

(k) *Benchmarking.* Specific benchmarking requirements may vary with the transaction. The minimum for benchmarking will be the 12 monthly periods immediately preceding the filing date of the notice of intent to file the application. Benchmarking is intended to provide an historic monthly baseline against which actual post-transaction levels of performance can be measured. Benchmarking data should be sufficiently detailed and encompassing to give a meaningful picture of operational performance for the newly merged system. Applicants will report in a matrix structure giving the historic monthly (benchmark) data and provide for the reporting of actual monthly data during the monitoring period. It is important that data reflect uniformly constructed measures of historic and post-transaction operations. Minimum benchmark data include:

(1) *Corridor performance benchmarking.* Benchmarks will consist of route level performance information including flow data for traffic moving on the applicants' systems. These data will encompass flows to and from major points. A major point could be a Bureau of Economic Analysis (BEA) statistical area, or it can be a railroad-created point based on an operational grouping of stations or interchanges, or it could be another similar construction. It will be necessary for applicants to define traffic points used to establish benchmarks for purposes of monitoring. A sufficient number of corridor flows must be reported so as to fully represent system flows, including interchanges with short lines and other Class I's, and internal traffic of the respective applicants before the transaction. In addition to identifying traffic flows by areas, they also must be identified by commodity sector (for example, merchandise, intermodal, automotive, unit coal, unit grain etc.). Data for each flow must include: traffic volume in carloads (units), miles (area to area), and elapsed time in hours. Only loaded traffic need be included.

(2) *Yard and terminal benchmarking.*

(i) *Terminal dwell.* Terminal dwell for major yards will be calculated in hours for cars handled, not including run-through and bypass trains or maintenance of way and bad order cars.

(ii) *On time originations by major yard.* On time originations are based on the departure of scheduled trains originating at a particular yard.

(3) *System benchmarking.*

(i) Cars on line.

(ii) Average train velocity, by train type.

(iii) Locomotive fleet size and applicable bad order ratios.

(iv) Passenger train performance for commuter and intercity passenger services.

10. A new § 1180.11 is added to subpart A to read as follows:

§ 1180.11 Transnational and other informational requirements.

(a) For applicants whose systems include operations in Canada or Mexico, applicants must explain how cooperation with the Federal Railroad Administration would be maintained to address potential impacts on operations within the United States of operations or events elsewhere on their systems.

(b) All applicants must assess whether any restrictions or preferences under foreign or domestic law or policies could affect their commercial decisions, and discuss any ownership restrictions applicable to them.

[FR Doc. 01–14984 Filed 6–14–01; 8:45 am]

BILLING CODE 4915–00–P

Proposed Rules

Federal Register
Vol. 66, No. 116
Friday, June 15, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–34–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International, Inc., (Formerly AlliedSignal, Inc., and Textron Lycoming) T5311A, T5311B, T5313B, T5317A, T5317B, T53–L–11, T53–L–11A, T53–L–11B, T53–L–11C, T53–L–11D, T53–L–11A S/SA, T53–L–13B, T53–L–13B S/SA, T53–L–13B S/SB, and T53–L–703 Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Honeywell International, Inc., (formerly AlliedSignal, Inc., and Textron Lycoming) T5311A, T5311B, T5313B, T5317A, T5317B, and former military T53–L–11, T53–L–11A, T53–L–11B, T53–L–11C, T53–L–11D, T53–L–11A S/SA, T53–L–13B, T53–L–13B S/SA, T53–L–13B S/SB, and T53–L–703 series turboshaft engines. This proposal would require initial and repetitive special vibration tests of the engine, and if necessary replacement with a serviceable reduction gearbox assembly, or a serviceable engine before further flight. This proposal is prompted by reports of tachometer drive spur gear failure, resulting in potential engine overspeed, loss of power turbine speed (N2) instrument panel indication, and hard landings. The actions specified in this AD are intended to prevent excessive vibrations produced by the reduction gearbox assembly that could cause failure of the tachometer drive spur gear.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–34–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. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be obtained from Honeywell International, Inc. (formerly AlliedSignal, Inc. and Textron Lycoming), Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone: (602) 365–2493; fax: (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone: (562) 627–5245; fax: (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–34–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–34–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The FAA has received reports of tachometer drive spur gear failure, resulting in potential engine overspeed, loss of N2 instrument panel indication, and hard landings. There have been about 22 events on military aircraft, and two events reported to date on civilian aircraft. This condition, if not corrected, could result in tachometer drive spur gear failure, resulting in potential engine overspeed, loss of N2 instrument panel indication, and hard landings.

Manufacturer's Service Information

The FAA has reviewed and approved AlliedSignal, Inc. Service Bulletin (SB) No.''s T5311A/B–0100, dated January 20, 2000; T5313B/17–0100, dated November 19, 1999; T53–L–11–0100, dated January 20, 2000; T53–L–13B–0100, Revision 2, dated May 11, 1999; and T53–L–703–0100, Revision 2, dated May 11, 1999. These SB's describe procedures for performing engine special vibration tests.

FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International, Inc., (formerly AlliedSignal, Inc., and Textron Lycoming) T5311A, T5311B, T5313B, T5317A, T5317B, and former military T53–L–11, T53–L–11A, T53–L–11B, T53–L–11C, T53–L–11D, T53–L–11A S/SA, T53–L–13B, T53–L–13B S/SA, T53–L–13B S/SB, and T53–L–703 turboshaft engines of this same type design, the proposed AD would require initial and

repetitive special vibration tests of the engine, and if necessary, replacement with a serviceable reduction gearbox assembly, or a serviceable engine before further flight. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Economic Impact

There are about 4,500 engines of the affected design in the worldwide fleet. The FAA estimates that 300 engines installed on aircraft of U.S. registry would be affected by this proposed AD, and that it would take about four work hours per engine to accomplish each special vibration test, and that the average labor rate is $60 per work hour. Based on these figures, for each special vibration test, the total labor cost impact on U.S. operators is estimated to be $240 per engine. The FAA estimates that operators, on average, will perform ten special vibration tests per year, resulting in a total annual cost on U.S. operators of $720,000.

Regulatory Impact

This proposed 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 proposed rule.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Honeywell International, Inc.: Docket No. 2000–NE–34–AD.

Applicability

This airworthiness directive (AD) is applicable to Honeywell International, Inc., (formerly AlliedSignal, Inc., and Textron Lycoming) T5311A, T5311B, T5313B, T5317A, T5317B, and former military T53–L–11, T53–L–11A, T53–L–11B, T53–L–11C, T53–L–11D, T53–L–11A S/SA, T53–L–13B, T53–L–13B S/SA, T53–L–13B S/SB, and T53–L–703 turboshaft engines. These engines are installed on, but not limited to Bell Helicopter Textron 204, 205, and 209 series, and Kaman K–1200 series helicopters, and the following surplus military helicopters that have been certified in accordance with sections 21.25 or 21.27 of the Federal Aviation Regulations (14 CFR 21.25 or 21.27): Bell Helicopter Textron manufactured AH–1, HH–43, TH–1, UH–1 and SW–204/205 (UH–1) series.

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

To prevent excessive vibrations produced by the reduction gearbox assembly that could cause failure of the tachometer drive spur gear, do the following:

Initial and Repetitive Special Vibration Tests.

(a) Perform an initial special vibration test of the engine in accordance with the applicable service bulletin (SB) listed in the following table, within 100 flight hours after the effective date of this AD.

ALLIEDSIGNAL SB'S FOR SPECIAL VIBRATION TESTS

Engine	SB's
T5311A and T5311B	T5311A/B–0100, dated January 20, 2000.
T5313B, T5317A, and T5317B.	T5313B/17–0100, dated November 19, 1999.
T53–L–11, –11A, –11B, –11C, –11D, and –11A S/SA.	T53–L–11–0100, dated January 20, 2000.
T53–L–13B, –13B S/SA, and –13B S/SB.	T53–L–13B–0100, Revision 2, dated May 11,1999.
T53–L–703	T53–L–703–0100, Revision 2, dated May 11, 1999.

(b) Perform repetitive special vibration tests of the engine in accordance with the applicable SB listed in the table of this AD, as follows:

(1) For engines that have tachometer drive spur gear part number (P/N) 1–070–062–04 installed, perform repetitive special vibration tests within 500 flight hours since the last special vibration test.

(2) For engines that have tachometer drive spur gear P/N 1–070–062–06 installed, perform repetitive special vibration tests within 1,000 flight hours since the last special vibration test.

Engines That Fail Special Vibration Tests

(c) For engines that fail a special vibration test performed in accordance with paragraph (a) or (b) of this AD, do EITHER of the following:

(1) Replace the gearbox assembly with a serviceable reduction gearbox assembly, and before further flight perform an initial special vibration test as specified in paragraph (a) of this AD. OR

(2) Replace the engine with a serviceable engine, and before further flight perform an initial special vibration test as specified in paragraph (a) 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, Los Angeles Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Issued in Burlington, Massachusetts, on June 1, 2001.

Francis A. Favara,

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

[FR Doc. 01–15091 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–05]

Proposed Modification of Class E Airspace, Sidney, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace at Sidney, MT. Newly developed Area Navigation (RNAV) approaches at the Sidney-Richland Municipal Airport has made this proposal necessary. Additional Class E 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS)) RWY 1 and RNAV (GPS) RWY 19 at Sidney-Richland Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Sidney-Richland Municipal Airport, Sidney, MT.

DATES: Comments must be received on or before July 30, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 01–ANM–05, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–05, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–ANM–05.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class E airspace at Sidney, MT. Newly developed Area Navigation (RNAV) approaches at the Sidney-Richland Municipal Airport has made this proposal necessary. Additional Class E 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (GPS) RW 1 and RNAV (GPS) RWY 19, at Sidney-Richland Municipal Airport, has made this proposal necessary. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Sidney-Richland Municipal Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. 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 would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact 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).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 14 CFR 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 the 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.

* * * * *

ANM MT E5 Sidney, MT [REVISED]

Sidney-Richland Municipal Airport, MT
(Lat. 47°42′25″N., long. 107°11′33″W.)
Sidney NDB
(Lat. 47°42′41″N., long. 104°10′54″W.)

That airspace extending upward from 700 feet above the surface within the 7.9-mile radius of the Sidney-Richland Municipal Airport, and within 8.3 miles east and 4 miles west of the 356° bearing from the Sidney NDB extending from the NDB to 16.1 miles north of the NDB, and within 8.3 miles southeast and 4 miles northwest of the 215° bearing from the Sidney NDB extending from the NDB to 16.1 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 47°20′00″N., long. 104°08′32″W.; to lat. 47°37′10″N., long. 104°48′00″W.; to lat. 47°45′34″N., long. 104°38′28″W.; to lat. 47°52′00″N., long. 105°00′00″W.; to lat. 48°03′00″N., long. 105°00′00″W.; to lat. 47°53′30″N., long. 104°29′40″W.; to lat. 48°10′00″N., long. 104°12′00″W.; to lat. 47°46′10″N., long. 103°38′23″W.; to point of origin; and excluding that airspace within Federal airways; the Poplar, MT, and Glasgow, MT, Class E airspace areas.

Issued in Seattle, Washington, on May 22, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–15171 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52, 60, 61 and 62

[MT–001–0018b, MT–001–0019b, MT–001–0020b, MT–001–0022b,MT–001–0023b; MT–001–0031b; FRL–6994–8]

Approval and Promulgation of Air Quality Implementation Plans; Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to take direct final action partially approving and partially disapproving State Implementation Plan (SIP) revisions submitted by the Governor of Montana, on September 19, 1997, December 10, 1997, April 14, 1999, December 6, 1999 and March 3, 2000. These revisions recodify and modify the State's air quality rules so that they are consistent with Federal requirements, minimize repetition in the air quality rules, and clarify existing provisions. In addition, we are also approving into the SIP Yellowstone County's Local Regulation No.002—Open Burning. Finally, we are also announcing that we delegated the authority for the implementation and enforcement of the New Source Performance Standards (NSPS) to the State. EPA is either not acting on or disapproving certain provisions of the State's air quality rules that should not be in the SIP because they are not generally related to attainment of the National Ambient Air Quality Standards (NAAQS) or they are inconsistent with our SIP requirements. Finally, some provisions of the rules will be acted on at a later date. This action is being taken under section 110 and 111 of the Clean Air Act. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. 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 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.

DATES: Comments must be received in writing on or before July 16, 2001.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620

FOR FURTHER INFORMATION CONTACT: Laurie Ostrand, EPA Region 8, (303) 312–6437.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: May 16, 2001.

Jack W. McGraw,

Acting Regional Administrator,Region VIII.

[FR Doc. 01–15028 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0058b, CO–001–0059b; FRL–6989–2]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Telluride and Pagosa Springs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to take direct final action to approve a State Implementation Plan (SIP) revision submitted by the State of Colorado on May 10, 2000, for the purpose of redesignating the Telluride, Colorado and Pagosa Springs, Colorado areas from nonattainment to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10) under the 1987 standards. The Colorado Air Pollution Control Division's (Colorado) submittal, among other things, documents that the Telluride and Pagosa Springs areas have attained the PM10 national ambient air quality standards (NAAQS), requests redesignation to attainment, and includes maintenance plans for the areas demonstrating maintenance of the PM10 NAAQS for ten years. EPA is approving these redesignation requests and maintenance plans because Colorado has met the applicable requirements of the Clean Air Act (CAA), as amended. Subsequent to this approval, the Telluride and Pagosa Springs areas will be designated attainment for the PM10 NAAQS. This action is being taken under sections 107, 110, and 175A of the Clean Air Act. In

the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. 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 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.

DATES: Comments must be received in writing on or before July 16, 2001.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the State documents relevant to this action are available for public inspection at the Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222–1530.

FOR FURTHER INFORMATION CONTACT: Megan Williams, EPA, Region VIII, (303) 312–6431.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: May 1, 2001

Jack W. McGraw,

Acting Regional Administrator,Region VIII.

[FR Doc. 01–15030 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Docket #: WA–01–002; FRL–6997–1]

Finding of Attainment for Carbon Monoxide; Spokane CO Nonattainment Area, Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rule.

SUMMARY: EPA is proposing to find that the Spokane nonattainment area in Washington has attained the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) as of December 31, 2000.

DATES: Written comments must be received on or before July 16, 2001.

ADDRESSES: Written comments should be mailed to Christi Lee, Office of Air Quality, Mailcode OAQ–107, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of documents relevant to this action are available for public review during normal business hours (8 a.m. to 4:30 p.m.) at this same address.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Office of Air Quality Mail Code OAQ–107, EPA Region 10, 1200 Sixth Avenue, Seattle Washington, 98101, (360) 753–9079.

SUPPLEMENTARY INFORMATION: Throughout this document, the words ''we,'' ''us,'' or ''our'' means the Environmental Protection Agency (EPA).

Table of Contents

I. Background
A. Designation and Classification of CO Nonattainment Areas.
B. How Does EPA Make Attainment Determinations?
C. What Is the Attainment Date for the Spokane CO Nonattainment Area?
II. EPA's Proposed Action
III. Basis for EPA's Action
IV. Administrative Requirements

I. Background

A. Designation and Classification of CO Nonattainment Areas

The Clean Air Act (CAA) Amendments of 1990 authorized EPA to designate areas across the country as nonattainment, and to classify these areas according to the severity of the air pollution problem. Pursuant to section 107(d) of the CAA, following enactment on November 15, 1990, States were requested to submit lists, within 120 days, which designated all areas of the country as either attainment, nonattainment, or unclassifiable for CO. The EPA was required to promulgate these lists of areas no later than 240 days following enactment of the CAA Amendments (see 56 FR 56694, (November 6, 1991)).

On enactment of the CAA Amendments, a new classification structure was created for CO nonattainment areas, pursuant to section 186 of the CAA, which included both a moderate and a serious area classification. Under this classification structure, moderate areas with a design value of 9.1–16.4 ppm, were expected to attain the CO NAAQS as expeditiously as practicable, but no later than December 31, 1995. CO nonattainment areas designated as serious, with a design value of 16.5 ppm and above, were expected to attain the CO NAAQS as expeditiously as practicable, but no later than December 31, 2000.

States containing areas designated as either moderate or serious for CO had the responsibility of developing and submitting to EPA State Implementation Plans (SIPs) which addressed the nonattainment air quality problems in those areas. The EPA issued general guidance concerning the requirements for SIP submittals, which included requirements for CO nonattainment area SIPs, pursuant to Title I of the CAA (see generally, 57 FR 13498 (April 16, 1992), and 57 FR 18070 (April 28, 1992)). The air quality planning requirements for moderate and serious CO nonattainment areas are addressed in sections 186–187 respectively of the CAA, which pertain to the classification of CO nonattainment areas, as well as to the requirements for the submittal of both moderate and serious area SIPs.

The EPA has the responsibility for determining whether a nonattainment area has attained the CO NAAQS by the applicable attainment date [1]. In this case the EPA is required to make determinations concerning whether serious CO nonattainment areas attained the NAAQS by their December 31, 2000 attainment date. Pursuant to the CAA, the EPA is required to make attainment determinations for these areas by June 30, 2001, no later than 6 months following the attainment date for the areas. Therefore, this action is being taken to make a determination of attainment for a serious CO nonattainment area with a December 31, 2000 attainment date.

[1] See sections 179(c) and 186(b)(2) of the CAA Amendments.

B. How Does EPA Make Attainment Determinations?

Section 179(c)(1) of the CAA provides that attainment determinations are to be based upon an area's ''air quality as of the attainment date, and section 186(b)(2) is consistent with this requirement.'' EPA will make the determination as to whether an area's air quality is meeting the CO NAAQS based upon air quality data gathered at CO monitoring sites in the nonattainment area which has been entered into the Aerometric Information Retrieval System (AIRS). This data is reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR 50.8, and in accordance with EPA policy and guidance as stated in a memorandum from William G. Laxton, Director Technical Support Division, entitled ''Ozone and Carbon Monoxide Design Value Calculations,'' dated June 18, 1990.

The 8-hour CO design value is used to determine attainment of CO areas, and is computed by first finding the maximum and second maximum (non-overlapping) 8-hour values at a monitoring site for the most recent 2 years of air quality data. Then the maximum value of the second high values is used as the design value for the monitoring site. The CO NAAQS requires that not more than one 8-hour average per year can exceed 9.0 ppm (greater than or equal to 9.5 ppm to adjust for rounding) at a monitoring site. CO attainment is evaluated and determined by reviewing 8 quarters of data, or a total of 2 complete calendar years of data for an area. If an area has a design value that is greater than 9.0 ppm, this means that a monitoring site in the area, where the second highest (non-overlapping) 8-hour average was measured, was greater than 9.0 ppm in at least 1 of the 2 years being reviewed to determine attainment for the area. When at least two values were measured above the NAAQS for CO at a monitoring site, the standard was not met in the area.

C. What Is the Attainment Date for the Spokane CO Nonattainment Area?

As stated above, the Spokane CO nonattainment area was designated nonattainment for CO by operation of law upon enactment of the CAA Amendments of 1990. Under 186(a) of the CAA, each CO area designated nonattainment was also classified by operation of law as either ''moderate'' or ''serious'' depending on the severity of the area's air quality problem. States containing areas that were classified as moderate nonattainment were required to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 1995. On April 13, 1998, EPA made a finding that Spokane did not attain the CO NAAQS by the December 31, 1995 attainment date for the moderate nonattainment area (63 FR 12007, dated March 12, 1998). This finding is based on EPA's review of monitored air quality data for compliance with the CO NAAQS. As a result of this finding the Spokane CO nonattainment area was reclassified as a serious CO nonattainment area by operation of law. As a result of this reclassification, the State was to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 2000, the CAA attainment date for serious areas.

II. EPA's Proposed Action

EPA is, by today's action, making the determination that the Spokane serious CO nonattainment area did attain the CO NAAQS by its attainment date of December 31, 2000. As explained below, Spokane remains classified a serious CO nonattainment area and today's action does not redesignate Spokane to attainment

III. Basis for EPA's Action

Washington has four CO monitoring sites in the Spokane CO nonattainment area. The air quality data in AIRS for these monitors show that, for the 2-year period from 1999 through 2000, there were no violations of the 8-hour CO standard. The highest 8-hour CO design value recorded during this 2-year period was 5.7 ppm which was measured at the Hamilton Street monitoring site in 1999. Based on this information, EPA has determined that the area attained the CO NAAQS standard as of the attainment date of December 31, 2000.

In summary, EPA proposes to find that the Spokane CO nonattainment area attained the CO NAAQS as of the attainment date of December 31, 2000. If we finalize this proposal, consistent with CAA section 188, the area will remain a serious CO nonattainment area with the additional planning requirements that apply to serious CO nonattainment areas. This proposed finding of attainment should not be confused with a redesignation to attainment under CAA section 107(d). Washington has not submitted a maintenance plan as required under section 175A(a) of the CAA or met the other CAA requirements for redesignation to attainment. The designation status in 40 CFR part 81 will remain serious nonattainment for the Spokane CO nonattainment area until such time as EPA finds that Washington has met the CAA requirements for redesignations to attainment.

We are soliciting public comments on EPA's proposal to find that the Spokane CO nonattainment area has attained the CO NAAQS as of the December 31, 2000, attainment date. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking process by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

IV. 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 makes a determination based on air quality data and does not impose any requirements. 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 proposed rule does not impose any enforceable duty, 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 proposed 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 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 makes a determination based on air quality data 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.

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 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. 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, Carbon monoxide, National parks, Reporting and recordkeeping requirements, Wilderness areas.

Dated: June 4, 2001.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

[FR Doc. 01–15148 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 66, No. 116

Friday, June 15, 2001

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

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

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

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 16, 2001.

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

FOR FURTHER INFORMATION CONTACT: Patrick T. Mooney (703) 603–7740.

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

Additions

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

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

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

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services:

Base Supply Center

At the following locations:

Naval Support Activity, Philadelphia, Pennsylvania

Naval Support Activity, Mechanicsburg, PA
NPA: L.C. Industries For The Blind, Inc., Durham, North Carolina
Janitorial/Custodial, U.S. Army Reserve Center, Auburn, Maine
NPA: Northern New England Employment Services, Portland, Maine
Janitorial/Custodial, U.S. Army Reserve Center, Lewiston, Maine
NPA: Northern New England Employment Services, Portland, Maine
Janitorial/Custodial, U.S. Army Reserve Center, Saco, Maine
NPA: Northern New England Employment Services, Portland, Maine
Microfilming of the 2000 Census Images, U.S. Bureau of the Census, Washington, DC
NPA: AccessAbility, Inc., Minneapolis, Minnesota

Deletions:

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

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the services proposed for deletion from the Procurement List.

The following commodities are proposed for deletion from the Procurement List:

Commodities

Strap, Webbing
5340–00–939–7062
5340–01–396–2266
5340–01–219–2887
5340–01–139–3197
5340–00–001–1266
5340–01–147–3366
Mophead, Wet
7920–00–926–5497

Louis R. Bartalot,
Director, Program Analysis and Evaluation.

[FR Doc. 01–15139 Filed 6–14–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

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

ACTION: Additions to the Procurement List.

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

EFFECTIVE DATE: July 16, 2001.

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

FOR FURTHER INFORMATION CONTACT: Patrick T. Mooney (703) 603–7740.

SUPPLEMENTARY INFORMATION: On April 13, 20 and 27, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 19136, 20234 and 21118) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions

on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

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

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

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

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

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

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

SERVICES

Janitorial/Custodial, Buckley Air Force Base, Colorado

Janitorial/Custodial, Bureau of Land Management, 1340 Financial Blvd, Reno, Nevada

Janitorial/Custodial, Portsmouth Naval Hospital, Administrative Buildings, Portsmouth, Virginia

Janitorial/Grounds Maintenance, Glenn M. Anderson Federal Building, Long Beach, California

Recycling Service, Fort Dix, New Jersey

Vehicle Operation and Maintenance, Travis Air Force Base, California

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

Louis R. Bartalot,

Director, Program Analysis and Evaluation.

[FR Doc. 01–15140 Filed 6–14–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition; Correction

In the document appearing on page 22516, FR Doc. 01–11304, in the issue of May 4, 2001, in the first and second column the Committee published a notice of proposed addition to the Procurement List of, among other things, Flag, National, Interment, National Stock Number (NSN) 8345–00–656–1432, (An additional 20% of the Government requirement or 360,000 flags, whichever is greater). This notice is amended to delete the additional flag requirement, which is being withdrawn from consideration for addition to the Procurement List.

Louis R. Bartalot,

Director, Program Analysis and Evaluation.

[FR Doc. 01–15141 Filed 6–14–01; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 29–2000]

Proposed Subzone Status—Archer Daniels Midland, Inc. (Natural Vitamin E) Decatur, IL; Amendment of Application

Notice is hereby given that the application of the Decatur Park District, grantee of Foreign-Trade Zone 245, for special-purpose subzone status for the natural Vitamin E manufacturing facility of Archer Daniels Midland, Inc. (ADM) in Decatur, Illinois (Doc. 29–2000, 65 F.R. 39123, 6/23/2000), has been amended to add a second site (33.74 acres) in Decatur. This additional site is located at 2311 N. 22nd Street. The application otherwise remains unchanged.

The commend period is reopened until July 5, 2001. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below.

A copy of the application and the amendment and accompanying exhibits are available for public inspection at the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Airport Administration Office, Decatur Airport, 910 Airport Road, Decatur, IL 62521

Dated: June 6, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15076 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 23–2001]

Foreign-Trade Zone 29—Louisville, KY, Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Louisville and Jefferson County Riverport Authority, grantee of Foreign-Trade Zone 29, requesting authority to expand FTZ 29, Louisville, Kentucky, adjacent to the Louisville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 7, 2001.

FTZ 29 was approved on May 26, 1977 (Board Order 118, 42 FR 29323, 6/8/77), and expanded on January 31, 1989 (Board Order 429, 54 FR 5992, 2/7/89); December 15, 1997 (Board Order 941, 62 FR 67044, 12/23/97); July 17, 1998 (Board Order 995, 63 FR 40878, 7/31/98); and December 11, 2000 (Board Order 1133, 65 FR 79802, 12/20/00). The zone project currently consists of five sites in the Louisville, Kentucky area: *Site 1* (1,675 acres)—located within the Riverport Industrial Complex; *Site 2* (593 acres)—located at the junction of Gene Snyder Freeway and La Grange Road in eastern Jefferson County; *Site 3* (142 acres)—U.S. Navy Ordnance Facility, 5403 Southside Drive, Louisville; *Site 4* (2,311 acres)—Louisville International Airport and three airport-related parcels; and, *Site 5* (70 acres)—the Ashland Inc. Tank Farm and pipelines, 4510 Algonquin Parkway, Louisville, which supplies part of the airport's fuel system.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site (316 acres) in Bullitt County: *Proposed Site 6* (316 acres)—Cedar Grove Business Park, on Highway 480, near Interstate 65, Bullitt County. The site is owned by the Salt River Development Company, LLC. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address

below. The closing period for their receipt is August 14, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 29, 2001).

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 601 W. Broadway, Room 634B, Louisville, Kentucky 40202

Office of the Executive Secretary, Foreign-Trade Zone Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue, N.W., Washington, DC 20230

Dated: June 7, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15075 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 48–2000]

Proposed Subzone Status—Komatsu America International Co. (Construction Equipment) Chattanooga, TN; Amendment of Application

Notice is hereby given that the application of the Chattanooga Chamber Foundation, grantee of Foreign-Trade Zone 134, for special-purpose subzone status for the manufacturing facilities (construction equipment) of Komatsu America International Company in Chattanooga, Tennessee (Doc. 48–2000, 65 FR 50178, 8/17/2000), has been amended to add a second site (100,000 sq. ft.) in Chattanooga. The additional site is located at 1408 Hamill Street. The application otherwise remains unchanged.

The comment period is reopened until July 5, 2001. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below.

A copy of the application and the amendment and accompanying exhibits are available for public inspection at the following locations:

Office of the Executive Secretary, Foreign-Trade Zone Board, U.S. Department of Commerce, Room 4008, 14th & Pennsylvania Avenue, NW,Washington, DC 20230.

U.S. Department of Commerce Export Assistance Center, 601 West Summit Hill Drive, Suite 300, Knoxville, TN 37902.

Dated: June 6, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15077 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–807]

Postponement of Final Determination for Antidumping Duty Investigation: Certain Hot-Rolled Carbon Steel Flat Products From the Netherlands

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

ACTION: Notice of Postponement of Final Antidumping Duty Determination of certain hot-rolled carbon steel flat products from the Netherlands.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the final determination in the antidumping duty investigation of certain hot-rolled carbon steel flat products from the Netherlands.

EFFECTIVE DATE: June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Melissa A. Blackledge at 202–482–3518, Stephanie Arthur at 202–482–6312, or Robert James at 202–482–0649, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

Applicable Statute and Regulations

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

Postponement of Final Determination and Extension of Provisional Measures

On May 3, 2001, the Department published the affirmative preliminary determination for the investigation of certain hot-rolled carbon steel flat products from the Netherlands. See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands, 66 FR 22146 (May 3, 2001). Pursuant to section 735(a)(2) of the Tariff Act and section 351.210(b)(2)(ii) of the Department's regulations, on May 22, 2001, respondent the Corus Group plc. (Corus) requested that the Department extend the final determination for the full sixty days as permitted by the statute and regulations, and extend provisional measures (i.e., suspension of liquidation) from a four-month period to a period not to exceed six months, pursuant to 19 CFR 351.210(e)(2).

Section 735(a)(2) of the Tariff Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by petitioner. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months.

In accordance with 19 CFR 351.210(b)(2)(ii), because (1) our preliminary determination is affirmative, (2) the respondent requesting a postponement accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting Corus' request and are postponing the final determination to no later than September 15, 2001, which is 135 days after the publication of the preliminary determination in the **Federal Register**. Suspension of liquidation will be extended accordingly.

This notice of postponement is published pursuant to 19 CFR 351.210(b)(2).

Dated: June 4, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–15167 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural

Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 01–012. *Applicant:* Rutgers University, Department of Physics and Astronomy, 136 Frelinghuysen Road, Piscataway, NJ 08854–8019. *Instrument:* Floating-Zone Optical Furnace, Model FZ–T–10000–H–VI–VP. *Manufacturer:* Crystal Systems, Inc., Japan. *Intended Use:* The instrument is intended to be used to grow oxide single crystals such as (La,Ca)$MnOq_3$, $SrTiO_3$, $CuGeO_3$, and La_2CuO_4 to investigate new magnetic and electronic ground states using the floating-zone crystal growth technique. *Application accepted by Commissioner of Customs:* May 9, 2001.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–15074 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of Public Meeting of the National Conference on Weights and Measures

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the annual meeting of the National Conference on Weights and Measures will be held July 22 through July 26, 2001, at the Grand Hyatt Hotel, Washington, DC. The meeting is open to the public. The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States, private sector representatives. The annual meeting of the Conference brings together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that relate to the field of weights an measures technology and administration. Pursuant to (15 U.S.C. 271(b)(6)), the National Institute of Standards and Technology supports the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

DATES: The meeting will be held July 22–July 26, 2001.

ADDRESSES: The meeting will be held at the Grand Hyatt Hotel, 1000 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Henry V. Oppermann, Chief, NIST, Office of Weights and Measures, 100 Bureau Drive, Stop 2350, Gaithersburg, MD 20899–2350. Telephone (301) 975–4004, or E-mail owm@nist.gov.

Karen H. Brown,

Acting Director.

[FR Doc. 01–15078 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Call for Applications for Native Hawaiian Representative to the Coral Reef Ecosystem Reserve Council for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: On December 4, 2000, Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve). The Executive Order requires the Secretary of Commerce or his or her designee (hereafter Secretary) to establish a Coral Reef Ecosystem Reserve Council (Reserve Council) to provide advice and recommendations on the development of the Reserve Operations Plan and the designation and management of a Northwestern Hawaiian Islands National Marine Sanctuary by the Secretary. The Secretary, through the Office of National Marine Sanctuaries (ONMS), established the Reserve Council and is now seeking applicants for one Native Hawaiian representative seat on the Reserve Council. Previous applicants and current Alternate Council Representatives interested in serving as a full Council member must reapply specifically for this seat in order to be considered in the competitive pool.

DATES: Completed applications must be received by July 16, 2000.

ADDRESSES: Application kits may be obtained from Robert Smith or ‘Aulani Wilhelm, Northwest Hawaiian Islands Coral Reef Ecosystem Reserve, National Ocean Service, P.O. Box 43, Hawaii National Park, Hawaii 96718–0043, or online at: http://hawaiireef.noaa.gov.

Completed applications should be sent to the same address as above.

FOR FURTHER INFORMATION CONTACT: ‘Aulani Wilhelm at (808) 295–1234, or aulani.wilhelm@noaa.gov, or visit the web site at: http://hawaiireef.noaa.gov.

SUPPLEMENTARY INFORMATION: On December 4, 2000, Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, pursuant to language contained in the National Marine Sanctuaries Amendments Act of 2000. The Reserve encompasses an area of the marine waters and submerged lands of the Northwestern Hawaiian Islands, extending approximately 1200 nautical miles long and 100 nautical miles wide. The Reserve is adjacent to and seaward of the seaward boundary of Hawaii State waters and submerged lands and the Midway Atoll National Wildlife Refuge, and includes the Hawaiian Islands National Wildlife Refuge to the extent it extends beyond Hawaii State waters and submerged lands. The Reserve will be managed by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act and the Executive Order. The Secretary has also initiated the process to designate the Reserve as a National Marine Sanctuary. The management principles and implementation strategy and requirements for the Reserve are found in the Executive Order, which is part of the application kit and can be found on the web site listed above.

In designating the Reserve, the Secretary of Commerce was directed to establish a Coral Reef Ecosystem Reserve Council, pursuant to section 315 of the National Marine Sanctuaries Act, to provide advice and recommendations on the development of the Reserve Operations Plan and the designation and management of a Northwestern Hawaiian Islands National Marine Sanctuary by the

Secretary. The ONMS has established the Reserve Council and is now accepting applications from interested individuals to fill one vacant Native Hawaiian representative position on the Council. The Council is comprised of:

1. Three Native Hawaiian representatives, including one Native Hawaiian elder, with experience or knowledge regarding Native Hawaiian subsistence, cultural, religious, or other activities in the Northwestern Hawaiian Islands.

2. Three representatives from the non-Federal science community with experience specific to the Northwestern Hawaiian Islands and with expertise in at least one of the following areas:

A. Marine mammal science.

B. Coral reef ecology.

C. Native marine flora and fauna of the Hawaiian Islands.

D. Oceanography.

E. Any other scientific discipline the Secretary determines to be appropriate.

3. Three representatives from non-governmental wildlife/marine life, environmental, and/or conservation organizations.

4. One representative from the commercial fishing industry that conducts activities in the Northwestern Hawaiian Islands.

5. One representative from the recreational fishing industry that conducts activities in the Northwestern Hawaiian Islands.

6. One representative from the ocean-related tourism industry.

7. One representative from the non-Federal community with experience in education and outreach regarding marine conversation issues.

8. One citizen-at-large representative.

The Reserve Council also includes one representative from the State of Hawaii (and an alternate as appropriate) as appointed by the Governor; the manager of the Hawaiian Islands Humpback Whale National Marine Sanctuary as a non-voting member; and one representative each, as non-voting members, from the Department of the Interior, Department of State, National Marine Fisheries Service, Marine Mammal Commission, U.S. Coast Guard, Department of Defense, National Science Foundation, National Ocean Service, and the Western Pacific Regional Fishery Management Council. The non-voting representatives and their alternates are chosen by the agencies and other entities which they represent on the Council. The charter for the Council can be found in the application kit, or on the web site listed above.

Selections to the Council will be made based upon candidates' particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; and philosophy regarding the conservation and management of marine resources. Persons who are interested in applying for membership on the Council may obtain an application from either the person or website identified above. Completed applications must be sent to the address listed above and must be received by July 16, 2001.

Authority: 16 U.S.C. Section 1431 et seq.; Pub. L. 106–513.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 11, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Oceans and Coastal Zone Management.

[FR Doc. 01–15103 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060601C]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

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

DATES: The meeting will held on Friday, June 29, 2001, at 10 a.m.

ADDRESSES: The meeting will be held at the Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

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

SUPPLEMENTARY INFORMATION: The Committee will hear and discuss a preliminary report on the social and economic aspects and available information for the red crab fishing industry. The Committee will hear and discuss a report from the Plan Development Team on progress on the development of the Red Crab Fishery Management Plan (FMP). The Committee will discuss and develop specific management alternatives for the Red Crab FMP.

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

Special Accommodations

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

Dated: June 12, 2001.

Richard W. Surdi,

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

[FR Doc. 01–15196 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

AGENCY: United States Patent and Trademark Office (USPTO).

The United States Patent and Trademark Office (USPTO) 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).

Title: Initial Patent Application (Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications).

Form Numbers: PTO/SB/01/01A/02A/02B/02C/03/03A/04/05/06/07/13PCT/17/18/19/29/29A/101/102/103/104/105/106/107/108/109/110.

Agency Approval Number: 0651–0032.

Type of Request: Revision of a currently approved collection.

Burden: 2,984,360 hours per year.

Number of Respondents: 319,350 responses per year.

Avg. Hours Per Response: The USPTO estimates that it takes an average of 24 minutes to gather, prepare, and submit a Continued Prosecution Application. This is in contrast to the 12 minutes that

the USPTO estimates that it takes the public to gather, prepare, and submit a Request for Continued Examination. If the proposed rule to eliminate the Continued Prosecution Application in favor of the Request for Continued Examination for utility and plant applications is approved, fewer Continued Prosecution Applications will be submitted per year. The USPTO estimates that the elimination of the Continued Prosecution Applications in the case of utility and plant applications will decrease the burden associated with the continued examination of applications by 5,900 hours.

Needs and Uses: This collection of information is required by 35 U.S.C. 131 and 37 CFR 1.16 through 1.84. An applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the requirements outlined in the patent statutes and regulations. The American Inventors Protection Act of 1999 amended 35 U.S.C. 132 to provide that the USPTO may prescribe regulations for the continued examination of applications (for a fee) at the request of the applicant. As a result of the American Inventors Protection Act of 1999, the USPTO implemented a new practice called a Request for Continued Examination as an alternative to the existing Continued Prosecution Application practice. Applicants can request the continued examination of a previously submitted utility or plant application, instead of submitting a Continued Prosecution Application. The USPTO is proposing to eliminate the use of Continued Prosecution Applications in the case of utility and plant applications. Applicants will continue to use Continued Prosecution Applications to request additional examination of a previously submitted design application. The USPTO will continue to use the Continued Prosecution Applications to process and initiate the additional examination of a previously submitted design application.

Affected Public: Individuals or households, businesses or other for-profit, not-for-profit institutions, farms, Federal government, and state, local or tribal government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

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

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Data Administration Division, Office of Data Management, United States Patent and Trademark Office, Crystal Park 3, 3rd Floor, Suite 310, Washington, D.C. 20231, by phone at (703) 308–7400, or via the Internet at susan.brown@uspto.gov.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to David Rostker, OMB Desk Officer, Room 10236, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20503.

Dated: June 8, 2001.

Susan K. Brown,

Records Officer, Data Administration Division, Office of Data Management.

[FR Doc. 01–15094 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) 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: United States Patent and Trademark Office (USPTO).

Title: Patent Processing (Updating) (Proposed Amendment to Requests for Continuing Examination and Forms for Reconstruction of Unlocatable Files, Request for Oral Appeal Hearing, and Request for Deferral of Examination).

Form Numbers: PTO/SB/08A/08B/21/22/23/24/25/26/27/30/31/35/36/42/43/61/ 61PCT/62/63/64/64PCT/67/68/91/92/96/97 and the proposed addition of PTO/SB/32/37 and PTO–2053–A/B, PTO–2054–A/B, and PTO–2055–A/B.

Agency Approval Number: 0651–0031.

Type of Request: Revision of a currently approved collection.

Burden: 1,021,941 hours.

Number of Respondents: 2,247,389 responses.

Avg. Hours Per Response: The USPTO estimates that it will take the public approximately 12 minutes to gather information, prepare, and submit a Request for Continued Examination, a Request for an Oral Hearing before the Board of Patent Appeals and Interferences, or a Request for Deferral of Examination. The new forms associated with the reconstruction of unlocatable files will not affect the burden for this collection.

Needs and Uses: This collection of information supports a proposed rulemaking entitled ''Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications,'' which will eliminate the Continued Prosecution Application (CPA) in favor of the Request for Continued Examination (RCE) practice for utility and plant applications. The USPTO is retaining the current CPA practice for design applications only. Additionally, the USPTO is adding five new forms to this collection pertaining to the reconstruction of unlocatable patent and application files, the request for an oral hearing before the Board of Patent Appeals and Interferences, and the request for deferral of examination of a non-reissue utility or plant application. The public uses the forms in this collection to request continued examination of a previously submitted application, to assist the USPTO in reconstructing a current copy of a missing patent or application file, to file a written request for an oral hearing ''in a separate paper'' before the Board of Patent Appeals and Interferences, and to request deferred examination of a patent application for up to three years from the earliest filing date for which a benefit is claimed. The USPTO uses the information collected from the public to process and initiate continued examination of a previously submitted application, to notify an applicant or patent owner that an application or patent file is unlocatable and to request a copy of the applicant's or patentee's record of the application or patent file, and to process and consider requests for oral hearings before the Board of Patent Appeals and Interferences and requests for deferral of examination.

Affected Public: Individuals or households, businesses or other for-profits, not-for-profit institutions, farms, the Federal Government, and state, local or tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

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

Copies of the above information collection proposal can be obtained by calling or writing Susan Brown, Records Officer, Data Administration Division, Office of Data Management, United States Patent and Trademark Office, Crystal Park 3, 3rd Floor, Suite 310, Washington, D.C., 20231, by phone at (703) 308–7400, or via the Internet at susan.brown@uspto.gov.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to David

Rostker, OMB Desk Officer, Room 10236, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20503.

Dated: June , 2001.

Susan K. Brown,

Records Officer, Data Administration Division, Office of Data Management.

[FR Doc. 01–15095 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

June 11, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for carryover, carryforward, swing, special shift, crochet adjustment and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69742, published on November 20, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 11, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on June 15, 2001, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
237	2,321,627 dozen.
331/631	8,211,812 dozen pairs.
333/334	367,932 dozen of which not more than 51,377 dozen shall be in Category 333.
335	225,387 dozen.
336	1,127,427 dozen.
338/339	3,208,213 dozen.
340/640	1,420,957 dozen.
341/641	1,134,850 dozen.
342/642	824,717 dozen.
345	267,433 dozen.
347/348	3,403,099 dozen.
350	177,594 dozen.
351/651	939,503 dozen.
352/652	3,647,511 dozen.
359–C/659–C [2]	956,698 kilograms.
361	2,624,278 numbers.
369–S [3]	898 kilograms.
431	197,705 dozen pairs.
433	3,930 dozen.
443	47,533 numbers.
445/446	35,628 dozen.
447	9,695 dozen.
611	2,019,565 square meters.
633	71,006 dozen.
634	750,301 dozen.
635	484,301 dozen.
636	2,144,167 dozen.
638/639	2,739,721 dozen.
643	593,986 numbers.
645/646	985,192 dozen.
647/648	1,788,768 dozen.
649	7,692,578 dozen.
650	163,250 dozen.
659–H [4]	2,020,530 kilograms.
847	524,482 dozen.
Group II	
200–227, 300–326, 332, 359–O [5], 360, 362, 363, 369–O [6], 400–414, 434–438, 440, 442, 444, 448, 459pt. [7], 464, 469pt. [8], 600–607, 613–629, 644, 659–O [9], 666, 669–O [10], 670–O [11], 831, 833–838, 840–846, 850–858 and 859pt. [12], as a group.	254,572,161 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–S: only HTS number 6307.10.2005.

[4] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[5] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); and 6406.99.1550 (359pt.).

[6] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[7] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[8] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[9] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6406.99.1510 and 6406.99.1540 (Category 659pt.).

[10] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040 (Category 669pt.).

[11] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670–L).

[12] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–15131 Filed 6–14–01; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0045]

Federal Acquisition Regulation; Proposed Collection; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0045).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Beverly Cromer, Acquisition Policy Division, GSA (202) 208–6750.

SUPPLEMENTARY INFORMATION:

A. Purpose

These regulations implement the statutory requirements of the Miller Act (40 U.S.C. 270a-270e), which requires performance and payment bonds for any construction contract exceeding $100,000, unless it is impracticable to require bonds for work performed in a foreign country, or it is otherwise authorized by law. In addition, the regulations implement the note to 40 U.S.C. 270a, entitled ''Alternatives to Payment Bonds Provided by the Federal Acquisition Regulation,'' which requires alternative payment protection for construction contracts that exceed $25,000 but do not exceed $100,000. Although not required by statute, under certain circumstances the FAR permits the Government to require bonds on other than construction contracts.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: *11,304.*
Responses Per Respondent: *5.*
Total Responses: *56,520.*
Hours Per Response: *.42.*
Total Burden Hours: *23,738.*

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0045, Bid, Performance, and Payment Bonds, in all correspondence.

Dated: May 30, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–15182 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0029]

Federal Acquisition Regulation; Proposed Collection; Extraordinary Contractual Action Requests

AGENCIES: Department of Defense (DOD), General ServicesAdministration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0029).

SUMMARY: Under the provisions of the Paperwork ReductionAct of 1995 (44 U.S.C. Chapter 35), the Federal AcquisitionRegulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Extraordinary Contractual Action Requests. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Beverly Cromer, AcquisitionPolicy Division, GSA (202) 208–6750.

SUPPLEMENTARY INFORMATION:

A. Purpose

This request covers the collection of information as a first step under Public Law 85–804, as amended by Public Law 93–155 and Executive Order 10789 dated November 14, 1958, that allows contracts to be entered into, amended, or modified in order to facilitate national defense. In order for a firm to be granted relief under the Act, specific evidence must be submitted which supports the firm's assertion that relief is appropriate and that the matter cannot be disposed of under the terms of the contract.

The information is used by the Government to determine if relief can be granted under the Act and to determine the appropriate type and amount of relief.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:
Respondents: *100.*
Responses Per Respondent: *1.*
Total Responses: *100.*
Hours Per Response: *16.*
Total Burden Hours: *1,600.*

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0029, Extraordinary Contractual Action Requests, in all correspondence.

Dated: May 29, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–15183 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0027]

Federal Acquisition Regulation; Proposed Collection; Value Engineering Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0027).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Value Engineering Requirements. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Cecelia Davis, AcquisitionPolicy Division, GSA, (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

Value engineering is the technique by which contractors (1) voluntarily suggest methods for performing more economically and share in any resulting savings or (2) are required to establish a program to identify and submit to the Government methods for performing more economically. These recommendations are submitted to the Government as value engineering change proposals (VECP's) and they must include specific information. This information is needed to enable the Government to evaluate the VECP and, if accepted, to arrange for an equitable sharing plan.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:
Respondents: *400.*
Responses Per Respondent: *4.*
Total Responses: *1,600.*
Hours Per Response: *30.*
Total Burden Hours: *48,000.*

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0027, Value Engineering Requirements, in all correspondence.

Dated: June 1, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–15184 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0001]

Federal Acquisition Regulation; Proposed Collection; Standard Form 28, Affidavit of Individual Surety

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0001).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Standard Form 28, Affidavit of Individual Surety. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–0001, Standard Form 28, Affidavit of Individual Surety, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Beverly Cromer, Acquisition Policy Division, GSA (202) 208–6750.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Affidavit of Individual Surety (Standard Form (SF) 28) is used by all executive agencies, including the Department of Defense, to obtain information from individuals wishing to serve as sureties to Government bonds. To qualify as a surety on a Government bond, the individual must show a net worth not less than the penal amount of the bond on the SF 28. It is an elective decision on the part of the maker to use individual sureties instead of other available sources of surety or sureties for Government bonds. We are not aware if other formats exist for the collection of this information.

The information on SF 28 is used to assist the contracting officer in determining the acceptability of individuals proposed as sureties.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: *500.*

Responses Per Respondent: *1.43.*

Total Responses: *715.*

Hours Per Response: *.4.*

Total Burden Hours: *286.*

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0001, Standard Form 28, Affidavit of Individual Surety, in all correspondence.

Dated: May 29, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–15185 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0022]

Federal Acquisition Regulation; Proposed Collection; Customs and Duties

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0022).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Customs and Duties. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Cecelia Davis, Acquisition Policy Division, GSA (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

United States laws impose duties on foreign supplies imported into the customs territory of the United States. Certain exemptions from these duties are available to Government agencies. These exemptions are used whenever the anticipated savings outweigh the administrative costs associated with processing required documentation. When a Government contractor purchases foreign supplies, it must notify the contracting officer to determine whether the supplies should be duty-free. In addition, all shipping documents and containers must specify certain information to assure the duty-free entry of the supplies.

The contracting officer analyzes the information submitted by the contractor to determine whether or not supplies should enter the country duty-free. The information, the contracting officer's determination, and the U.S. Customs forms are placed in the contract file.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: *1,330.*

Responses Per Respondent: *10.*

Total Responses: *13,300.*

Hours Per Response: *.5.*

Total Burden Hours: *6,650.*

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0022, Customs and Duties, in all correspondence.

Dated: June 1, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–15186 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0095]

Federal Acquisition Regulation; Proposed Collection; Commerce Patent Regulations

AGENCIES: Department of Defense (DOD), General ServicesAdministration (GSA), and National Aeronautics and SpaceAdministration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0095).

SUMMARY: Under the provisions of the Paperwork ReductionAct of 1995 (44

U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Commerce Patent Regulations, Public Law 98–620. The clearance currently expires on August 31, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Acquisition Policy Division, GSA (202) 501–4764.

SUPPLEMENTARY INFORMATION:

A. Purpose

As a result of the Department of Commerce (Commerce) publishing a final rule in the **Federal Register** implementing Public Law 98–620 (52 FR 8552, March 18, 1987), a revision to FAR Subpart 27.3 to implement the Commerce regulation was published in the **Federal Register** as an interim rule on June 12, 1989 (54 FR 25060).

A Government contractor must report all subject inventions to the contracting officer, submit a disclosure of the invention, and identify any publication, or sale, or public use of the invention (52.227–11(c), 52.228–12(c), and 52.227–13(e)(2)). Contractors are required to submit periodic or interim and final reports listing subject inventions (27.303(a); 27.304–1(e)(1)(i) and (ii); 27.304–1(e)(2)(i) and (ii); 52.227–12(f)(7); 52.227–14(e)(3)). In order to ensure that subject inventions are reported, the contractor is required to establish and maintain effective procedures for identifying and disclosing subject inventions (52.227–11, Alternate IV; 52.227–12(f)(5); 52.227–13(e)(1)). In addition, the contractor must require his employees, by written agreements, to disclose subject inventions (52.227–11(f)(2); 52.227–12(f)(2); 52.227–13(e)(4)). The contractor also has an obligation to utilize the subject invention, and agree to report, upon request, the utilization or efforts to utilize the subject invention (27.302(e); 52.227–11(h); 52.227–12 (h)).

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: *1,200.*
Responses Per Respondent: *9.75.*
Total Responses: *11,700.*
Hours Per Response: *3.9;*
Total Burden Hours: *45,630.*

Obtaining Copies or Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0095, Commerce Patent Regulations, in all correspondence.

Dated: May 29, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–15187 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0113]

Federal Acquisition Regulation; Proposed Collection; Acquisition of Helium

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0113).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Acquisition of Helium. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2001.

ADDRESSES: Submit comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW.,Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Linda Nelson, Federal Acquisition Policy Division, GSA (202) 501–1900.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Helium Act (Pub. L. 86–777) (50 U.S.C. 167a, *et seq.*) and the Department of the Interior's implementing regulations (30 CFR parts 601 and 602) require Federal agencies to procure all major helium requirements from the Bureau of Land Management, Department of the Interior.

The FAR requires offerors responding to contract solicitations to provide information as to their forecast of helium required for performance of the contract. Such information will facilitate enforcement of the requirements of the Helium Act and the contractual provisions requiring the use of Government helium by agency contractors, in that it will permit corrective action to be taken if the Bureau of Land Management, after comparing helium sales data against helium requirement forecasts, discovers apparent serious discrepancies.

The information is used in administration of certain Federal contracts to ensure contractor compliance with contract clauses. Without the information, the required

use of Government helium cannot be monitored and enforced effectively.

B. Annual Reporting Burden

Respondents: 20.
Responses Per Respondent: 1.
Total Responses: 20.
Hours Per Response: 1.
Total Burden Hours: 20.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0113, Acquisition of Helium, in all correspondence.

Dated: May 29, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–15188 Filed 6–14–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Grant of Exclusive Licenses

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.7(b)(1)(i), announcement is made of a prospective exclusive license in each of the following countries covered by European Patent Office application number 94926514.4, title ''Concrete Armor Unit to Protect Coastal and Hydraulic Structures and Shorelines.'' The countries are: Austria, Belgium, Denmark, Germany, Greece, Ireland, Luxembourg, Netherlands, Sweden, and Switzerland.

DATES: Written objections must be filed not later than August 14, 2001.

ADDRESSES: U.S. Army Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, ATTN: CEWES–OC.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Stewart (601) 634–4113, e-mail*stewarp@exl.wes.army.mil.*

SUPPLEMENTARY INFORMATION: Jeffrey A. Melby and George F. Turk invented The Concrete Armor Unit. Rights to the patent application identified above has been assigned to the United States of America as represented by the Secretary of the Army. The United States of America as represented by the Secretary of the Army intends to grant an exclusive license for all fields of use, in the manufacture, use, and sale in the territories and possessions, including territorial waters of Russia to W.F. Baird and Associates, a Delaware corporation with principal offices at 2981 Yarmouth Greenway, Madison, Wisconsin 53711. Pursuant to 37 CFR 404.7(b)(1)(I), any interested party may file a written objection to this prospective exclusive license agreement.

Richard L. Frenette,

Counsel.

[FR Doc. 01–15189 Filed 6–14–01; 8:45 am]

BILLING CODE 3710–92–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 August 14, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 11, 2001.

John Tressler,

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

Office of the Undersecretary

Type of Review: New.

Title: Study of State Administration of Even Start and Statewide Family Literacy Initiative Grants.

Frequency: On Occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden: Responses: 94; Burden Hours: 240.

Abstract: The Study of State Administration of Even Start and Statewide Family Literacy Initiative Grants will systematically describe the structure and processes associated with all major areas of Even Start administration at the state level. This information is needed by the U.S. Department of Education to enhance its capacity to monitor the development and improvement of the Even Start program and provide guidance and assistance to the states. This study will involve two data collection components: (1) Survey of State Even Start Coordinators which will include Even Start state coordinators and (2) State Even Start Case Study Interviews (telephone interviews with six state coordinators, and site visit interviews with six additional state coordinators and up to five additional state staff per each of these six states).

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, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jackie Montague at 202–708–5359. 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. 01–15093 Filed 6–14–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on October 20, 2000, an arbitration panel rendered a decision in the matter of *Alabama Department of Rehabilitation Services v. Department of Veterans Affairs, Veterans Canteen Service (Docket No. R–S/98–7).* This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d-1(b) upon receipt of a complaint filed by petitioner, the Alabama Department of Rehabilitation Services.

FOR FURTHER INFORMATION: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington, DC 20202–2738. Telephone: (202) 205–9317. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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 the PDF you must have the 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.*

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)) (the Act), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged violation by the Department of Veterans Affairs (DVA), Veterans Canteen Service (VCS), of the priority provisions of the Act (20 U.S.C. 107 *et seq.*) and implementing regulations in 34 CFR part 395 at DVA/VCS Medical Centers in Alabama.

A summary of the facts is as follows: In 1995, the Alabama Department of Rehabilitation Services, the State licensing Agency (SLA), submitted permit applications to establish Randolph-Sheppard vending facilities on four Federal properties maintained and operated by DVA and VCS in Alabama. The permits were for the Veterans Administration Medical Center, Tuskegee; the Regional Office and DVA Medical Center, Montgomery; the Veterans Hospital, Birmingham; and the Veterans Administration Hospital, Tuscaloosa.

By letter dated July 11, 1996, DVA acknowledged receipt of the permit applications and informed the SLA that a decision would be made after a review had been conducted to determine whether there were any plans to acquire, occupy, or otherwise engage in any substantial alterations or renovations of the involved buildings. The SLA did not receive any further communication from DVA or VCS until March 4, 1998. On that date, DVA wrote to the SLA advising that the Montgomery and Tuskegee facilities did not plan any construction that would require notice to the SLA and indicating that there was no suitable existing space available for the location of blind vending facilities at those centers. The letter informed the SLA that the hospitals at Birmingham and Tuscaloosa planned substantial alterations and renovations. The DVA forwarded the SLA's applications for permits at these hospitals to the directors of those facilities.

Following receipt of DVA's March 4th letter, representatives of the SLA met with the Directors or their designees of the DVA Medical Centers located in Birmingham and Tuscaloosa. On May 21, 1998, the SLA wrote each Director asking for a response to the applications that had been pending since 1995. The SLA did not receive any response and in June 1998 filed with the Department of Education a request for arbitration of the matter.

In July 1998, the Tuscaloosa Director notified the SLA that DVA/VCS intended to occupy a building that might contain a satisfactory site for the establishment of a vending location for a blind vendor. On July 20, 1998, the SLA responded that it would send a representative to develop a site specific survey. In September 1998, the attorney for the SLA contacted the attorney for DVA and requested a meeting to negotiate a resolution to the issues.

In a letter dated November 9, 1998, the DVA denied the SLA's second application filed in August 1998 to establish vending locations at the Tuscaloosa facility. Based upon information that the average income for its blind vendors was $25,000, the SLA previously had determined that it would take $100,000 in gross sales at the Tuscaloosa facility to provide a net income of $25,000 for a blind vendor. In the letter, the DVA indicated to the SLA that the $100,000 gross sales requirement for a possible vending location at the Tuscaloosa facility would include practically all of the gross sales, and the DVA would not give up the operation.

The SLA notified the Department of Education by letter dated December 8, 1998 that no decision had been issued by DVA on its request to establish vending facilities at the DVA Medical Centers. Therefore, the SLA requested that the arbitration should proceed. A hearing on this matter was held on January 11–12, 2000.

Arbitration Panel Decision

The central issue before the arbitration panel was whether DVA/VCS's determination that no existing suitable space was available for blind vending facilities at DVA's Montgomery and Tuskegee locations and the failure of DVA's Medical Directors at the Birmingham and Tuscaloosa locations to approve the permit applications for blind vending facilities were contrary to and in violation of the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*, and the implementing regulations in 34 CFR part 395.

The arbitration panel found that DVA/VCS did not comply with the Act in processing the SLA's 1995 permit 1 applications. Nor did DVA/VCS give reasons for its denial of permits at the Montgomery and Tuskegee Medical Centers as required by the Act and regulations in 34 CFR 395.16.

The panel also concluded that, at the Tuscaloosa and Birmingham locations, DVA/VCS did not provide the SLA with timely notice of the substantial

renovations at these sites as required by the Act and implementing regulations in 34 CFR 395.31(c). Furthermore, during the renovations at the Birmingham and Tuscaloosa Medical Centers, DVA/VCS failed to provide the SLA with access to the facilities, personnel numbers, or financial data pertaining to the vending operations, as required by the Act, to determine if a suitable site existed.

Therefore, for the previously stated reasons, the arbitration panel ruled that DVA/VCS had violated the Randolph-Sheppard Act. However, the panel stated that it did not have the authority to prescribe remedies. It noted that DVA/VCS' current position is that it is presently in compliance with the Randolph-Sheppard Act.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: June 12, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–15153 Filed 6–14–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; ''Identification and Demonstration of Preferred Upstream Management Practices II (Pump II) for the Oil Industry'

AGENCY: National Energy Technology Laboratory (NETL), Department of Energy (DOE).

ACTION: Notice of availability of a financial assistance solicitation.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–01BC15300 entitled ''Identification and Demonstration of Preferred Upstream Management Practices II (PUMP II) for the Oil Industry.'' The Department of Energy (DOE) National Energy Technology Laboratory (NETL), on behalf of its National Petroleum Technology Office (NTPO), seeks cost-shared research and development applications for identification of preferred management practices (PMP) and technology solutions addressing a production barrier in a region and the documentation of these practices for use by the oil industry. Applications will address either the development of public play portfolios addressing a region where the application of preferred geologic and engineering practices will identify significant exploration and development reserves or demonstrations of new methods/protocols for data sharing among operators, organizations and agencies to improve the processing of information necessary for approving and managing the operations of the industry. As in the PUMP I solicitation in 2000, the near-term goal is to advance technology capabilities and to increase current domestic oil production quickly.

An Information Package is available on the NETL's Homepage at http://www.netl.doe.gov/business for viewing and downloading. The Information Package contains general information regarding the proposed solicitation.

DATES: The solicitation will be available on the DOE/NETL's Internet address at http://www.netl.doe.gov/business on or about June 12, 2001.

FOR FURTHER INFORMATION CONTACT: Keith R. Miles, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 10940, MS 921–166, Pittsburgh, PA 15236–0940, E-mail Address: miles@netl.doe.gov, Telephone Number: 412/386–5984.

SUPPLEMENTARY INFORMATION: The National Petroleum Technology Office of the Department of Energy (DOE) Office of Fossil Energy (FE) National Energy Technology Lab (NETL) is soliciting cost-shared applications for identification of preferred management practices (PMP) and technology solutions addressing information-related barriers and data-sharing solutions to a production barrier in a region and the documentation of these practices for use by the industry. The near-term goal is to increase current domestic oil production quickly.

The mission of the Department of Energy's Fossil Energy Oil Program is driven by the needs of the oil producers. The overall program is designed to develop unique technologies and processes to locate untapped resources; to extend the life of domestic energy resources; and to reduce well abandonment-all essential to maximizing the production of domestic resources while protecting our environment. The National Petroleum Technology Office's Preferred Upstream Management Practices (PUMP) program as a part of this overall goal is designed to facilitate production of existing oil reserves more quickly without sacrificing efficiency or environmental protection.

Based on prior successful results from demonstrations of under-utilized or advanced technology coupled with reservoir characterization, the DOE Oil Program seeks to demonstrate that the identification and use of PMP can overcome regional constraints to increased production.

The program will accept proposals that combine the identification of public play portfolios using preferred advanced geologic and engineering practices and technology to overcome regional production constraints and aggressive technology transfer that will promote the use of those practices. In addition, the program will accept proposals that demonstrate preferred management practices and technology to encourage data-sharing in the industry and government regulating oil and gas production. Barriers can be identified as technical, physical, regulatory, environmental, or economic. The selected projects are expected to employ the following four (4) strategies in order to have a rapid impact on production: (1) Focus on regions that present the biggest potential for additional oil production quickly, (2) integrate solutions to technological, economic, regulatory, and data constraints, (3) demonstrate the validity of these practices either through field demonstration during the project or documentation of well-run successful past demonstration, and (4) use known technology transfer mechanisms.

Using a regional approach where the projects will have a wide applicability, an integrated approach scheduling tasks along parallel paths to facilitate a quicker response, and operating with existing networks, the production results in the field should be accelerated. The documentation and evaluation of the PMP will be a valuable resource to all producers in the applicable area and possibly other regions as well.

This program expects near-term results and actions that will create data or technological resources suitable for long-term use. Teaming is encouraged and the proposal partners could include, but not be limited to, producers, producer organizations, universities, service companies, State agencies or organizations, non-Federal research laboratories, and Native American Tribes or Corporations. They will demonstrate practices and/or technologies that can increase production, increase cost savings, or rapid returns on the capital investments of the operators. New technologies/processes or under-used but effective applications of existing technologies/processes critical to a region will be demonstrated. The DOE will make publicly available over the Internet the data on preferred practices resulting from this program. The resulting publicly available databases of the preferred practices will be interactive,

Internet accessible, should include both technologies and practices, and address constraints in the exploration, production, or environmental areas.

DOE anticipates issuing financial assistance (Cooperative Agreement) awards. DOE reserves the right to support or not support, with or without discussions, any or all applications received in whole or in part, and to determine how may awards will be made. Multiple awards are anticipated. Approximately $3.9 million of DOE funding is planned over a 2 year period for this solicitation. The program seeks to sponsor projects for a single budget/project period of 24 months or less. Due to the low risk and near-term nature of the PUMP program and the potential for a process or technology demonstration, all applicants are required to cost share at a minimum of 50% of the project total. Details of the cost sharing requirement, and the specific funding levels are contained in the solicitation.

Prospective applicants who would like to be notified as soon as the solicitation is available should register at http://www.netl.doe.gov/business. Provide your E-mail address and click on the ''Oil & Gas'' technology choice located under the heading ''Fossil Energy.'' Once you subscribe, you will receive an announcement by E-mail that the solicitation has been released to the public. Telephone requests, written requests, E-mail requests, or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Issued in Pittsburgh, PA, on June 5, 2001.

Dale A. Siciliano,

Deputy Director, Acquisition and Assistance Division.

[FR Doc. 01–15124 Filed 6–14–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–111–000, et al.]

Southwestern Public Service Company, et al., Electric Rate and Corporate Regulation Filings

June 8, 2001.

Take notice that the following filings have been made with the Commission:

1. Southwestern Public Service Company

[Docket No. EC01–111–000]

Take notice that on May 30, 2001, Southwestern Public Service Company, a wholly-owned utility operating company subsidiary of Xcel Energy Inc., filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to Section 203 of the Federal Power Act for authorization to transfer operational control of jurisdictional transmission facilities to the Southwest Power Pool Regional Transmission Operator.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Cleco Power LLC

[Docket No. EC01–113–000]

Take notice that on June 1, 2001, Cleco Power LLC (Cleco) filed an application pursuant to Section 203 of the Federal Power Act, 16 U.S.C. 824b and Part 33 of the Commission's regulations, 18 CFR Part 33. Cleco requests authorization to transfer operational control over certain of its transmission facilities to the proposed Southwest Power Pool Regional Transmission Organization (SPP RTO) and provides a list of agreements that it proposes to be grandfathered from the application of the SPP RTO tariff.

Comment date: June 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Curtis/Palmer Hydroelectric Company, L.P. and TransCanada (Curtis/Palmer) Ltd., TransCanada (Hydroelectric) USA Ltd.

[Docket No. EC01–112–000]

Take notice that on May 31, 2001, Curtis/Palmer Hydroelectric Company, L.P. (Curtis/Palmer), TransCanada (Curtis/Palmer) Ltd. and TransCanada (Hydroelectric) USA Ltd. filed with the Federal Energy Regulatory Commission an application pursuant to Section 203 of the Federal Power Act for authorization of the transfer of International Paper Company's 100% partnership interests (held in equal parts by wholly-owned subsidiaries, Saratoga Development Corporation and IP-Hydro L.L.C.) in the Curtis/Palmer Hydroelectric Company, L.P. to TransCanada (Curtis/Palmer) Ltd. and TransCanada (Hydroelectric) USA Ltd. (TransCanada Subsidiaries). The TransCanada Subsidiaries will pay cash for the partnership interests.

Curtis/Palmer owns and operates a 58.8 MW hydroelectric facility located in Saratoga and Warren counties in New York. Applicants request confidential treatment for the documents contained in Exhibits C–2 and I.

Comment date: June 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Thunderbird Generation, LLC

[Docket No. EG01–224–000]

Take notice that on June 5, 2001, Thunderbird Generation, LLC (Thunderbird), a limited liability company with its principal place of business at Thunderbird Generation, LLC, c/o Newport Generation, Inc., 100 Bayview Circle, Suite 500, Newport Beach, California 92660, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Thunderbird states that it will be engaged directly and exclusively in the business of owning a 900 MW natural gas fired, combined cycle electric generating facility and related assets to be located on an approximately 110 acre site near the town of Pink, Oklahoma in the southeast corner of Cleveland County, Oklahoma. Thunderbird will sell its capacity exclusively at wholesale.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. GWF Energy LLC

[Docket No. EG01–225–000]

Take notice that on June 5, 2001, GWF Energy LLC (the Applicant) whose address is 4300 Railroad Avenue, Pittsburgh, California 94565, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant states that it will be engaged directly and exclusively in the business of owning and/or operating three electric generating facilities to be located in Kings and San Joaquin Counties, California and selling electric energy at wholesale. The Applicant requests a determination that the Applicant is an exempt wholesale generator under Section 32(a)(1) of the Public Utility Holding Company Act of 1935.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Sunrise Power Company, LLC

[Docket No. EG01–226–000]

Take notice that on June 4, 2001, Sunrise Power Company, LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a limited liability company organized under the laws of the State of Delaware that is engaged directly and exclusively in developing, owning, and operating facilities which will be eligible facilities in Kern County, California. The Facilities will consist of a 320 MW gas-fired simple-cycle peaking generating facility, which will later be converted to a 560 MW combined-cycle generating facility, and equipment necessary to interconnect the Facilities to the transmission grid.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. ETHAN Power, LLC

[Docket No. ER01–2221–000]

Take notice that on June 4, 2001, ETHAN Power, LLC (ETHAN) petitioned the Commission for acceptance of ETHAN Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

ETHAN proposed to act as a power marketer, generating electricity, and selling it to wholesale customers. ETHAN may also engage in other nonjurisdictional activities to facilitate efficient trade in the bulk power market, such as facilitating the purchase and sale of wholesale energy without taking title to the electricity (brokering), and arranging services in related areas such as transmission and fuel supplies. All transactions between ETHAN and its purchasers and sellers will be at rates negotiated between the parties to the transaction.

Comment date: June 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Duke Energy Corporation

[Docket No. ER01–2222–000]

Take notice that on June 4, 2001, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with Carolina Power & Light Company for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on May 7, 2001.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: June 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Nevada Power Company

[Docket No. ER01–2225–000]

Take notice that on June 5, 2001, Nevada Power Company (Nevada Power) filed, pursuant to Section 205 of the Federal Power Act, an executed Interconnection and Operation Agreement between Nevada Power and Las Vegas Cogeneration II, LLC.

Nevada Power requests the effective date for the Agreement to be August 4, 2001.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. California Independent System Operator Corporation

[Docket No. ER01–2226–000]

Take notice that on June 5, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between the ISO and NEO California Power LLC for acceptance by the Commission.

The ISO states that this filing has been served on NEO California Power LLC and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective May 23, 2001.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. The California Independent System Operator Corporation

[Docket No. ER01–2227–000]

Take notice that on June 5, 2001, the California Independent System Operator Corporation (ISO) tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and NEO California Power LLC for acceptance by the Commission.

The ISO states that this filing has been served on NEO California Power LLC and the California Public Utilities Commission.

The ISO is requesting an effective date of May 23, 2001 for the Meter Service Agreement for Metered Entities.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Operator Corporation

[Docket No. ER01–2228–000]

Take notice that on June 5, 2001, the California Independent System Operator Corporation, (ISO) on June 5, 2001, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and E. F. Oxnard, Inc. for acceptance by the Commission.

The ISO states that this filing has been served on E. F. Oxnard, Inc. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement for ISO Metered Entities to be made effective May 23, 2001.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. California Independent System Operator Corporation

[Docket No. ER01–2229–000]

Take notice that the on June 5, 2001, California Independent System Operator Corporation, (ISO) , tendered for filing a Participating Generator Agreement between the ISO and E. F. Oxnard, Inc. for acceptance by the Commission.

The ISO states that this filing has been served on E. F. Oxnard, Inc. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective May 23, 2001.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Monroe Power Company

[Docket No. ER01–2231–000]

Take notice that on June 5, 2001, Monroe Power Company (MPC) tendered for filing an executed Service Agreement with Dynegy Power Marketing, Inc. under the provisions of MPC's Market-Based Rates Tariff, FERC Electric Tariff No. 1.

MPC is requesting an effective date of June 1, 2001 for this agreement.

Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission and the Georgia Public Service Commission.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Otter Tail Power Company

[Docket No. ER01–2232–000]

Take notice that on June 5, 2001, Otter Tail Power Company (Otter Tail), tendered for filing a Service Agreement between Otter Tail and Lighthouse Energy Trading, Inc., (Lighthouse). The Service Agreement allows Otter Tail to sell capacity and/or energy at market-based rates under its Wholesale Tariff.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. GWF Energy LLC

[Docket No. ER01–2233–000]

Take notice that on June 5, 2001, GWF Energy LLC (GWF) tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Tariff, Original Volume No. 1. GWF proposes that its FERC Electric Tariff, Original Volume No. 1 become effective upon commencement of service of its generation projects potentially totaling 430 MW located in Northern California (the GWF Facilities). The GWF Facilities are expected to be commercially operable in phases with the Hanford Project coming on line in September 2001, the Henrietta Project in May 2002, and the first unit of the Tracy Project in August/September 2002 and an additional unit in May 2003.

GWF intends to sell energy, capacity, and certain ancillary services from the GWF Facilities in the wholesale power market at market-based rates, and on such terms and conditions to be mutually agreed to with the purchasing party. GWF also seeks authority to reassign transmission capacity.

Comment date: June 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Decatur Energy Center, LLC Solutia, Inc.

[Docket No. QF01–103–000]

Take notice that on June 5, 2001, Decatur Energy Center, LLC, 700 Milam St., Suite 800, Houston, Texas 77002 and Solutia, Inc., 575 Merryville Centre Drive, P.O. Box 66760, St. Louis, Missouri 66136 (Applicants) filed with the Federal Energy Regulatory Commission an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is a natural gas-fired 787 MW (net) cogeneration facility under construction adjacent to the Solutia Plant in Decatur, Alabama. The principal components of the facility include three combustion turbine generators, three heat recovery steam generators and one steam turbine generator. The facility will provide process steam to Solutia for the manufacturing of acrylic fibers and intermediate chemicals for the manufacturing of nylon fibers. Solutia will also lease an undivided interest in the electric generating facility to meet its power requirements at the Plant. The facility will be interconnected with the Tennessee Valley Authority (TVA) and will sell power to TVA and other wholesale customers.

Comment date: July 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15098 Filed 6–14–01; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Regarding Electronic Publication of Orders

June 11, 2001.

Take notice that effective June 25, 2001, the Commission will begin making both Commission and Delegated orders, including orders issued by the administrative law judges, public electronically on a continuous basis on the Commission's Issuance Posting System (CIPS).

Currently the Office of the Secretary regularly posts copies of notices and orders daily at 10:00 a.m., 3:00 p.m. and 4:30 p.m. on bulletin boards outside of the Public Reference Room. Since June 21, 2000, the Commission has made notices public electronically on CIPS on a continuous basis during regular business hours. However, orders are not added to CIPS until after the paper copy is posted on a bulletin board.

In order to provide orders to the public in a more timely manner, effective June 25, 2001, orders will be added to CIPS on a continuous basis during regular business hours instead of awaiting the paper posting times. The Secretary will continue to post paper copies of orders and notices at 10:00 a.m., 3:00 p.m., and 4:30 p.m., or later, and when necessary after 5 p.m. See CFR 385.2007(b)(2000).

David P. Boergers,

Secretary.

[FR Doc. 01–15099 Filed 6–14–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[IL200–1; FRL–6998–1]

Adequacy Status of Chicago, Illinois Submitted Ozone Attainment Demonstration and Post-1999 Rate of Progress Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that EPA has found that the motor vehicle emissions budgets in the Chicago, Illinois 1-hour ozone attainment demonstration and post-1999 Rate of Progress (ROP) plan are adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, Chicago can use the motor vehicle emissions budgets from the submitted 1-hour ozone attainment demonstration and the submitted post-1999 ROP plan for future conformity determinations. These budgets are effective July 2, 2001.

FOR FURTHER INFORMATION CONTACT: The finding and the response to comments

will be available at EPA's conformity website: *http://www.epa.gov/otaq/transp.htm*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Patricia Morris, Environmental Scientist, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656, *morris.patricia@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Throughout this document, whenever ''we,'' ''us'' or ''our'' is used, we mean EPA. Today's notice is simply an announcement of a finding that we have already made. EPA Region 5 sent a letter to the Illinois Environmental Protection Agency on May 31, 2001, stating that the motor vehicle emissions budgets in the Chicago, Illinois submitted 1-hour ozone attainment demonstration for 2007 are adequate. This finding will also be announced on EPA's conformity website: *http://www.epa.gov/otaq/transp.htm*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination.

Authority: 42 U.S.C. 7401–7671 q.

Dated: June 3, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 01–15149 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–140290; FRL–6788–3]

Access to Confidential Business Information by Abt Associates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor Abt Associates of Cambridge, MA access to information which has been submitted to EPA under sections 4, 5, 6, and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA under sections 4, 5, 6, and 8 of TSCA occurred as a result of an approved waiver dated May 30, 2001, which requested granting Abt Associates immediate access to sections 4, 5, 6, and 8 of TSCA CBI.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara A. Cunningham, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to ''those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA).'' Since other entities may also be interested, the Agency hasnot attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select; Laws and Regulations;, ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

III. What Action is the Agency Taking?

Under contract number 68–W–01–039, contractor Abt Associates, of 55 Wheeler Street, Cambridge, MA, will assist the Office of Pollution Prevention and Toxics (OPPTS) in evaluating the potential risks of new chemical substances including microorganisms; and evaluating existing chemicals for risk and for the need to develop data bearing on such risks.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–W–01–039, Abt Associates will require access to CBI submitted to EPA under sections 4, 5, 6, and 8 of TSCA to perform successfully the duties specified under the contract.

Access to the confidential data submitted to EPA under sections 4, 5, 6, and 8 of TSCA occurred as a result of an approved waiver dated May 30, 2001, which requested granting Abt Associates immediate access to sections 4, 5, 6, and 8 of TSCA CBI. This waiver was necessary to allow Abt Associates to assist EPA in evaluating the potential risks of new chemical substances including microorganisms, and evaluating existing chemicals for risk and for the need to develop data bearing on such risks.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, and 8 of TSCA that EPA will provide Abt Associates access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and at Abt Associates' site located at 4800 Montgomery Lane, Bethesda, MD. No access will occur at the Bethesda, MD facility until after it has been approved for the storage of TSCA CBI.

Abt Associates will be authorized access to TSCA CBI at EPA Headquarters and their site located at 4800 Montgomery Lane, Bethesda, MD, in accordance with the EPA *TSCA Confidential Business Information Security Manual*.

Clearance for access to TSCA CBI under this contract may continue until April 30, 2006.

Abt Associates personnel will be required to sign nondisclosure

agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Confidential business information.

Dated: June 7, 2001.

Allen A. Abramson,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–15151 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6619–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–L65379–ID Rating EC2, Little Weiser Landscape Vegetation ManagementProject, Implementation, Council Ranger District,Payette National Forest, Adams County, ID.

Summary: EPA expressed concerns about the range of alternatives and requested further information on environmental consequences related to water and air quality.

ERP No. D–FHW–G40164–TX Rating EC2, President George Bush Turnpike (PGBT) Segment IV,Improvement from Interstate Highway 35E to Interstate Highway 635, Funding and COE Section 404 Permit, Dallas County, TX.

Summary: EPA expressed environmental concerns and requested additional information in the Final EIS regarding floodplain and wetland mitigation, borrow pit construction and buffering.

ERP No. D–NPS–K61153–CA Rating EC2, Alcatraz Island Historic Preservation and SafetyConstruction Program, Protection and Implementation, San Francisco County, CA.

Summary: EPA expressed concerns regarding impacts due to lead based paint, asbestos, and polychlorinated biphenyls and recommended additional information regarding releases of these materials and mitigation measures. EPA also requested additional information and mitigation of impacts to water quality and habitat from dock repairs and mitigation measures to reduce PM10 emissions.

Final EISs

ERP No. F–FTA–C54008–NY East Side Access Project, Improve Access to Manhattan's East Side for Commuters in the LongIsland Transportation Corridor (LITC), MTA LongIsland Rail Road (LIRR), Funding, Nassau, Suffolk,New York, Queens and Bronx Counties, NY.

Summary: All of EPA's concerns from the draft have been addressed in the final EIS.

ERP No. F–JUS–G81009–TX Immigration and Naturalization Service (INS) Detention Facility Construction in the Houston Area, TX.

Summary: EPA has no objections to the action as proposed.

ERP No. F–USN–K11085–HI Fort Kamehameha Outfall Replacement for Wastewater Treatment Plant, Navy Public Works Center, Pearl Harbor, HI.

Summary: EPA remains concerned due to project impacts related to turbidity, coral heath and ocean disposal of dredged material. EPA requested that the Navy address these issues in the Record of Decision.

Dated: June 12, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–15168 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6618–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of FederalActivities, General Information (202)564–7167 www.epa.gov/oeca/ofaWeekly receipt of Environmental Impact StatementsFiled June 04, 2001 Through June 08, 2001Pursuant to 40 CFR 1506.9.

EIS No. 010204, FINAL SUPPLEMENT, EPA, MO, Lower Meramec Basin Wastewater Management Plan, Proposed New Regional Wastewater Treatment Plan and Associated Facilities, St. Louis and JeffersonCounties, MO, Wait Period Ends: July 16, 2001,Contact: Joe Cothern (913) 551–7148.

EIS No. 010205, FINAL EIS, NPS, NJ, Maurice National Scenic and Recreational River (NS&RR) Comprehensive Management Plan, Implementation, Atlantic and Cumberland Counties, NJ, Wait Period Ends: July 16, 2001, Contact: Mary Vaura (215) 597–9175.

EIS No. 010206, FINAL EIS, NRC, GA, Generic EIS—Edwin I. Hatch Nuclear Plant, Unit 1 and 2,License Renewal of Nuclear Plants, Supplement 4 to NUREG–1437, Altamaha River, Appling County, GA,Wait Period Ends: July 16, 2001, Contact: Andrew J. Kugler (301) 415–2828.

EIS No. 010207, DRAFT EIS, GSA, CA, Los Angeles Federal Building—U. S. Courthouse, Construction of a New Courthouse in the Civic Center, City of Los Angeles, Los Angeles County, CA, Comment Period Ends: July 30, 2001, Contact: Javad Soltani (415) 522–3493.

EIS No. 010208, DRAFT EIS, NPS, TX, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument Oil and Gas Management Plan, Hutchinson, Moore and Potter Counties, TX, Comment Period Ends: August 15, 2001, Contact: John C. Benjamin (806) 857–3151.

EIS No. 010209, FINAL EIS, USN, CA, Naval Station(NAVSTA) San Diego Replacement Pier and DredgingImprovements, Construction, Dredging and DredgedMaterial Disposal, San Diego Naval Complex, SanDiego, CA, Wait Period Ends: July 16, 2001, Contact: Grace S. Penafuerte (619) 556–7773.

EIS No. 010210, DRAFT EIS, TVA, TN, Addition of Electric Generation Baseload Capacity, Proposes to Construction a Natural Gas Fired Combined Cycle Power Plant, Franklin County, TN, Comment Period Ends: July 30, 2001, Contact: Bruce L. Yeager (865) 632–8051.

EIS No. 010211, DRAFT EIS, FRC, WA, Cowlitz River Hydroelectric Project (No. 2016–044), Relicensing of the Existing 462-megawatt, Cowlitz River, City of Tacoma, WA, Comment Period Ends: July 30, 2001, Contact: David Turner (202) 219–2844.

EIS No. 010212, FINAL EIS, USN, VA, Marine Corps Heritage Center (MCHC) Complex, Construction and Operation at Marine Corps Base (MCB) Quantico, VA, Wait Period Ends: July 16, 2001, Contact: Hank Riek (202) 685–3064.

EIS No. 010213, DRAFT SUPPLEMENT, UMC, AZ, CA, Yuma Training Range Complex Management, Additional Information on the Cumulative Impacts of Activities on the Sonoran

pronghorn (Antilocapra americana sonorienisis), Marine Corps Air Station Yuma, Goldwater Range, Yuma and La Paz Cos., AZ and Chocolate Mountain Range,Imperial and Riverside, CA, Comment Period Ends: July 30, 2001,Contact: Deb Theroux (619) 532–1162.

Amended Notices

EIS No. 010184, FINAL EIS, FHW, TX, US Highway 183 Alternate Project, Improvements from RM–620 to Approximately Three Miles North of the City of Leander, Williamson County, TX, Due: July 16, 2001, Contact: Patrick Bauer (512) 536–5950. Revision of **Federal Register** Notice Published on 05/25/2001: CEQ Review Period Ending 06/25/2001 has been Extended to 07/16/2001, also correction to contact telephone number.

EIS No. 010092, DRAFT EIS, AFS, ID, Clean Slate Ecosystem Management Project, Aquatic and Terrestrial Restoration, Nez Perce NationalForest, Salmon River Ranger District, IdahoCounty ID, Due: June 20, 2001, Contact: BillShields (208) 839–2211. Revision of **Federal Register** Notice Published on 05/23/2001: CEQ Review Period Ending 05/07/2001 has been extended to 06/20/2001.

EIS No. 010131, Draft EIS, UAF, VA, Initial F–22 Operational Wing Beddown Replacing the Existing F–15C at Langley (AFB) or one of the Four Alternative Locations, VA, Due: June 25, 2001, Contact: Brenda Cook (757) 764–5007. Revision of FR Notice Published on 04/27/2001: CEQ Review Period Ending 06/11/2001 has been extended to 06/25/2001.

EIS No. 010161, Draft EIS, USA, CO, Pueblo Chemical Depot, Destruction of Chemical Munitions, Design, Construction, Operation and Closure of a Facility, Pueblo County, CO, Due: August 09, 2001, Contact: Penny Robitaille (410) 436–4178. Revision of FR Notice Published on 05/11/2001: CEQ Review Period Ending 06/25/2001 has been extended to 08/09/2001.

EIS No. 010162, Draft EIS, DOD, AL, CO, AR, KY, Assembled Chemical Weapons Destruction Technologies at One or More Sites: Design, Construction and Operation of One or More Pilot Test Facilities, Anniston Army Depot, AL; Pine Bluff Arsenal, AR; Blue Grass Army Depot, KY and Pueblo Chemical Depot, CO, Due: August 09, 2001, Contact: Jon Ware (410) 436–2210. Revision of FR Notice Published on 05/11/2001: CEQ Review Period Ending on 06/25/2001 has been Extended to 08/09/2001.

Dated: June 12, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–15169 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6997–7]

RIN 2040–AB75

Meetings of the Arsenic Cost Working Group of the National Drinking Water Advisory Council; Notice of Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that three meetings of the Arsenic Cost Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on June 28 and 29, 2001, in Denver Colorado; July 9 and 10, 2001 in Phoenix Arizona; and July 19 and 20 in Washington, DC. The first meeting of this working group was held on May 29 and 30, 2001. These meetings are open to the public, but from past experience, seating will likely be limited.

Following the January 22, 2001 **Federal Register** promulgation of the arsenic rule, a number of concerns were raised to EPA by States, public water systems, and other stakeholders regarding the adequacy of science and the basis for national cost estimates underlying the rule. Because of the importance of the arsenic rule and the national debate surrounding it related to science and costs, EPA's Administrator publicly announced on March 20, 2001, that the Agency would take additional steps to reassess the scientific and cost issues associated with this rule and seek further public input on each of these important issues.

The purpose of these meetings is to bring nationally recognized technical experts together to review the cost of compliance estimates associated with the final arsenic in drinking water rule. The meetings are open to the public to observe. The working group members are meeting to: (1) Gather information; and (2) analyze relevant issues and facts. Statements from the public will be taken if time permits.

DATES: The meetings will be held on June 28 and 29, 2001, in Denver, Colorado; July 9 and 10, 2001 in Phoenix, Arizona and July 19 and 20 in Washington, DC.

ADDRESSES: Please contact the Safe Drinking Water Hotline (800) 426–4791 for the addresses for these meetings. The addresses were not available at the time that this document was submitted for publication.

FOR FURTHER INFORMATION CONTACT: For more information on the location and times of these meetings, or general background information please contact the Safe Drinking Water Hotline, phone: (800) 426–4791 or (703) 285–1093, e-mail: *hotline-sdwa@epa.gov.* For technical information contact Amit Kapadia, Acting Designated Federal Officer for the Arsenic Cost Working Group, U.S. EPA, Office of Ground Water and Drinking Water, Mailcode 4607, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Phone number: (202)–260–1688. E-mail: *kapadia.amit@epa.gov.*

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 01–15147 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00317; FRL–6788–9]

Forum on State and Tribal Toxics Action (FOSTTA); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The new Chemicals Information and Management Project, a component of the Forum on State and Tribal Toxics Action (FOSTTA), will meet June 28–29, 2001. This notice announces the location, times, and some tentative topics for the meeting. The National Conference of State Legislatures (NCSL) and EPA's Office of Pollution Prevention and Toxics (OPPT) are co-sponsoring the meetings. As part of a cooperative agreement, NCSL facilitates ongoing efforts of the States and Tribes to identify, discuss, and address toxics-related issues, and to continue the dialogue on how Federal environmental programs can best be implemented.

DATES: The Chemicals Information and Management Project will meet June 28,

2001, from 9 a.m. to 5:30 p.m. and June 29, 2001, from 8 a.m. to noon.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, VA, 22314. The hotel is across from the King Street Metro Station.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1761.

For technical information contact: George Hagevik, National Conference of State Legislatures, 1560 Broadway, Suite 700, Denver, CO 80202; telephone number: (303) 839–0273 and FAX: (303) 863–8003; e-mail address: george.hagevik@ncsl.org

Darlene Harrod, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–6904 and FAX: (202) 260–2219; e-mail address: harrod.darlene@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to all parties interested in FOSTTA and hearing more about the perspectives of the States on EPA programs and the information exchange regarding important issues related to human health and environmental exposure to toxics. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. However, in the interest of time and efficiency, the meetings are structured to provide maximum opportunity for State and EPA participants to discuss items on the predetermined agenda. At the discretion of the chair, an effort will be made to accommodate participation by observers attending the proceedings. If you have any questions regarding the applicability of this action to a particular entity, consult the technical people listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Additional Information, Including Copies of this Document or 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 NCSL Web site at http://www.ncsl.org/programs/esnr/fostta/fostta.htm. To access this document on the EPA Internet Home Page go to http://www.epa.gov and select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/FOSTTA.

2. *Facsimile*. Notify the persons listed under **FOR FURTHER INFORMATION CONTACT** if you would like any of the documents sent to you via fax.

III. Purpose of Meeting

The Chemicals Information and Management Project will focus on EPA's ChemRTK program and will work to develop a coordinated effort involving Federal, State, and Tribal agencies. The scope of the project's discussions will include programs related to the collection, evaluation, and dissemination of chemical information, as well as data use, data integration, and chemical risk screening issues associated with these programs. The project will also consider, on an as needed basis, chemical issues which had been previously addressed with FOSTTA, such as community-based environmental protection, biotechnology, asbestos, and other durable fibers. The Chemicals Information and Management Project replaces the Chemical Management Project.

The tentative agenda items identified by the new Chemicals Information and Management Project are:

1. High Production Volume Challenge Program

2. Voluntary Children's Chemical Evaluation Programs

3. Other Topics as Appropriate

Stephen L. Johnson, Acting Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances, and Dr. William H. Sanders III, Director, Office of Pollution Prevention and Toxics, have been invited to speak.

IV. How Can I Request To Participate in this Meeting?

You may submit a request to participate in this meeting in the mail or electronically to the names under the **FOR FURTHER INFORMATION CONTACT** section. Do not submit any information in your request that is considered Confidential Business Information. Your request must be received by EPA on or before June 26, 2001.

List of Subjects

Environmental protection.

Dated: June 7, 2001.

Barbara Cunningham,

Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–15152 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1030; FRL–6788–2]

Notice of Filing a Pesticide Petition to Establish a Tolerance fora Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1030, must be received on or before July 16, 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–1030 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis McNeilly, Insecticide-Rodenticide Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6742; e-mail address: mcneilly.dennis@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–1030. 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–1030 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–1030. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: _____

_____

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Dow AgroSciences

PP 62719-EUP-UL

EPA has received an Experimental Use Permit Request and associated temporary tolerance pesticide petition (62719–EUP–UL) from Dow AgroSciences, 9330 Zionsville Road, Indianapolis, IN 46268 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a temporary tolerance for residues of fluoride in or on the raw agricultural commodity walnuts at 12 parts per million (ppm) and sulfuryl fluoride (SF) in or on raisins at 0.0032 ppm and to establish an exemption from the requirement of a tolerance for fluoride in or on raisins. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of SF is adequately understood for the purpose of this tolerance. Potential residues of SF fluoride and its degradation product fluoride and sulfate were investigated. Residues of SF in treated commodities are transient and rapidly decrease to very low (parts per billion (ppb) or non-detectable levels. Residues of fluoride and sulfate resulting from the fumigation of commodities with SF were measurable and predictable. Sulfate as a terminal residue of SF is not considered of toxicological significance due to its natural abundance and pervasiveness in living systems.

2. *Analytical method*. Analytical methods have been developed and validated to determine the residues of sulfuryl fluoride in walnuts and raisins. The SF method is based on gas chromatography/electron capture detector (GC-ECD) with a limit of quantitation (LOQ) of 4.7 ppb in walnuts and 3.2 ppb in raisins. The fluoride method utilizes a fluoride specific electrode. The fluoride ion method was validated with an LOQ of 2.2 ppm in raisins and 1.9 ppm in walnuts.

3. *Magnitude of residues*. Residue data in support of the proposed temporary tolerances for SF and the degradate of interest, fluoride in walnuts and raisins have been generated. SF residues in raisins, 1–day post fumigation were all below the LOQ with all but two of the measurements were below the LOD of 1.1 ppb (mg/kg). Fluoride residues in raisins measured 4 days-post fumigation were all less than the LOQ with about half of the observations below the Limit of detection (LOD) of 0.75 ppm. The SF residues in walnuts rapidly decreased to levels ranging from <LOQ to 61.8 ppb at three fumigation temperatures tested, demonstrating the transient nature of the SF residue. Fluoride residues in walnuts measured 4 days-post fumigation at three temperatures ranged from 2.9 ppm to 8.0 ppm.

On the basis of the residues of fluoride that were evaluated, a tolerance of 12.0 ppm is supported in walnuts for fluoride. The rapid and complete dissipation of SF residues from both walnuts and raisins supports tolerances for SF for walnuts and raisins at 2 ppm and 0.0032 ppm, respectively. In addition, the low concentrations of fluoride found in raisins which are indistinguishable from background levels of fluoride in that commodity, supports an exemption from from the requirement of a tolerance for fluoride in raisins under the USEPA's Threshold of Regulation Policy–Deciding Whether a Pesticide with a Food Use Pattern Needs a Tolerance.

B. Toxicological Profile

1. *Acute toxicity*. The acute LC_{50} for SF is 642 ppm (1,088 milligrams/kilogram body weight) for CD–1 mice exposed for 4 hours.

2. *Genotoxicty*. Genetic toxicity did not occur when SF was tested in multiple *in vivo* and *in vitro* tests.

3. *Reproductive and developmental toxicity*. Sulfuryl fluoride did not have any effects on reproductive parameters at dose levels that induced treatment-related effects in parental rats and rabbits. In addition, a teratogenic potential for SF was not demonstrated in either rats or rabbits at dose levels that induced maternal toxicity.

4. *Subchronic toxicity*. Several 2–week repeated dose inhalation studies indicate for mice a no observed adverse effect level NOAEL of 30 ppm and for rat, rabbit, and beagle dog a NOAEL of 100 ppm.

5. *Chronic toxicity*. The lowest reported chronic NOAEL for SF is 5 ppm based on a 2–year inhalation study with Fischer 344 rats and the parental NOAEL in a 2–generation rat reproduction study. There was no evidence of carcinogenicity in 2–year rat and 18–month mouse studies.

6. *Animal metabolism*. Rats fed a diet that had been fumigated by SF at a rate of 2 pounds/1,000 cu ft (containing fluoride levels of 19 ppm above the control level of 36 ppm) for 66 days experienced an increase in the fluoride content of their bones. The National Research Council, in their 1993 report on fluoride concluded that fluoride is readily absorbed by the gut and rapidly becomes associated with teeth and bones. The remaining fluoride is eliminated almost exclusively by the kidneys with the rate of renal clearance related directly to urinary pH.

7. *Metabolite toxicology*. Clinical symptoms of acute fluoride poisoning in humans are characterized by nausea, vomiting, diarrhea, abdominal pain, and paresthesia. The frequently cited ''probably toxic dose,'' the dose which should trigger therapeutic intervention and hospitalization, is 5 mg/kg bwt calculated for the lowest third percentile of the infant population. Five to 10 grams of sodium fluoride is considered the certainly lethal dose (CLD) for a 70 kg adult (32 to 64 mg fluoride per kg body weight). One quarter of the CLD can be ingested without producing serious acute toxicity and is known as the safely tolerated dose, i.e., 8 to 16 mg of fluoride per kg of body weight. The Council on Dental Therapeutics of the American Dental Association recommends that ''no more than 264 mg of NaF (120 mg F) be dispensed at any one time'' in dental treatments to prevent the accidental poisoning of an infant weighing as little as 10 kg. EPA (Cryolite RED decision, August 1996) determined a Maximum Concentration Limit Goal (MCLG) of 0.114 mg/kg/day for fluoride which provides protection from any known or anticipated adverse health effects. The MCLG has been reviewed and supported by the Surgeon General. The National Toxicology Program (NTP) has

concluded that there was ''no evidence'' of carcinogenic activity in male or female mice administered sodium fluoride in drinking water for 2–years.

8. *Endocrine disruption*. There is no evidence from any studies to suggest that SF or fluoride are endocrine disrupters.

C. Aggregate Exposure

1. *Dietary exposure*. The Dietary Exposure Evaluation Model (DEEM), version 7.075, of Novigen Sciences, Inc. was used to estimate the dietary exposure to the U.S. population and critical sub-populations resulting from the use of SF on walnuts and raisins. The highest potential acute exposures to SF were to children ages 1–6 years totaling 0.00008 mg/kg-bwt/day. The highest potential acute exposure to fluoride was to children ages 1–6 years with a highest estimated exposure of 0.003 mg/kg-bwt/day. The highest potential chronic exposures to SF was to children ages 1–6 years resulting from the consumption of walnuts totaling 0.000002 mg/kg-bwt/day. Likewise, the highest potential chronic exposure to fluoride was to children ages 1–6 years with a highest estimated exposure of 0.00004 mg/kg-bwt/day.

i. *Food*. Food tolerances as inorganic fluorine compounds exist to support the uses of Cryolite (insecticide) on various food and feed commodities in the U.S. EPA, in the 1996 Cryolite RED document conservatively estimates that the ''high-end dietary exposures to fluoride due to all sources and routes, (including the fluorination of water and the potential for fluoride residues resulting from the uses of Cryolite) are approximately 0.085 mg/kg-bwt/day.

ii. *Drinking water*. There is no anticipated exposure of SF to drinking water. As a public health tool to aid in the prevention of dental caries, fluoride is added to some domestic water supplies at generally 0.8 to 1.0 ppm.

2. *Non-dietary exposure*. Sulfuryl fluoride (as Vikane specialty gas fumigant) is presently used to fumigate homes and other structures to control wood infesting insects. The existing Vikane use patterns and exposed populations are not expected to overlap with the intended post-harvest uses of ProFume on stored walnuts and raisins.

D. Cumulative Effects

The primary degradation product of SF is fluoride. The toxicity of fluoride in various forms has been extensively reviewed and is used as an additive in treated water supplies, tooth pastes, mouth rinses, and other treatments for the prevention of dental caries. It is also prescribed in therapeutic amounts for the treatment of osteoporosis. Fluoride is naturally present in both food and water in varying amounts, and has been added to public water supplies to fight dental caries. The recommended concentration of fluoride (usually as fluorosilicic acid) in treated water supplies is 0.8 to 1.0 ppm. The Third Report on Nutrition Monitoring in the U.S. says that:

Food contributes only small amounts of fluoride and monitoring the diet for fluoride intake is not very useful for current public health concerns. The sub-population most susceptible to fluoride is children. For this reason a number of studies have attempted to quantify the fluoride intake from a variety of sources. The total daily intake of fluoride from water (used to prepare formula, juices, and other foods) for infants ages birth to 9–months ranged to 1.73 mg with means from 0.29 to 0.38 mg. Assuming a body weight of 10 kg, these amounts are equivalent to 0.03 to 0.04 mg/kg/day. These levels of dietary exposure in combination with the potential dietary exposures that the proposed uses of ProFume on stored walnuts and raisins would represent (chronic dietary exposures of 0.00004 mg/kg-bwt/day) are considerably lower than the USEPA MCLG for fluoride of 0.114 mg/kg-bwt/day.

E. Safety Determination

1. *U.S. population*. Aggregate risk from exposure to SF would be minimal because of its rapid dissipation from any fumigated commodity and because it is not expected to be present at the time of food consumption. The SF residues in fumigated foods are expected to be non-detectable at the point of food consumption. Furthermore, if residues were considered as high as 2.0 ppm, the Margin of Exposure to the most sensitive population (children) is estimated to be greater than 300,000 (acute) or greater than 1,000,000 for chronic exposures. Exposure to fluoride, the residue of interest for SF, can occur from foods, water, and, dental treatments. The additional fluoride residues in raisins fumigated with SF are indistinguishable from the natural levels of fluoride already present and would therefore also fall within the EPA Threshold of Regulation Policy. Alternatively, fluoride in walnuts are expected to contribute to the fluoride that is ingested, but at a levels far below other sources, especially treated water and dentrifices. Chronic exposure to fluoride in walnuts and raisins (0.00004 mg/kg/day) is much lower than the EPA MCLG of 0.114 mg/kg-bwt/day calculated for exposure to fluorinated water. In addition there is no directly applicable scientific documentation of adverse medical effects at levels of fluorine below 0.23 mg/kg/day.

2. *Infants and children*. Acute exposure from a single day consumption of raisins and walnuts would be approximately 0.003 mg/kg/day for a child age 1–6 years. This value is approximately 10,000 times lower than the generally accepted toxic dose, and approximately 2,500 times lower than the accepted safe dose.

F. International Tolerances

There is no Codex maximum residue level established for residues of fluoride on any food or feed crop.

[FR Doc. 01–15150 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6996–3]

Preliminary Draft Staff Paper for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a draft for public review and comment.

SUMMARY: On June 13, 2001, the Office of Air Quality Planning and Standards (OAQPS)of EPA will make available for public review and comment a preliminary draft document, Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information (Preliminary Draft Staff Paper). The purpose of the Staff Paper is to evaluate the policy implications of the key scientific and technical information contained in a related EPA document, Air Quality Criteria for Particulate Matter, required under sections 108 and 109 of the Clean Air Act (CAA) for use in the periodic review of the national ambient air quality standards (NAAQS) for particulate matter (PM). The OAQPS also will make available for public review and comment a draft EPA document entitled, Particulate Matter NAAQS Risk Analysis Scoping Plan.

DATES: Comments on the preliminary draft Staff Paper and draft Risk Analysis Scoping Plan should be submitted on or before July 12, 2001.

ADDRESSES: Comments on the preliminary draft Staff Paper should be submitted to Dr. Mary Ross, Office of Air Quality Planning and Standards (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: *ross.mary@epa.gov;*

telephone: (919) 541–5170; fax: (919) 541–0237.

Comments on the draft Risk Analysis Scoping Plan should be submitted to Mr. Harvey Richmond, Office of Air Quality Planning and Standards (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: *richmond.harvey@epa.gov;* telephone: (919) 541–5271; fax: (919) 541–0237.

Availability of Related Information

Single copies of the preliminary draft Staff Paper and draft Risk Analysis Scoping Plan may be obtained without charge by contacting Mary Ross at the address or telephone number listed above. Please include name, address, telephone number, e-mail if available, and delivery preference (mail or e-mail delivery).

Electronic Availability

The preliminary draft Staff Paper and draft Risk Analysis Scoping Plan can also be obtained online at the Agency's OAQPS Technology Transfer Network (TTN) under the technical area of Office of Air and Radiation Policy and Guidance (OAR P&G), and under the heading of ''Staff Papers'' at the following internet web site: *http://www.epa.gov/ttn/oarpg/t1sp.html* If assistance is needed in accessing the system, call the help desk at (919) 541–5384 in Research Triangle Park, NC.

FOR FURTHER INFORMATION CONTACT: Dr. Mary Ross at the address and telephone number given above.

SUPPLEMENTARY INFORMATION: The EPA is currently reviewing the NAAQS for PM. Sections 108 and 109 of the CAA require that EPA carry out a periodic review and revision, where appropriate, of the scientific criteria and the NAAQS for ''criteria'' air pollutants such as PM. Details of EPA's plans for review of the NAAQS for PM were announced in a previous **Federal Register** notice (62 FR 55201, October 23, 1997). The second external review draft of the Air Quality Criteria for Particulate Matter was recently made available for public review and comment (66 FR 18929, April 12, 2001).

The purpose of the Staff Paper is to evaluate the policy implications of the key scientific and technical information contained in the Air Quality Criteria document and identify critical elements that EPA staff believe should be considered in reviewing the NAAQS. The Staff Paper is intended to ''bridge the gap'' between the scientific review contained in the Air Quality Criteria document and the public health and welfare policy judgments required of the Administrator in reviewing the NAAQS (Natural Resources Defense Council v. Administrator, 902 F.2d 962, 967 (D.C. Cir. 1990).

This preliminary draft Staff Paper includes preliminary assessments of the scientific and technical information contained in the draft Air Quality Criteria document and discusses proposed analyses to be conducted for inclusion in a subsequent draft Staff Paper. Staff conclusions and recommendations on the PM NAAQS are not included in this preliminary draft but will be included in a subsequent draft to be made available for further review and comment as indicated below.

The draft Risk Analysis Scoping Plan describes EPA's plans and approach for conducting PM health risk analyses that will be summarized and discussed in the next draft of the Staff Paper.

The preliminary draft Staff Paper and draft Risk Analysis Scoping Plan, along with the second external review draft of the Air Quality Criteria for PM, will be reviewed at an upcoming public meeting of the Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board. A future **Federal Register** notice will inform the public of the date and location of that meeting. Following the CASAC meeting, EPA will prepare a revised draft Staff Paper, taking into account public and CASAC comments, and will make the revised draft available for further review and comment by CASAC and the public.

Dated: June 7, 2001.

Anna B. Duncan,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 01–15146 Filed 6–14–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 5, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 16, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0331.

Title: Section 76.1803 Aeronautical frequencies: signal list, Section 76.1804 Aeronautical frequencies: leakage monitoring.

Form No.: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,200.

Estimated Time Per Response: .5 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 600 hours.

Total Annual Cost: $54,000.

Needs and Uses: The notifications are used by the Commission to locate and eliminate harmful interference as it occurs, to help assure safe operation of aeronautical and marine radio services and to minimize the possibility of interference to these safety-of-life services.

OMB Control No.: 3060–0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1240.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit; state, local or tribal government.

Number of Respondents: 45,000.

Estimated Time Per Response: 1 hour.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 47,250 hours.

Total Annual Cost: $1,125,000.

Needs and Uses: This form is filed by cable operators seeking to adjust maximum permitted rates for regulated cable services to reflect changes in external costs. The Commission uses the FCC Form 1240 to adjudicate permitted rates for regulated cable rates, services and equipment and for the addition and/or deletion of channels, and for the allowance for pass through of external costs due to inflation.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15126 Filed 6–14–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 99–200; DA 01–1409]

Common Carrier Bureau Clarifies That Future Filings of Numbering Utilization and Forecast Reports Must Include Numbering Resources in the 500 and 900 NPAs

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On June 11, 2001, the Commission released a public notice clarifying that future filings of numbering utilization and forecast reports must include numbering resources in the 500 and 900 NPA. The intended effect of this action is to remind common carriers of the requirement for filing numbering utilization and forecast reports.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Callahan at (202) 418–2320 or *ccallaha@fcc.gov* of the Common Carrier Bureau, Network Services Division. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals II, 445 12th Street, SW., Suite 6A207, Washington, DC 20554. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: Released: June 11, 2001. On March 31, 2000, the Commission released a Report and Order and Further Notice of Proposed Rulemaking that, among other things, required carriers to report semiannually on their actual and forecasted number usage.[1] Carriers are required to file reports twice each calendar year on or before February 1 for the six-month period ending December 31 and on or before August 1 for the six-month period ending June 30.[2]

Carriers that receive central office codes or NXX codes (*i.e.*, code holders) from the North American Numbering Administrator (NANPA), or that receive thousands-blocks (*i.e.*, block holders) from a Pooling Administrator, must report utilization and forecast data for all numbering resources in their inventory or ''assigned to them'', including numbering resources in the 500 and 900 area codes or numbering plan areas (NPAs). In previous numbering utilization and forecast reports, carriers have not included information on the 500 and 900 NPAs. Because the NANPA has reported that the 500 and 900 NPAs are nearing exhaust, it is necessary to more closely track the use of 500 and 900 numbering resources and more closely monitor their projected exhaust. Moreover, the NRO Order mandated that ''all carriers that receive numbering resources from the NANPA (*i.e.*, code holders), or that receive numbering resources from a Pooling Administrator in thousands-blocks (*i.e.*, block holders), report forecast and utilization data to the NANPA.'' [3] Clearly 500 and 900 NPA's are covered by this mandate.

The Bureau has instructed the NANPA, in accordance with 47 CFR 52.15(g)(3)(4), to withhold numbering resources from carriers that fail to comply with these reporting requirements. Carriers are encouraged to report numbering resources in the 500 and 900 NPAs separately from those in the geographic NPAs. The NANPA will provide further guidance to carriers completing utilization and forecast data for 500 and 900 numbering resources on its web site, *www.nanpa.com*.

Federal Communications Commission.

Diane Griffin Harmon,

Acting Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 01–15181 Filed 6–14–01; 8:45 am]

BILLING CODE 6712–01–P

[1] Numbering Resource Optimization, CC Docket No. 99–200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000) (NRO Order).

[2] 47 CFR 52.15(f)(6).

[3] NRO Order at para. 40.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 29, 2001.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Benjamin F. Bigger, Pocahontas, Arkansas; to retain voting shares of Pocahontas Bankstock, Inc., Pocahontas, Arkansas, and thereby indirectly retain voting shares of Bank of Pocahontas, Pocahontas, Arkansas.

Board of Governors of the Federal Reserve System, June 11, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15100 Filed 6–14–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of

the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 9, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Citizens State Bancorporation, Grafton, North Dakota; to merge with Ideal Bancshares, Inc., West Fargo, North Dakota, and thereby indirectly acquire voting shares of First Capital Bank of North Dakota, West Fargo, North Dakota; Walhalla Bank Holding Company, Walhalla, North Dakota; First State Bank of Langdon, Langdon, North Dakota, and Walhalla State Bank, Walhalla, North Dakota.

Board of Governors of the Federal Reserve System, June 11, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15101 Filed 6–14–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, June 20, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. 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: June 12, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–15274 Filed 6–13–01; 11:29 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request Proposed Projects:

Title: Computerized Support Enforcement Systems.

OMB No. 0980–0271.

Description: The information being collected is mandated by Section 454(16) which provides for the establishment and operation by the State agency, in accordance with an initial and annually updated advance planning document approved under section 452(d) of this state, of a statewide system meeting the requirements of section 454A. In addition, 454A(e)(1) requires that States create a State Case Registry (SCR) within their statewide automated child support systems, to include information on IV–D cases and non-IV–D orders established or modified in the State on or after October 1, 1998. Section 454A(e)(5) requires States to regularly update their cases in the SCR.

The data being collected for the Advance Planning Document is a combination of narrative, budget and schedules which are used to provide funding approvals on a annual basis and to monitor and oversee system development.

The data being collected for the State Case Registry is used to transmit mandatory data elements to the Federal Case Registry where it is used for matching against other data bases for the purposes of location of individuals, assets, employment and other child support related activities.

Respondents: The respondents are 54 State and Territorial Child Support Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
307.15 (APD)	2	1	240	480
307.15 (APDU)	54	1	60	3240
307.11(e)(1)(ii) Collection of non-IV–D data for SCR States	54	25,200	.046	62,597
307.11(e)(1)(ii) Collection of non-IV–D data for SCR-courts	3,045	447	.029	39,472
307.11(e)(3)(v) Collection of Child Data for IV–D cases for SRC-Courts	3,045	213	.083	53,833
307.11(f)(1) Case Data Transmitted from SCR to FCR: New cases and case updates	54	46,379	2.82	130,788
Total				290,410

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the

information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: June 6, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–15123 Filed 6–14–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0249]

Agency Information Collection Activities; Proposed Collection; Comment Request; Consumer and Producer Surveys on Economic Issues

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing 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, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on proposed voluntary surveys of consumers and producers in order to help FDA comply with Executive Order 12866, the Regulatory Flexibility Act (RFA), and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

DATES: Submit written or electronic comments on the collection of information by August 14, 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: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1227.

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© 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, including each proposed extension of an existing 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.

Consumer and Producer Surveys on Economic Issues

Under section 903(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)), FDA is authorized to conduct research relating to regulated articles and to collect information relating to responsibilities of the agency. Executive Order 12866, RFA, and SBREFA direct Federal agencies to conduct regulatory impact analysis, and to consider flexible regulatory approaches. In order to perform the mandatory analysis it is often necessary to survey: (1) Regulated producers to determine existing practices and the changes in those practices likely under various policy options, (2) both consumers and manufacturers to explore attitudes towards policy proposals, and (3) industry experts to solicit expert opinions. FDA is seeking OMB clearance to conduct future surveys to implement Executive Order 12866, RFA, and SBREFA. Participation in the surveys will be voluntary. This request covers regulated entities, such as food processors, dietary supplement manufacturers, health professionals or other experts, and consumers.

FDA will use the information gathered from these surveys to identify current business practices, expert opinion, and consumer or manufacturer attitudes towards existing or proposed policy. FDA projects approximately 2 to 6 surveys per year, with a sample of between 10 and 1,000 respondents each for mail and telephone surveys, and a sample of up to 3,000 respondents for cable or internet surveys.

FDA estimates the upper bound burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Type of Survey	No. of Respondents	Annual Frequency per Response	Hours per Response	Total Hours
Mail questionnaire	1,000	1	3	3,000

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

Type of Survey	No. of Respondents	Annual Frequency per Response	Hours per Response	Total Hours
Phone survey	1,000	1	0.5	500
Internet or cable survey	3,000	1	1	3,000
Total				6,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on the expected number of respondents necessary to obtain a statistically significant stratification of the average to large size industries—including small business entities covered by FDA regulations—and consumers of regulated products.

Dated: June 8, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15082 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0135]

Agency Information Collection Activities; Announcement of OMB Approval; Focus Group Study of Radiation Disclosure Statement Options for Foods Treated With Ionizing Radiation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Focus Group Study of Radiation Disclosure Statement Options for Foods Treated with Ionizing Radiation'' 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 March 29, 2001 (66 FR 17183), 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 0910–0468. The approval expires on October 31, 2001. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: June 8, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15084 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1682]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Radioactive Drug Research Committee Report on Research Use of Radioactive Drugs Membership Summary and Study Summary

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Submit written comments on the collection of information by July 16, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Radioactive Drug Research Committee Report on Research Use of Radioactive Drugs Membership Summary and Study Summary (OMB Control No. 0910–0053)—Extension

Under sections 201, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 355, and 371), FDA has the authority to issue regulations governing the use of radioactive drugs for certain research uses. The regulations in § 361.1 (21 CFR 361.1) establish the conditions under which radioactive drugs are generally recognized as safe and effective for certain research purposes.

The regulations in § 361.1 set forth specific requirements for the establishment and composition of Radioactive Drug Research Committees (RDRCs) and their role in approving and monitoring the use of radioactive drugs in certain types of research. These radioactive drugs may not be given to human subjects without the authorization of an FDA-approved RDRC (§ 361.1(d)(7)). The types of studies authorized under § 361.1 are those intended to obtain basic information on the metabolism of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry. Research intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety and effectiveness of a radioactive drug in humans (i.e., to carry out a clinical trial) may not be conducted under an RDRC. Research for such purposes requires the submission of an investigational new drug application under 21 CFR part 312.

Section 361.1 requires the RDRCs to perform various activities involving the collection of information and reporting to FDA that are subject to the PRA. Under § 361.1(c)(2), each RDRC must do the following: (1) Select a chairman who must sign all applications, minutes, and reports of the committee; (2) meet at

least once each quarter in which research is authorized or performed; and (3) keep minutes and include the numerical results of votes on protocols involving use in human subjects. Under § 361.1(c)(3), each RDRC must submit an annual report to FDA that includes the names and qualifications of the members of, and of any consultants used by, the RDRC. It must also include, for each study conducted during the preceding year, a summary of information using Form FDA 2915. Under § 361.1(d)(5), each investigator must obtain the proper informed consent required under the regulations. Each female research subject of childbearing potential must state in writing that she is not pregnant or be confirmed as not pregnant on the basis of a pregnancy test before participating in any study. Under § 361.1(d)(8), each investigator must immediately report to the RDRC all adverse effects associated with use of the radioactive drug in the research study, and the RDRC must report to FDA all adverse reactions probably attributable to such use.

Section 361.1(f) specifies labeling requirements for radioactive drugs for these research uses. These requirements are not in the reporting burden estimate because they are information supplied by the Federal Government to the recipient for the purposes of disclosure to the public (5 CFR 1320.3(c)(2)).

The primary purpose of this collection of information is to determine if these research studies involving radioactive drugs are being conducted in accordance with regulations. If these studies were not reviewed, human subjects might be subjected to inappropriate radiation and/or other safety risks. Individuals responsible for the collection of this information are the chairpersons of each RDRC, and investigators in the studies.

The estimate of the paperwork burden was based on a survey of three different RDRC chairpersons. The three RDRCs reflect different geographical areas and varying levels of RDRC membership and activities. The chairpersons provided their assessments of time expended, cost, and ease of completing the necessary reporting forms.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
361.1(c)(3)	FDA 2914	96	1.0	96	1	96
361.1(c)(3)	FDA 2915	63	5	315	3.5	1,103
361.1(d)(5)		63	5	315	0.1	31
361.1(d)(8)		63	5	315	0	0
Total						1,230

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	Form	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
361.1(c)(2)	FDA 2914 and 2915	96	1 per quarter 4 per year	10	960
Total					960

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of January 5, 2001 (66 FR 1137), the agency requested comments on the continued collections of RDRC annual report information, using Form FDA 2914 and Form FDA 2915, which expire on October 31, 2001. These forms cannot be used after this date unless they have a valid OMB control number.

The agency received two written responses to the proposed continued collections of information; they contained a total of six comments. The comments received and respective responses are listed below:

1. The comment maintained that FDA has never had any actual statutory authority over radioactive drugs used for basic research and the extensive paperwork requirements for § 361.1 should be completely removed.

This comment involves substantive changes to the regulations and is beyond the scope of the January 5, 2001, notice. In the **Federal Register** of November 30, 2000 (65 FR 73799), FDA announced, as part of the semiannual regulatory agenda, that it intends to publish a proposed rule to revise § 361.1 to update FDA's regulations on the use of radioactive drugs for basic research to reflect technological changes in the field of radiopharmaceuticals and to clarify and correct certain provisions. It would be more appropriate to submit this comment in response to the proposed rule once FDA publishes it.

2. The comment maintained that the term ''radiation dose commitment to whole body'' is unclear and that reporting the ''absorbed dose to whole body'' on Form FDA 2915 is inappropriate. The comment stated that more appropriate calculations of body dose involve the summation of individual organ doses multiplied by organ weighting factors (e.g., effective dose equivalent or effective dose).

This comment is beyond the scope of the January 5, 2001, notice and would more appropriately be submitted as a comment on the proposed rule that FDA intends to publish.

3. The comment maintained that the instructions and table headings on Form FDA 2915 require absorbed doses to be in units of ''mR'' though this is a unit of exposure rather than absorbed dose. The comment suggests that the unit of rad or gray should be used.

FDA intends to change Form FDA 2915 to require the total radiation doses and dose commitments, expressed in the unit of rem (§ 361.1(b)).

4. The comment maintained that the reporting requirements for gender and age of each human subject over 18 years of age are unnecessary and should be deleted.

This comment is beyond the scope of the January 5, 2001, notice and would more appropriately be submitted as a comment on the proposed rule that FDA intends to publish.

5. The comment recommends that absorbed doses for individual subjects who are also representative subjects, or absorbed doses for individual subjects that are less than those estimated for a representative subject, be eliminated from the annual reporting requirements.

This comment is beyond the scope of the January 5, 2001, notice and would more appropriately be submitted as a comment on the proposed rule that FDA intends to publish.

6. The comment maintains that the estimated annual reporting burden stated in table 1 of the January 5, 2001, notice underestimates the time required for completion of Form FDA 2915 as it currently exists. The respondent estimates that the time expended to complete an annual summary on Form FDA 2915 is approximately 10 hours, rather than the 3.5 hours stated.

FDA appreciates the comment but believes that 3.5 hours is a reasonable estimate of the average time it takes to complete the form. However, FDA recognizes that the paperwork burden may vary from committee to committee. FDA's survey of RDRC chairpersons attempted to reflect differences in RDRC membership and scope of activities. Based on this comment, FDA may further examine and evaluate the role, functions, and activities of RDRC and its related paperwork burden in the future.

Dated: June 8, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15079 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0048]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Current Good Manufacturing Practice Regulations for Type A Medicated Articles

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 16, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Type A Medicated Articles—21 CFR Part 226 (OMB Control No. 0910–0154)—Extension

Under section 501 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 351), FDA has the statutory authority to issue current good manufacturing practice (CGMP) regulations for drugs, including Type A medicated articles. A Type A medicated article is a feed product containing a concentrated drug diluted with a feed carrier substance. A Type A medicated article is intended solely for use in the manufacture of another Type A medicated article or a Type B or Type C medicated feed. Medicated feeds are administered to animals for the prevention, cure, mitigation, or treatment of disease or for growth promotion and feed efficiency.

Statutory requirements for CGMPs for Type A medicated articles have been codified at part 266 (21 CFR part 226). Type A medicated articles that are not manufactured in accordance with these regulations are considered adulterated under section 501(a)(2)(B) of the act. Under part 226, a manufacturer is required to establish, maintain, and retain records for Type A medicated articles, including records to document procedures required under the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (i.e., batch and stability testing), and product distribution. This information is needed so that FDA can monitor drug usage and possible misformulation of Type A medicated articles. The information could also prove useful to FDA in investigating product defects when a drug is recalled. In addition, FDA will use the CGMP criteria in part 226 to determine whether or not the systems used by manufacturers of Type A medicated articles are adequate to assure that their medicated articles meet the requirements of the act as to safety and also meet the articles, claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the act.

The respondents for Type A medicated articles are pharmaceutical firms that manufacture both human and veterinary drugs, those firms that produce only veterinary drugs and commercial feed mills.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
226.42	115	260	29,000	0.75	22,425
226.58	115	260	29,000	1.75	52,325
226.80	115	260	29,000	0.75	22,425
226.102	115	260	24,000	1.75	52,325
226.110	115	260	29,000	0.25	7,475

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]—Continued

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
226.115	115	10	1,150	0.5	575
Total					157,550

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimate of the time required for record preparation and maintenance is based on agency communications with industry. Other information needed to calculate the total burden hours (i.e., manufacturing sites, number of Type A medicated articles being manufactured, etc.) is derived from agency records and experience.

Dated: June 8, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15080 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0046]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Current Good Manufacturing Practice Regulations for Medicated Feeds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by July 16, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Medicated Feeds—21 CFR Part 225 (OMB Control No. 0910–0152)—Extension

Under section 501 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 351) FDA has the statutory authority to issue current good manufacturing practice (CGMP) regulations for drugs, including medicated feeds. Medicated feeds are administered to animals for the prevention, cure, mitigation or treatment of disease or for growth promotion and feed efficiency. Statutory requirements for CGMPs have been codified in part 225 (21 CFR part 225). Medicated feeds that are not manufactured in accordance with these regulations are considered adulterated under section 501(a)(2)(B) of the act. Under part 225, a manufacturer is required to establish, maintain, and retain records for a medicated feed, including records to document procedures required during the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (i.e., batch and stability testing), labels, and product distribution. This information is needed so that FDA can monitor drug usage and possible misformulation of medicated feeds, to investigate violative drug residues in products from treated animals and investigate product defects when a drug is recalled. In addition, FDA will use the CGMP criteria in part 225 to determine whether or not the systems and procedures used by manufacturers of medicated feeds are adequate to assure that their feeds meet the requirements of the act as to safety and also meet their claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the act.

A license is required when the manufacturer of a medicated feed involves the use of a drug or drugs, which FDA has determined requires more control because of the need for a withdrawal period before slaughter or carcinogenic concerns. Conversely, for those medicated feeds for which FDA has determined that the drugs used in their manufacture need less control, a license is not required and the recordkeeping requirements are less demanding. Respondents to this collection of information are commercial feed mills and mixer-feeders.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN (REGISTERED LICENSED COMMERCIAL FEED MILLS)[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
225.42(b)(5) through (b)(8)	1,150	260	299,000	1	299,000
225.58© and (d)	1,150	45	51,750	.5	25,875
225.80(b)(2)	1,150	1,600	1,840,000	.12	220,800
225.102(b)(1)	1,150	7,800	8,970,000	.08	717,600
225.110(b)(1) and (b)(2)	1,150	7,800	8,970,000	0.15	134,550

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN (REGISTERED LICENSED COMMERCIAL FEED MILLS)[1]—Continued

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
225.115(b)(1) and (b)(2)	1,150	5	5,750	.12	690
Total					1,398,515

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN (REGISTERED LICENSED MIXER-FEEDERS)[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
225.42(b)(5) through (b)(8)	100	260	26,000	.15	3,900
225.58© and (d)	100	36	3,600	.5	1,800
225.80(b)(2)	100	48	4,800	.12	576
225.102(b)(1) through (b)(5)	100	260	26,000	.4	10,400
Total					16,676

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3.—ESTIMATED ANNUAL RECORDKEEPING BURDEN (NONREGISTERED UNLICENSED COMMERCIAL FEED MILLS)[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
225.142	8,000	4	32,000	1	32,000
225.158	8,000	1	8,000	4	32,000
225.180	8,000	96	768,000	.12	92,160
225.202	8,000	260	2,080,000	.65	1,352,000
Total					1,508,160

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4.—ESTIMATED ANNUAL RECORDKEEPING BURDEN (NONREGISTERED UNLICENSED MIXER-FEEDERS)[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
225.142	45,000	4	180,000	1	180,000
225.158	45,000	1	45,000	4	180,000
225.180	45,000	32	1,440,000	.12	172,800
225.202	45,000	260	11,700,000	.33	3,861,000
Total					4,393,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimate of the time required for record preparation and maintenance is based on agency communications with industry. Other information needed to calculate the total burden hours (i.e., number of recordkeepers, number of medicated feeds being manufactured, etc.) is derived from agency records and experience.

Dated: June 8, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15081 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–234]

Agency Information Collection Activities: Submission For OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration

(HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Subpart D—Private Contracts and Supporting Regulations in 42 CFR 405.410, 405.430, 405.435, 405.440, 405.445, 405.455, 410.61, 415.110, and 424.24;

Form No.: HCFA–R–234 (OMB # 0938–0730);

Use: Section 4507 of the BBA of 1997 amended section 1802 of the Social Security Act to permit certain physicians and practitioners to opt-out of Medicare and to provide through private contracts services that would otherwise be covered by Medicare. Under such contracts the mandatory claims submission and limiting charge rules of section 1848(g) of the Act would not apply. Subpart D and the Supporting Regulations contained in 42 CFR 405.410, 405.430, 405.435, 405.440, 405.445, and 405.455, counters the effect of certain provisions of Medicare law that, absent section 4507 of BBA 1997, preclude physicians and practitioners from contracting privately with Medicare beneficiaries to pay without regard to Medicare limits;

Frequency: Biennially;

Affected Public: Business or other for-profit;

Number of Respondents: 26,820;

Total Annual Responses: 26,820;

Total Annual Hours: 7,197.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE **ADDRESS** at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address:

OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: May 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services,Security and Standards Groups, Division of HCFA Enterprise Standards.

[FR Doc. 01–15096 Filed 6–14–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Emergency Medical Service for Children; Cooperative Agreements for Emergency Medical Services for Children Network Development Demonstration Projects

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that up to $1.8 million in fiscal year (FY) 2001 funds is available to fund up to three cooperative agreements for demonstration projects to develop and potentially replicate a system of regional applied pediatric emergency medical services research centers designed to expand and improve emergency services for children who need treatment for trauma or critical care. These regional centers will be linked together, as nodes in a network, with their affiliated hospital emergency departments, to demonstrate a capacity to conduct observational studies and clinical trials on issues relating to the management of emergency pediatric events that occur in medical settings as well as in transport to and from such settings. Substantial HRSA scientific and/or programmatic involvement in the administration of network activities is anticipated. All of the cooperative agreements will be made under the program authority of the Public Health Service Act, Title XIX, Section 1910 (42 U.S.C. 300w–9), Emergency Medical Services for Children, and will be administered by the Maternal and Child Health Bureau (MCHB), HRSA. Projects will be approved for up to a 3-year period, with average yearly awards varying from $350,000 to $600,000. However, funding for Emergency Medical Services for Children (EMSC) Network Development Cooperative Agreements (CFDA #93.127L) beyond FY 2001 is contingent upon the availability of funds. Announcements may be made after the initial 3-year project period to demonstrate the effectiveness of expanding the number of regional centers in the network.

DATES: Entities which intend to submit an application for this program are expected to notify MCHB's Division of their intent by July 2, 2001. The deadline for receipt of applications is August 1, 2001. Applications will be considered ''on time'' if they are either received on or before the deadline date or postmarked on or before the deadline date. The projected award date is September 30, 2001.

ADDRESSES: To receive a complete application kit, applicants may telephone the HRSA Grants Application Center at 1–877–477–2123 (1–877–HRSA–123) beginning May 29, 2001, or register on-line at: *http://www.hrsa.gov/—order3.htm* directly. The Pediatric Emergency Medical Services Network Development program uses the standard Form PHS 5161–1 (rev. 7/00) for applications (approved under OMB No. 0920–0428). Applicants must use Catalog of Federal Domestic Assistance (CFDA) #93.127L when requesting application kits. The CFDA is a Government wide compendium of enumerated Federal programs, project services, and activities which provide assistance. All applications must be mailed or delivered to Grants Management Officer, MCHB: HRSA Grants Application Center, 1815 N. Fort Meyer Drive, Suite 300, Arlington, Virginia 22209: telephone 1–877–477–2123: E-mail: *hrsagac@hrsa.gov*.

Necessary application forms and an expanded version of this Federal Register notice may be downloaded in either Microsoft Office 2000 or Adobe Acrobat format (.pdf) from the MCHB Home Page at *http://www.mchb.hrsa.gov*. Please contact Joni Johns, at 301/443–2088, or *jjohns@hrsa.gov/*, if you need technical assistance in accessing the MCHB Home Page via the Internet.

This notice will appear in the **Federal Register** and/or HRSA Home Page at *http://www.hrsa.dhhs.gov/*. **Federal Register** notices are found on the World Wide Web by following instructions at: *http://www.access.gpo.gov/su_docs/aces/aces140.html*.

Letter of Intent: Notification of intent to apply can be made in one of three ways: Telephone, 301–443–2190; email, *kwadhwani@hrsa.gov/*; mail, Research Branch, MCHB Division of Research,

Training and Education; Parklawn Building, Room 18A–55; 5600 Fishers Lane; Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kishena Wadhwani, 301/443–4842, email: *kwadhwani@hrsa.gov/* (for questions specific to project objectives and activities of the program; or the required Letter of Intent, which is further described in the application kit); Jamie King, 301/443–1123, email *jking@hrsa.gov/* (for grants policy, budgetary, and business questions).

SUPPLEMENTARY INFORMATION: Improving the care of ill and injured pediatric patients has been a major goal of the EMSC program since its inception in 1984. This program is administered by MCHB in collaboration with the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation. Almost every State has received EMSC funding for demonstration projects to expand and improve pediatric emergency care and many new methods have been implemented, including system development, education of emergency providers, integration of pediatric components into adult emergency medical services (EMS) systems, and data collection and analysis to delineate existing and emergent problems and develop cause-and-effect hypotheses.

Despite the many advances in creating and improving EMS systems and incorporating pediatric components into them, relatively little empirical data has been collected about how EMS and EMSC systems operate, about the efficacy of the clinical procedures being employed at the hospital level to treat and manage children who have experienced an emergency event, or about the efficacy of the transport systems and clinical procedures used to treat and manage children prior to their arrival at the hospital. Information on the cost effectiveness of the various EMS and EMSC system configurations and of the various ways being used to handle clinical pediatric emergencies is also lacking.

The dearth of science-based knowledge about pediatric emergencies and how to best manage them has not gone unnoticed. The issue has been raised by professionals in the field, who have found that it constitutes a major barrier to the reduction of the annual toll in mortality and morbidity. Calls by experts to mount a nation wide research initiative in emergency medical services were made in 1991 and 1993. These led to the publication of comprehensive research agenda reports for researchers working independently. More recently, in 2001, a joint report from the National Association of EMS Physicians and NHTSA delineates what areas of research—unspecified as to adult or children—need to be addressed. This report alludes to the nationwide scarcity of available funds for research in EMS and EMSC. The same report emphasizes that because the incidence rates for all emergency events are relatively small, more so for children, the pooling of sites and treatment experiences for applied research is highly desirable.

The encouragement of a research focus for the EMSC program was also reflected by the Senate Appropriations Committee in its FY 2001 committee report language (S.Report No. 106–293, at 73 (2000)). In it, the Committee encourages MCHB's EMSC program to ''develop * * * quality of care assessment and enhancement initiatives'' and ''to develop a means of collecting data to ensure accountability and to better track accomplishments and needs.'' *Id.*

The EMSC Network Development Demonstration Projects described in this announcement are a measured response to the national concerns outlined above. Within five years, the intent is to demonstrate that: (1) A well-conceived and fully-operational infrastructure can be put in place to conduct clinical trials and observational studies on EMSC using rigorous study designs and methodologies; (2) a consensus-derived and well-informed research agenda can be developed and used to actively guide the network's activities; (3) a research and development process can be instituted fully within the network to develop proposals, conduct pilot studies, and carry out full-blown investigation with support from MCHB and other Federal agencies; and (4) a plan to study and encourage the transfer of network findings to EMSC practices can be designed and instituted.

Authorization: Title XIX, Section 1910, Public Health Service Act (42 U.S.C. 300w–9).

Purpose

The purpose of this program is to design and evaluate an infrastructure to test the efficacy of treatments, transport and care responses that precede the arrival of children to hospital emergency departments. Creation of a successful infrastructure will help overcome present difficulties in assessing the efficacy and quality of care and ensuring accountability in State EMSC programs that result from the relatively small incidence rates of pediatric emergency events and the lack of a current mechanism to pool sites and treatment experiences and can also be expected to facilitate observational studies on a variety of issues related to EMSC, including the processes involved in transferring research results to treatment settings.

Eligibility

Applications may be submitted by State governments and accredited schools of medicine. The term ''schools of medicine'' for the purpose of this solicitation is defined as having the same meaning as set forth in section 799B(1)(A) of the PHS Act (42 U.S.C. 295p(1)(A)). ''Accredited'' in this context has the same meaning as set forth in section 799B(1)(E) of the PHS Act (42 U.S.C. 295p(1)(E)).

Funding Mechanism

The administrative and funding instrument to be used for this program will be the cooperative agreement, in which substantial MCHB scientific and/or programmatic involvement with awardees is anticipated during the performance of the project. Under the cooperative agreement, MCHB will support and stimulate awardees' activities by working with the awardees in a partnership role. Federal involvement may include, but is not limited to, planning, guidance, coordination and participation in programmatic activities. Periodic meetings and/or communications with the award recipient may be held to review mutually agreed upon goals and objectives and to assess progress. Details of the responsibilities of MCHB, awardees, and their expected relationships under these cooperative agreements are included in the ''Terms and Conditions of Award'' section of the application guidance material, which is part of the application kit sent to prospective applicants upon request, or downloaded by prospective applicants from the MCHB web site.

Funding Level/Project Period

Approximately $1.8 million in FY 2001 funds is available to support the EMSC Network Development Demonstration Projects. This level of support is dependent on the receipt of a sufficient number and diversity of applications of high scientific merit.

Three awards are anticipated in FY 2001, for project periods of up to three years. Because the nature and scope of activities proposed in response to this announcement may vary, it is anticipated that the size of individual awards will also vary. The initial budget period is expected to be 12 months, with subsequent budget periods being 12 months. Continuation of any project from one budget period to the next is subject to satisfactory performance,

availability of funds, and program priorities.

Competing continuation applications may be invited upon expiration of the initial funding period. Any awards made subsequent to the initial 3-year project period would be expected to demonstrate the feasibility of adding sites to the Network.

Review Criteria

Applications will be screened by MCHB staff for completeness and programmatic responsiveness to the program guidance. Those judged to be incomplete or non-responsive will be returned to the applicant without review.

Applications that are complete and responsive to the guidance will be evaluated for scientific and technical merit by an appropriate peer review group specifically convened for this solicitation and in accordance with HRSA grants management policies and procedures. As part of the initial merit review, all applications will receive a written critique. All applications recommended for approval will be discussed fully by the ad hoc peer review group and assigned a priority score for funding.

Applications will be reviewed for scientific and technical merit using a set of criteria covering the following areas:

(1) Quality of plan for the establishment of the cooperative regional research center and the nature and technical quality of the investigations proposed;

(2) Principal investigator's documented history of leadership in the conduct of complex multi-site clinical trials and observational investigations and substantial publication record in the field of emergency medical services;

(3) Infrastructure to conduct research;

(4) Collaboration between hospital emergency departments and regional center;

(5) Administrative and management plan;

(6) Budget. Budget requests should be commensurate with the complexities involved in what is being proposed and carefully justified;

(7) Positive evaluation of pre-award site visits to all applicants.

Final criteria used to review and rank applications for this competition are included in the application kit. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which their applications will be judged.

Paperwork Reduction Act

If the cooperative agreements described in this announcement involve data collection activities that fall under the purview of the Paperwork Reduction Act of 1995, OMB clearance will be sought prior to collection of data.

Executive Order 12372

This program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up such a review system and will provide a single point of contact (SPOC) in the States for review. Applicants (other than federally-recognized Indian tribal governments) should contact their State SPECS as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date. (See part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements).

Dated: June 7, 2001.

Betty James Duke,

Acting Administrator.

[FR Doc. 01–15085 Filed 6–14–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for cooperative agreements for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Cooperative Agreements to Develop a National Infrastructure for the Improvement of Treatment and Services for Children and Adolescents Who Experience Trauma, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001 (in millions)	Est. number of awards	Project period (in yrs.)
Child Traumatic Stress Initiative	July 30, 2001	*$9.5	*18	*3

*See the text below for more details on the funding, number of awards, and the project period. This will vary with the three types of awards.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of application received. FY 2001 funds for the activity discussed in this announcement were appropriated by Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials

(complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for cooperative agreements to implement the National Child Traumatic Stress Initiative (NCTSI). Its purpose is to improve treatment and services for all children and adolescents in the United States who have experienced traumatic events. A network of centers will be established to identify or develop effective treatments and services, collect clinical data on child trauma cases and services, develop resources on trauma for professionals, consumers, and the public, and develop trauma-focused public education and professional training and other field development activities. This GFA solicits applications in three distinct, but related programs. It is anticipated that one award will be made in Category I for the National Center for Child Traumatic Stress, which will provide national leadership and focus. Up to five awards will be made in Category II for the Treatment/Services Development Program, which will provide expertise to improve and provide specific areas of child and adolescent trauma treatment and services. Up to 12 awards will be made in Category III for the Community Practice Program, which will assume primary responsibility for implementing effective treatment and service delivery approaches for child trauma in community and specialty service settings.

Eligibility: Domestic public and private nonprofit entities can apply.

Availability of Funds: Approximately $2,500,000 will be available for Category I. Approximately $3,000,000 will be made available for Category II and the average award should range from $500,000 to $600,000 per year. For Category III, approximately $4,000,000 will be available, with the average award ranging from $250,000 to $340,000. These amounts are per budget year and total costs include direct and indirect costs.

Period of Support: For all categories, applicants should request support for three years and provide a separate budget for each year.

Criteria for Review and Funding

General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For program related questions, contact:

Robert DeMartino, PhD, Associate Director for Program in Trauma and Terrorism, Division of Program Development, Special Populations and Projects,Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 17C–26, Rockville, MD 20857, Telephone: 301–443–2940, E-mail: *rdemarti@samhsa.gov;*or

Malcolm Gordon, PhD, Special Programs Development Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 17C–05, Rockville, MD 20857, Telephone: 301–443–2957, E-mail: *mgordon@samhsa.gov.*

For questions regarding grants management issues, contact: Gwen Simpson, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rm 13–103, Rockville, MD 20857, (301) 443–4456, E-mail: gsimpson@samhsa.gov.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372

Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any

necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: June 11, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–15086 Filed 6–14–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–24]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: June 7, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 01–14838 Filed 6–14–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with 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.*). 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.

Applicant: Jill D. Pruetz, Ph.D., East Stroudsburg, PA, PRT–040364

The applicant request a permit to import biological samples from wild chimpanzees (*Pan troglodytes*) non-invasively collected in Senegal for the purpose of scientific research. This notification covers activities conducted by the applicant for a period of five years.

Applicant: Don P. (RIP) Miller, II, Austin, TX, PRT–043731

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purposes of enhancement of the survival of the species.

Applicant: Center For Environmental Research and Conservation, Columbia University, New York, NY PRT–824210

The applicant requests re-issuance of a permit to import biological samples obtained from captive or wild specimens of capped langur (*Trachypithecus pileatus*), golden langur (*T. geei*), Douc langur (*Pygathrix nemaeus*), Guizhou sub-nosed langur (*P. brelichi*), Sichaun snub-nosed langur (*P. roxellana*), Tonkin snub-nosed langur (*P. avunculus*), Yunnan snub-nosed langur (*P. bieti*), Pagi Island langur (*Nasalis concolor*), purple-faced langur (*T. vetulus* = *Presbytis senex*), Francois' langur (*T. francoisi* = *P. francoisi*), long-tailed langur (*Presbytis potenziani*), gray langur (*Semnopithecus entellus*), stump-tailed macaque (*Macaque arctoides*), Formosan rock macaque (*M. cyclopis*), Japanese macaque (*M. fuscata*), toque macaque (*M. sinico*), lion-tailed macaque (*M. silenus*), orangutan (*Pongo pygmaeus*) and proboscis monkey (*Nasalis larvatus*) for the purpose of scientific research. This notification covers activities conducted by the applicant for a period of five years.

Applicant: Center For Environmental Research and Conservation, Columbia University, New York, NY PRT–024566

The applicant requests re-issuance of a permit to import biological samples obtained from captive or wild specimens gibbons (Hylobates species) for the purpose of scientific research. This notification covers activities conducted by the applicant for a period of five years.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: Aquamarine Fukushima, Iwaki, Japan, PRT–020575.

Permit Type: Take and Export for public display.

Name and Number of Animals: Northern sea otter *(Enhydra lutris lutris),* 1.2.

Summary of Activity to be Authorized: The applicant requests a permit to live capture from the waters

of Alaska 3 adult Northern sea otters and export them to their facility in Japan for the purpose of public display.

Source of Marine Mammals: Wild sea otters from Alaska.

Period of Activity: Up to 5 years, if issued.

Applicant: Ibaraki Prefectural Oarai Aquairium, Ibaraki, Japan. PRT–043001.

Permit Type: Take and Export for public display.

Name and Number of Animals: Northern sea otter (*Enhydra lutris lutris*), 1.4.

Summary of Activity to be Authorized: The applicant requests a permit to live capture from the waters of Alaska 5 adult Northern sea otters and export them to their facility in Japan for the purpose of public display.

Source of Marine Mammals: Wild sea otters from Alaska.

Period of Activity: Up to 5 years, if issued.

Applicant: California Department of Fish and Game, Santa Cruz, California, PRT–039953.

Permit Type: Take for Enhancement.

Name and Number of Animals: Southern sea otter (*Enhydra lutris nereis*), variable number.

Summary of Activity to be Authorized: The applicant requests an enhancement permit to hold Southern sea otters for rehabilitation purposes at their Marine Wildlife Veterinary Care and Research Center; animals will be held for rehabilitation purposes pending return to the wild.

Source of Marine Mammals: Stranded animals in need of rehabilitation.

Period of Activity: Up to 5 years, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Applicant: Richard T. Adams, Verdi, NV, PRT–043591.

The applicant requests a permit to import a polar bear (Ursus maritimus) sport-hunted from the Norwegian Bay polar bear population in Canada for personal use.

Applicant: Frank Huschitt, Grayslake, IL, PRT–043606

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population in Canada for personal use.

Applicant: Alfred Cito, Manasquan, NJ, PRT–043609.

The applicant requests a permit to import a polar bear (Ursus maritimus) sport hunted prior to April 30, 1994, from the Northern Beaufort polar bear population in Canada for personal use.

Applicant: James A. Cummings, Fort Lauderdale, FL, PRT–043611.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population in Canada for personal use.

Applicant: Thomas E. Ferry, Ponca, NE, PRT–043735.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population in Canada for personal use.

Applicant: Bruce DeShano, Pigeon, MI, PRT–043824.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population in Canada for personal use.

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: June 1, 2001.

Monica Farris,

Senior Biologist, Branch of Permits, Office of Management Authority.

[FR Doc. 01–15092 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–040748

Applicant: Cheyenne Mountain Zoo, Cheyenne, Wyoming.

The applicant requests a permit to take black-footed ferrets (*Mustela nigripes*), and Wyoming toads (*Bufo hemiophrys baxteri*) in conjunction with recovery activities throughout the species' ranges for the purpose of enhancing their survival and recovery.

Applicant: Aaron R. Ellingson, Colorado State University, Fort Collins, Colorado.

The applicant requests a permit to take Uncompahgre fritillary butterflies (*Boloria acrocnema*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Applicant: William Wyatt Hoback, University of Nebraska, Kearney, Nebraska.

The applicant requests a permit to take American burying beetles (*Nicrophorus americanus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Applicant: Kevin R. Bestgen, Colorado State University, Fort Collins, Colorado.

The applicant requests a permit to take Colorado pikeminnows (*Ptychocheilus lucius*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Applicant: Greystone Environmental Consultants, Inc., Lakewood, Colorado.

The applicant requests a permit to take Southwestern willow flycatchers (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Applicant: Clay Richard Davis, Midwestern State University, Wichita Falls, Texas.

The applicant requests a permit to take black-footed ferrets (*Mustela nigripes*), and gray bats (*Myotis grisescens*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing their survival and recovery.

Applicant: Hank Guarisco, Guariscocorp Inc., Lawrence, Kansas.

The applicant requests a permit to take American burying beetles (*Nicrophorus americanus*) in

conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Applicant: Ronald J. Kass, Intermountain Ecosystems, Springville, Utah.

The applicant requests a permit to take Southwestern willow flycatchers (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

DATES: Written comments on these requests for permits must be received on or before July 16, 2001.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486; facsimile 303–236–0027.

FOR FURTHER INFORMATION CONTACT: 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 within 20 days of the date of publication of this notice to the address above; telephone 303–236–7400.

Dated: June 6, 2001.

Ralph O. Morgenweck,

Regional Director, Denver, Colorado.

[FR Doc. 01–15113 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[WO–830–1030–XP–2–24 1A]

Extension of Approved Information Collections, OMB 1004–0172 and 1004–0181

AGENCY: Bureau of Land Management, Interior, and Forest Service, Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) and the United States Department of Agriculture, Forest Service (USDAFS), request the Office of Management and Budget (OMB) to extend existing approvals to collect information through conducting surveys of the public for their respective user groups.

DATES: You must submit your comments to BLM at the appropriate address below on or before August 14, 2001. BLM will not necessarily consider any comments receive after the above date.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (630), Bureau of Land Management, 1849 C Street, NW., Room 401LS, Washington, DC 20240.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0172 and 1004–0181'' and your name and return address in your Internet message.

You may hand deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Andrew Goldsmith, Management Systems Group, Business and Fiscal Resources Directorate, on (202) 452–5169 (Commercial or FTS). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Mr. Goldsmith.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agencies, including whether the information will have practical utility;

(b) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(c) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical or to her technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from OMB under 44 U.S.C. 3501 *et seq.*

I. Background
II. Current Actions
III. Methodology
IV. Requests for Comments

I. Background

The Government Performance and Results Act of 1993 (Pub. L. No 103–62) sets out to ''improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction.'' In order to fulfill this responsibility, the BLM and USDAFS must collect data from their respective user groups to:

(1) Better understand the needs and desires of the public; and

(2) Respond to those needs and desires accordingly.

Executive Order No. 12862 fortifies this course of action. The Order discusses surveys as a means to determine the kinds and qualities of services the Federal Government's customers desire and to determine satisfaction levels for existing services. The BLM and USDAFS use these voluntary customer surveys to ascertain customer satisfaction with our services and products. Respondents are individuals and organizations who receive our services and products. Previous customer surveys provide useful information to assess how well we deliver our services, products, and for making improvements.

II. Current Actions

The request to OMB will be fore a three-year clearance to conduct customer surveys in the BLM and USDAFS. Over the past several years, we conducted several customer surveys, including the use of focus groups an a BLM–USDAFS comment card. The BLM uses this information to improve its products and services. (Examples of previously conducted customer surveys are available upon request.) Our planned activities in the next three fiscal years reflect our increased emphasis on and expansion of these activities.

III. Methodology

The BLM and USDAFS survey customers in the following general categories:

(1) Use requiring authorization;
(2) State and private foresty;
(3) Timber sales;
(4) Wild horse and burro;
(5) Research;
(6) Law enforcement;
(7) Fire and aviation;
(8) Wildlife and fisheries;
(9) Recreation;
(10) Information [general, land, title, and technology-based];
(11) Pilot programs;
(12) Stakeholders and partners; and
(13) State and local governments.

We use a stratified sampling technique for categories 1 through 8; categories 9 and 10 use intercept surveys. We use a general sampling technique for categories 11 through 13. The randomize sample we pull from the database will include an estimated 1,200 persons unless the database population is less than 1,200, at which point we will survey all. We set an 80% response rate goal. Whenever possible, we choose telephone surveys over mail surveys.

We develop questionnaires with the help of focus groups from around the country. We ask questions in the following general areas:

(1) Program specific (i.e., processing permits, recordation of mining claims, facilities and access to public land for recreation);

(2) Service delivery;

(3) Management practices;

(4) Resource protection;

(5) Rules, regulations, and policies;

(6) Communication with the public;

(7) Overall satisfaction; and

(8) General demographics.

IV. Requests for Comments

We are particularly interested in comments on the actions discussed in Items II and III. We provide the following guidelines to assist you in responding.

General Issues

A. Is the proposed collection of information in categories 1 through 13 (see III) necessary, taking into account accuracy, adequacy, and reliability, and the agency's ability to process the information in a useful and timely fashion?

B. What enhancements can the BLM and USDAFS make to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. We estimate the average public reporting burden for a customer survey is 15 minutes per response (13,000 respondents per year × 15 minutes per response = 3,250 hours annually). For comment cards, we estimate the average public reporting burden is three minutes per response (30,000 respondents per year × three minutes per response = 1,500 hours annually).

The information collection burden includes the total time, effort, or financial resources we expend to generate, maintain, retain, or disclose or provide the information including to:

(1) Review instructions;

(2) Develop, acquire, install, and utilize technology and systems for purposes to collect, validate, verify, process, maintain, disclose, and provide information;

(3) Adjust the existing ways to comply with any previously applicable instructions and requirements;

(4) Train personnel to respond to a collection of information;

(5) Search data sources;

(6) Complete and review the collection of information; and

(7) Transmit or otherwise to disclose the information.

Please comment on (1) the accuracy of our estimate and (2) how the agencies could minimize the burden of the collection information, including the use of automated collection techniques.

B. The BLM and USDAFS estimate that respondents will incur no additional costs for reporting other than the time required to complete the collection. The estimates should take into account the costs associated to generate, maintain, and disclose or provide information.

C. Do you know of any other Federal, State, or local agency collecting similar data? If you do, specify the agency, collection element(s), and the methods of collection.

As a Potential User

Are there any alternative sources of data? Do you use them? If so, what are their deficiencies and/or strengths?

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 29, 2001.

Michael Schwartz,

BLM Information Collection Clearance Officer.

Dated: May 21, 2001.

William Delaney,

USDA, Forest Service, Program Manager, Customer Service.

[FR Doc. 01–15106 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–HY–P; AA–52323]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of decision designating lands for conveyance.

SUMMARY: Notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska National Interest Lands Conservation Act will be issued to the Afognak Joint Venture for lands in T. 22 S., R. 18 W., Seward Meridian, Alaska, located on Afognak Island. Notice of the decision will also be published four times in the Kodiak Daily Mirror.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until July 16, 2001 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: Jerri Sansone (907) 271–3231

Authority: 43 CFR 2650.7(d).

Jerri Sansone,

Land Law Examiner.

[FR Doc. 01–15109 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–HY–P; F–19155–1]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: Notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Doyon, Limited, for lands in T. 3 N., R. 13 E., Kateel River Meridian, located in the vicinity of Huslia, Alaska, containing approximately 40 acres. Notice of the decision will also be published four times in the *Fairbanks Daily News-Miner.*

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision, shall have until July 16, 2001 to file an appeal.

2. Parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43

CFR part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: Barbara Opp, (907) 271–5669.

Authority: 43 CFR 2650.7(d).

Barbara J. Opp,

Land Law Examiner.

[FR Doc. 01–15110 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1320–EL, WYW153467]

Coal Lease Exploration License, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of invitation for coal exploration license.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201(b), and to the regulations adopted at 43 CFR 3410, all interested parties are hereby invited to participate with Triton Coal Company, LLC on a pro rata cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the following-described lands in Campbell County, WY:

T. 42 N., R. 70 W., 6th P.M., Wyoming
Sec. 6: Lots 8–23;
Sec. 7: Lots 5–14;
Sec. 8: Lots 1–12, 16;
Sec. 9: Lots 1–8, 11–14;
T. 43 N., R. 70 W., 6th P.M., Wyoming
Sec. 31: Lots 13–20;
T. 42 N., R. 71 W., 6th P.M., Wyoming
Sec. 1: Lots 5–15, 19, 20.

Containing 2,816.14 acres, more or less.

All of the coal in the above-described land consists of unleased Federal coal within the Powder River Basin Known Recoverable Coal Resource Area. The purpose of the exploration program is to obtain data on the Wyodak coal seam.

ADDRESSES: The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. Copies of the exploration plan are available for review during normal business hours in the following offices (serialized under number WYW153467): BLM, Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003; and, BLM, Casper Field Office, 2987 Prospector Drive, Casper, WY 82604.

SUPPLEMENTARY INFORMATION: This notice of invitation will be published in ''The News-Record'' of Gillette, WY, once each week for two consecutive weeks beginning the week of June 11, 2001, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the BLM and Triton Coal Company, LLC no later than thirty days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Triton Coal Company, LLC, North Rochelle Mine, Attn: Tim L. Thamm, 510 Reno Road, Gillette, WY 82718, and the BLM, Wyoming State Office, Branch of Solid Minerals, Attn: Mavis Love, P.O. Box 1828, Cheyenne, WY 82003.

The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2–1(c)(1).

Dated: May 29, 2001.

Phillip C. Perlewitz,

Chief, Branch of Solid Minerals.

[FR Doc. 01–14924 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–610–01–1610–DL]

Proposed Order for Temporary Closure of Selected Routes of Travel or Areas in Imperial County, Riverside County, and San Bernardino County, California

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Selected routes of travel or areas in two locations in the California Desert Conservation Area (CDCA) will be temporarily closed to vehicle use pursuant to 43 CFR 8364.1. The proposed closure is to provide interim protection for the desert tortoise, desert tortoise habitat, and other resource values from motorized vehicle use authorized under the CDCA Plan. By taking these interim actions, BLM contributes to the conservation of the endangered and threatened species in accordance with section 7(a) (1) of the Endangered Species Act (ESA). BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternatives which might be required as a result of the consultation on the CDCA plan in accordance with 7(d) of the ESA. These closures will remain in effect until records of decision are signed for amendments to the CDCA Plan for the Northern and Eastern Colorado Desert and the West Mojave Desert.

The vehicle route closures are as follows: 1. In the Edwards Bowl area vehicle use is restricted to specified routes. 2. In two areas of desert tortoise critical habitat in the Northern and Eastern Colorado Desert (NECO) planning area vehicle use is restricted to specified routes.

Exceptions to the vehicle closures include Bureau of Land Management (BLM) operation and maintenance vehicles, law enforcement and fire vehicles, and other emergency vehicles.

The Orders for closure will be posted in the appropriate BLM Field Office and at places near and/or within the area to which the closure or restriction applies (see Field Offices at end of this Notice).

DATE: No sooner than July 16, 2001, **Federal Register** Orders of final closure will be published for each of the two areas.

ADDRESSES: Written comments may be sent to the appropriate Field Office, Attn: Route Closure, at the addresses listed below.

SUPPLEMENTARY INFORMATION: On March 16, 2000, the Center for Biological Diversity, and others (Center) filed for injunctive relief in U.S. District Court, Northern District of California (Court) against the Bureau of Land Management (BLM) alleging that the BLM was in violation of Section 7 of the Endangered Species Act (ESA) by failing to enter into formal consultation with the U.S. Fish and Wildlife Service (FWS) on the effects of adoption of the California Desert Conservation Area Plan (CDCA Plan), as amended, upon threatened and endangered species. On August 25, 2000, the BLM acknowledged through a court stipulation that activities authorized, permitted, or allowed under the CDCA Plan may adversely affect threatened and endangered species, and that the BLM is required to consult with the FWS to insure that adoption and implementation of the CDCA Plan is not likely to jeopardize the continued existence of threatened and endangered species or to result in the destruction or adverse modification of critical habitat of listed species.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of *all* the activities authorized by the CDCA Plan. Consultation on the overall Plan is complex and the completion date is uncertain. Absent consultation on the entire Plan, the impacts of individual activities, when

added together with the impacts of other activities in the desert are not known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of the consultation on the CDCA Plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed BLM to continue to authorize appropriate levels of activities throughout the planning area during the lengthy consultation process while providing appropriate protection to the desert tortoise and other listed species in the short term. By taking interim actions as allowed under 43 CFR Part 8364.1, BLM contributes to the conservation of endangered and threatened species in accordance with 7(a)(1) of the ESA. BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternative measures which might be required as a result of the consultation on the CDCA plan in accordance with 7(d) of the ESA. In January 2001, the parties signed the Stipulation and Proposed Order Concerning All Further Injunctive Relief and included the closures (paragraphs 40 and 43) described in this Notice.

All existing routes in the subject areas are being or will be evaluated and proposed for designation as Open, Closed, or Limited through the land use planning process as amendments to the California Desert Conservation Area Plan. These designations will be based on criteria identified in 43 CFR 8342.1. Management of routes proposed for closure will minimize the potential for any adverse effects pending designation.

The BLM Field Offices listed below have prepared environmental assessments (EA) which are available for a 15 day public review prior to publication of the final **Federal Register** Order. The beginning of the 15 day review for each EA may be different but all generally coincide with the publishing of this Notice. Interested parties should contact the Field Offices for the EAs and review dates.

In general, the EAs indicate the following reasons for each closure:

Edwards Bowl: By reducing the size of the available route network and better controlling OHV use in the area, the potential for direct impacts to desert tortoise, Mojave ground squirrel, burrowing owl, and other species will be diminished. The proposed closure will help to prevent burrow collapse and species mortality caused by motorized vehicles. In addition the closure will have an overall positive impact on habitat by reducing soil loss and erosion and increasing vegetation regrowth and plant community establishment.

NECO Routes: The proposed closure will have a positive impact on many special status and other species. The proposed closure will reduce potential for significant adverse impacts to wildlife in critical seasons, such as when young are being reared. As desert tortoise commonly travel in washes and use the banks of washes for burrowing, restricting motorized vehicle use to specific routes and prohibiting use of certain washes within desert tortoise habitat management units 1 and 2 of the NECO plan will reduce tortoise mortality and crushing of burrows. The proposal will also provide added protection for other species including bighorn sheep, burro deer, several species of bats, prairie falcon, golden eagle Couch's spadefoot toad, and other species occurring in the area of the proposed closure.

The closures are described as follows:

1. *Edwards Bowl* (Barstow Field Office): The proposed route closures are north of the El Mirage Recreation Area and the town of Adelanto. The area covered by the closure will include all of the public lands within Sections 6, 7, 8, 16, 20 in T.8N., R.7W., San Bernardino Principle Meridian.

2. *NECO Routes Areas* (Palm Springs, Needles, El Centro Field Offices): The geographic center of Unit 1 is located about 35 miles southwest of Needles, California. It is generally bounded on the north by Interstate Highway 40; on the northeast by the Camino to U.S. Highway 95 powerline road; on the east by U.S. Highway 95, except that a portion of the Chemehuevi Valley east of Highway 95, and west and northwest of the Whipple Mountains Wilderness is included in the unit; on the southeast by the Colorado River Aqueduct; on the south by the northern end of the Turtle Mountains; on the southwest by the eastern flank of the Old Woman Mountains; and on the northwest by the western boundary of the Clipper Mountains Wilderness. The geographic center of Unit 2 is located about 50 miles east-southeast of Indio, California. It is generally bounded on the north by the southern boundary of Joshua Tree National Park and Interstate Highway 10; on the east by the southeast boundary of the Chuckwalla Mountains Wilderness and the lower northeastern boundary of the Chocolate Mountains Aerial Gunnery Range, though detached segments of the unit further to the east are comprised of the Little Chuckwalla Mountains Wilderness, a portion of the Palo Verde Mountains Wilderness, and the Chuckwalla Valley Dune Thicket Area of Critical Environmental Concern; and on the south and southwest by a line running southeast to northwest through the middle of the Chocolate Mountains Aerial Gunnery Range and extending to the boundary of Joshua Tree National Park.

FOR FURTHER INFORMATION CONTACT:

Edwards Bowl:

Barstow Field Office Manager, 2601 Barstow Road, Barstow, CA 92311, Tel: 760–252–6000.

NECO Routes:

El Centro Field Office Manager, 1661 So. 4th Street, El Centro, CA 92243, Tel: 760–337–4000.

Palm Springs-South Coast Field Office Manager, 690 W. Garnet Ave., P.O. Box 1260, North Palm Springs, CA 92258, Tel: 760–251–4800.

Needles Field Office Manager, 101 W. Spikes Rd., Needles, CA 92363, Tel: 760–326–7000.

Dated: June 8, 2001.

James Wesley Abbott,

Associate State Director.

[FR Doc. 01–15242 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–670–00–1220–00, C00–0927 WHA–ADR]

Closure to Motorized Vehicle Use in the Imperial Sand Dunes Recreation Area

AGENCY: Bureau of Land Management, Department of the Interior, El Centro Field Office, California Desert District.

ACTION: Pursuant to Title 43 Code of Federal Regulations 8364.1, the Bureau of Land Management will temporarily close parts of federal land in Imperial County. The public land areas described below which are within the Imperial Sand Dunes Recreation Management Area are closed to off-highway vehicle and other vehicular use effective no sooner than 30 days from the date of this notice. This closure is temporary pending completion of programmatic consultation on the California Desert Conservation Area Plan between the Bureau of Land Management (BLM) and the U. S. Fish and Wildlife Service (FWS). The subject of consultation is the effect of vehicular use in the Imperial Sand Dunes Recreation Area to populations of the Peirson's milk-vetch plant(*Astragalus magdalenae* var.

peirsonii), designated in 1998 by the FWS as a threatened species under the Endangered Species Act.

SUMMARY: Under Title 43 CFR 8364.1(a) the authorized officer may issue closure and restriction orders to protect persons, property, and public lands and resources. The purpose of this closure is to prevent effects of vehicular use to the populations of Peirson's milk-vetch pending completion of formal consultation with the USFWS. The BLM has prepared a Biological Evaluation regarding the present management Peirson's milk-vetch populations of the Imperial Sand Dunes and submitted the evaluation with its request for formal consultation.

Any person who fails to comply with a closure or restriction order issued under this subpart may be subject to the penalties provided in 43 CFR § 8360.0–7 of this title.

Affected Lands

Parcel 1 is bounded on the southeasterly side by the North Algodones Wilderness Area, on the northeasterly side by Niland-Glamis Road, on the north side by a latitudinal line, and on the southwesterly side by the New Coachella Canal Road. Said parcel contains 3,800 acres more or less, and is more particularly described as follows:

Beginning at the northwesterly corner of the North Algodones Wilderness Area; thence southwesterly on a prolongation of the northwesterly line of the above mentioned wilderness area, approximately 300 feet to a line parallel with and 15.00 feet northeast of the center line of the New Coachella Canal Road (approximate geographic position: longitude 115.26404 degrees, latitude 33.06407 degrees); thence northwesterly, parallel with and 15.00 feet northeast of the center line of the New Coachella Canal Road, to a point at latitude 33.1038 degrees (approximate geographic position: longitude 115.31038 degrees, latitude 33.1038 degrees); thence east to a line parallel with and 20.00 feet southwesterly of the center line of Niland-Glamis Road (approximate geographic position: longitude 115.23364 degrees, latitude 33.1038 degrees); thence southeasterly, parallel with and 20.00 feet southwesterly of the center line of Niland-Glamis Road, to a prolongation of the northwesterly line of the North Algodones Wilderness Area (approximate geographic position: 115.23123 degrees, latitude 33.10230 degrees); thence southwesterly along said line of prolongation 85.00 feet to point 1 of the North Algodones Wilderness Area; thence continuing southwesterly along the northwesterly line of the wilderness boundary to the point of beginning.

Parcel 2 contains 2,000 acres more or less, and is more particularly described as follows:

Beginning at longitude 115.09392 degrees, latitude 32.92036 degrees; thence to longitude 115.10286 degrees, latitude 32.91969 degrees; thence to longitude 115.10916 degrees, latitude 32.92183 degrees; thence to longitude 115.11854 degrees, latitude 32.93341 degrees; thence to longitude 115.12616 degrees, latitude 32.93998 degrees; thence to longitude 115.11041 degrees, latitude 32.95332 degrees; thence to longitude 115.09628 degrees, latitude 32.95288 degrees; thence to longitude 115.09225 degrees, latitude 32.94338 degrees; thence to point of beginning.

Parcel 3 is bounded on the northeasterly side by Wash Road, on the north side by a latitudinal line, on the southwesterly side by the Sand Highway, and on the southeasterly side by a line falling northerly of Patton Valley. Said parcel contains 43,035 acres more or less, and is more particularly described as follows:

Beginning at the point of intersection of a line parallel with and 20.00 feet northeasterly of the northeasterly edge of the Sand Highway and a line parallel with and 150.00 feet northwesterly of the center line of Patton Valley Road (approximate geographic position: longitude 114.96653 degrees, latitude 32.76586 degrees); thence northwesterly, parallel with and 20.00 feet northeasterly of the northeasterly edge of the Sand Highway, to a point at latitude 32.90653 degrees (approximate geographic position: longitude 115.11257 degrees, latitude 32.90653 degrees); thence east to a line parallel with and 20.00 feet southwesterly of the center line of Wash Road (approximate geographic position: longitude 114.95415 degrees, latitude 32.90653 degrees); thence southeasterly, parallel with and 20.00 feet southwesterly of the center line of WashRoad, to a point at latitude 32.83805 degrees (approximate geographic position: longitude 114.86802 degrees, latitude 32.83805 degrees); thence southwesterly to a line parallel with and 150.00 feet northwesterly of the center line of Patton Valley Road, at latitude 32.78236 degrees (approximate geographic position: longitude 114.95298 degrees, latitude 32.78236 degrees); thence southwesterly, parallel with and 150.00 feet northwesterly of the center line of Patton Valley Road, to the point of beginning.

Parcel 4 is bounded on the southwesterly side by the Sand Highway, on the northwesterly side by Patton Valley Road, with the remainder being defined by longitude and latitude. Said parcel contains 310 acres more or less, and is more particularly described as follows:

Beginning at the point of intersection of a line parallel with and 20.00 feet northeasterly of the northeasterly edge of the Sand Highway and a line parallel with and 150 feet southeasterly of the center line of Patton Valley Road; thence northeasterly, parallel with and 150.00 feet southeasterly of the center line of Patton Valley Road, to a point at latitude 32.77713 degrees (approximate geographic position: longitude 114.95341 degrees, latitude 32.77713 degrees); thence easterly, leaving said road, to longitude 114.94770 degrees, latitude 32.77746 degrees; thence to longitude 114.94433 degrees, latitude 32.77629 degrees; thence to longitude 114.94401 degrees, latitude 32.77449 degrees; thence to longitude 114.94708 degrees, latitude 32.77218 degrees; thence to longitude 114.95472 degrees, latitude 32.76916 degrees; thence southwesterly to a line parallel with and 20.00 feet northeasterly of the northeasterly edge of the Sand Highway, at latitude 32.76222 degrees (approximate geographic position: longitude 114.96253 degrees, latitude 32.76222 degrees); thence northwesterly, parallel with and 20.00 feet northeasterly of the northeasterly edge of the Sand Highway, to the point of beginning.

Parcel 5 contains 160 acres more or less, and is more particularly defined as follows:

Beginning at longitude 114.91070 degrees, latitude 32.72160 degrees; thence to longitude 114.90878 degrees, latitude 32.72476 degrees; thence to longitude 114.88818 degrees, latitude 32.73669 degrees; thence to longitude 114.88740 degrees, latitude 32.73596 degrees; thence to longitude 114.88947 degrees, latitude 32.73446 degrees; thence to longitude 114.90607 degrees, 32.72473 degrees; thence to longitude 114.90562 degrees, 32.72310 degrees; thence to longitude 114.90739 degrees, 32.7286 degrees; thence to longitude 114.91026 degrees, 32.72092 degrees; thence to point of beginning.

This legal land description will be finalized after formal Land Survey Plats are completed.

Official federal government vehicles conducting monitoring or other legitimate governmental activities shall be allowed inside the closed areas.

SUPPLEMENTARY INFORMATION: On March 16, 2000, the Center for Biological

Diversity, and others (Center) filed for injunctive relief in U.S. District Court, Northern District of California (court) against the Bureau of Land Management (BLM) alleging that the BLM was in violation of Section 7 of the Endangered Species Act (ESA) by failing to enter into formal consultation with the U.S. Fish and Wildlife Service (USFWS) on the effects of adoption of the California Desert Conservation Area Plan (CDCA Plan), as amended, upon threatened and endangered species. On August 25, 2000, the BLM acknowledged through a court stipulation that activities authorized, permitted, or allowed under the CDCA Plan may adversely affect threatened and endangered species, and that the BLM is required to consult with the USFWS to insure that adoption and implementation of the CDCA Plan is not likely to jeopardize the continued existence of threatened and endangered species or to result in the destruction or adverse modification of critical habitat of listed species.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of *all* the activities authorized by the CDCA Plan. Consultation on the overall Plan is complex and the completion date is uncertain. Absent consultation on the entire Plan, the impacts of individual activities, when added together with the impacts of other activities in the desert are not known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of the consultation on the CDCA Plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed BLM to continue to authorize appropriate levels of activities throughout the planning area during the lengthy consultation process while providing appropriate protection to the desert tortoise and other listed species in the short term. By taking interim actions as allowed under 43 CFR part 8364.1, BLM contributes to the conservation of endangered and threatened species in accordance with 7(a)(1) of the ESA. BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternative measures which might be required as a result of the consultation on the CDCA plan in accordance with 7(d) of the ESA. In November 2001, the stipulation respecting Peirson's milk-vetch became effective. Parcel 1, as identified in this notice, is the Northern closure under the above stipulation. Parcel 2 is the Small Central closure; Parcel 3 is the Large Central closure; Parcel 4 is the Patton Valley closure, part of the Large Central closure; and Parcel 5 is the Southern closure as identified in the stipulation.

An Environmental Assessment (EA) has been prepared for this action. According to the EA, the five closure areas contain many identified high density colonies of Peirson's milk-vetch. About 50 percent of the Peirson's milk-vetch habitat will be protected from potential OHV impacts by these five closures. Closures of these areas will also provide increased protection for several wildlife species such as Colorado Desert fringed-toed lizard, Couch's spadefoot toad and several other species. In addition, the closures will protect cultural resources. Archaeological records indicate that these areas were prehistoric travel ways which also contained important plant and animal foods used by Native Americans.

The EA is available for public comment for a period of 15 days prior to the effective date. Please contact the El Centro Field Office for further information.

EFFECTIVE DATE: No sooner than July 16, 2001.

ADDRESSES: Written comments may be sent to the attention of Roxie Trost, BLM, El Centro Field Office, 1661 S. 4th Street, El Centro , CA 92243, telephone (760) 337–4400.

Dated: June 8, 2001.

James Wesley Abbott,

Associate State Director.

[FR Doc. 01–15243 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–ET; MTM 39381]

Opening of Land; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Public Land Order No. 5748, which withdrew 80.72 acres of National Forest System land from location and entry under the mining laws for a recreation area and trailhead facilities into the Selway-Bitterroot Wilderness Area, expired August 27, 2000, by operation of law. This action will open the land to mining. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System lands.

EFFECTIVE DATE: June 15, 2001.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–896–5052.

SUPPLEMENTARY INFORMATION: Public Land Order No. 5748, published in the **Federal Register** August 28, 1980 (45 FR 573398), withdrew 80.72 acres of National Forest System land for a period of 20 years for a recreation area and trailhead facilities into the Selway-Bitterroot Wilderness Area. The public land order expired August 27, 2000, by operation of law. The following land is hereby opened to location and entry under the United States mining laws:

Lolo National Forest

Principal Meridian, Montana
T. 11 N., R. 21 W.,
Sec. 6, West 660 feet of lot 3, East 1,000 feet of lot 4, and East 1,000 feet of lot 5.

The area described contains 80.72 acres in Missoula County.

At 9 a.m. on (*publication date*), the land shall be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights, since Congress has provided for such determinations in local courts.

Dated: May 24, 2001.

Howard A. Lemm,

Acting Deputy State Director, Division of Resources.

[FR Doc. 01–15108 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–BJ: GP01–0209]

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 are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridan

Washington

T. 11 N., R. 19 E., accepted February 12, 2001

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plats(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office 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 prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Sherrie L. Reid,

Branch of Realty and Records Services.

[FR Doc. 01–15107 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents. Prepared for OCS mineral proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA's) and Findings of No Significant Impact (FONSI's), prepared by the MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: The MMS prepares EA's and FONSI's for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This listing includes all proposals for which the FONSI's were prepared by the Gulf of Mexico OCS Region in the period subsequent to publication of the preceding notice.

Activity/operator	Location	Date
Fugro Geoservices, Inc., G&G Activities, SEA No. M01–001	St. Petersburg Lease Area, 15 miles off the Florida coast	03/29/01
ATP Oil and Gas Corporation, Pipeline Activity, SEA No. P–12776 (G–22138).	West Cameron Area, Blocks 635 and 634; High Island Area, Blocks A–370 and A–371; Lease OCS–G 22138, 120 miles off the Louisiana coast.	01/31/01
Shell Deepwater Development Inc., Development Operations, SEA Nos. N–6885, N–6890, and R–3582.	Garden Banks Area, Blocks 516, 472, and 559; Leases OCS–G 11528, 8252 and 11546; 133 to 140 miles off the Louisiana coast.	03/02/01
ARGO, L.L.C., Development Activity, SEA No. R–3560	Ewing Bank Area, Blocks 958 and 1003, Leases OCS–G 6921 and 13091, 68 miles off the Louisiana coast.	03/09/01
W & T Offshore, Development Activity, SEA No. S–5383	High Island Area, East Addition, South Extension, Block A–389, Lease OCS–G 2759, 110 miles off the Texas coast.	01/22/01
Freeport-McMoRan Sulphur LLC, Development Activity, SEA No. S–5469.	Main Pass Area, Block 299, Lease OCS–G 9372, 16 miles off the Louisiana coast.	03/09/01
Texaco Exploration and Production Inc., Exploration Activity, SEA No. S–5499.	Green Canyon Area, Block 136, Lease OCS–G 4508, 113 miles off the Louisiana coast.	02/08/01
Coastal Oil & Gas Corporation, Structure Removal Activity, SEA No. ES/SR 01–001.	West Cameron Area, South Addition, Block 498, Lease OCS–G3520, 92 miles off the Louisiana coast.	01/29/01
Houston Exploration Company, Structure Removal Activity, SEA Nos. ES/SR 01–002 & 01–003.	East Cameron Area, Block 185, Lease OCS–G 5377, 54 miles off the Louisiana coast.	01/17/01
Dominion Exploration & Production, Inc., Structure Removal Activity, SEA No. ES/SR 01–004.	South Timbalier Area, Block 77, Lease OCS–G 4827, 20 miles off the Louisiana coast.	02/20/01
Energy Resources Technology, Inc., Structure Removal Activity, SEA No. ES/SR 01–005.	West Cameron Area, West Addition, Lease OCS–G 3275, 53 miles off the Louisiana coast.	03/05/01

Activity/operator	Location	Date
Amerada Hess Corporation, Structure Removal Activity, SEA No. ES/SR 01–006.	South Timbalier Area, Block 206, Lease OCS–G 5613, 42 miles offthe Louisiana coast.	03/05/01
Maritech, Structure Removal Activity, SEA No. ES/SR 01–07	Matagorda Island Area, Block 568, Lease OCS–G 4541, 18 miles off the Louisiana coast.	03/12/01
Shell Offshore Inc., Structure Removal Activity, SEA No. ES/SR 01–08.	Brazos Area, Block A–19, Lease OCS–G 3936, 36 miles off the Texas coast.	03/15/01
Coastal Oil & Gas Corporation, Structure Removal Activity, SEA No. ES/SR 01–09.	Viosca Knoll Area, Block 33, Lease OCS–G 14592, 19 miles off the Alabama coast.	03/19/01
Apache Corporation, Structure Removal Activity, SEA Nos. ES/SR 01–010, 01–011, 01–015, 01–016, and 01–017.	West Cameron Area, South Addition, Block 532; South Marsh Area, South Addition, Block 172 South Timbalier Area, South Addition, Block 221; High Island Area, Block 86; Leases OCS–G 3970, 11922, 5618, and 14155; 23 to 101 miles off the Texas coast and 47 to 127 miles off the Louisiana coast.	03/29/01
Ocean Energy, Structure Removal Activity, SEA Nos. ES/SR 01–012, 01–013, and 01–14.	Galveston Area, Block 298; Brazos Area, Blocks 399 and 515; Leases OCS–G 13783, 7217, and 11277; 13 to 33 miles off the Texas coast.	03/27/01
Seneca Resources Corporation, Structure Removal Activity, SEA No. ES/SR 01–018.	West Delta Area, Block 78, Lease OCS–G 16478, 9 miles off the Louisiana coast.	04/05/01
Chevron U.S.A., Structure Removal Activity, SEA No. ES/SR 01–019.	South Timbalier Area, Block 69, Lease OCS–G 16422, 27 miles off the Louisiana coast.	04/11/01
Newfield Exploration Company, Structure Removal Activity, SEA Nos. ES/SR 01–020 and 01–021.	East Cameron Area, Block 63, Lease OCS–G 0160, 26 miles off the Louisiana coast.	04/11/01
Seneca Resources Corporation, Structure Removal Activity, SEA No. ES/SR 01–022.	Eugene Island Area, Block 47, Lease OCS–G 0317, 17 miles off the Louisiana coast.	04/11/01
Pogo Production Company, Structure Removal Activity, SEA No. ES/SR 01–023.	High Island Area, Block A–451, Lease OCS–G 14894, 92 miles off the Louisiana coast.	04/11/01

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Gulf of Mexico OCS are encouraged to contact MMS at the address or telephone in the **FOR FURTHER INFORMATION** section.

Dated: April 27, 2001.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 01–15102 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

California Bay-Delta Public Advisory Committee; Notice of Establishment

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of establishment.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Public Law 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the California Bay-Delta Public Advisory Committee (Committee). The purpose of the Committee is to provide assistance and recommendations to the Secretary of the Interior and the Governor of California through the CALFED Policy Group or its successor on implementation of the CALFED Bay-Delta Program as described in the Programmatic Record of Decision which outlines the long-term comprehensive solution for addressing the problems affecting the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The Committee will provide recommendations on implementation of each element of the CALFED Program through the completion of Stage 1 (first 7 years). Specific responsibilities of the Committee include: (1) Making recommendations on annual priorities and coordination of Program actions to achieve balanced implementation of the Program elements; (2) providing recommendations on effective integration of program elements to provide continuous, balanced improvement of each of the Program objectives (ecosystem restoration, water quality, levee system integrity, and water supply reliability); (3) evaluating implementation of Program actions in Stage 1, including assessment of Program area performance; (4) reviewing, commenting and making recommendations on Annual Reports regarding the implementation of Program elements as set forth in the Programmatic Record of Decision to the Secretary, Governor, the Congress, the California Legislature, and other interested parties; (5) recommending program actions based on recommendations from the Committee workgroups and subcommittees; (6) liaison between the Committee's workgroups, subcommittees, the State and Federal agencies and the public.

The Committee will consist of approximately 20 to 30 members who will be appointed by the Secretary in consultation with the Governor.

FOR FURTHER INFORMATION CONTACT: Nan Yoder, CALFED Program Manager, 2800 Cottage Way, Sacramento, California 95821–1898, telephone (916) 978–5523.

The certification of establishment is published below:

Certification

I hereby certify that establishment of the California Bay-Delta Public Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior.

Gale A. Norton,

Secretary of the Interior.

[FR Doc. 01–15176 Filed 6–14–01; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–932 (Preliminary)]

Certain Folding Metal Tables and Chairs From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States producing certain folding metal chairs is materially injured, and that there is a reasonable indication that an industry in the United States producing certain folding metal tables is materially injured, by reason of imports from China of certain folding metal tables and chairs, provided for in subheadings 9401.71.00, 9401.79.00, and 9403.20.00 of the Harmonized Tariff Schedule of the United States (HTS), that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On April 27, 2001, a petition was filed with the Commission and Commerce by MECO Corp., Greeneville, TN, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of certain folding metal tables and chairs from China. Accordingly, effective April 27, 2001, the Commission instituted antidumping duty investigation No. 731–TA–932 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 4, 2001 (66 FR 22598). The conference was held in Washington, DC, on May 18, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 11, 2001. The views of the Commission are contained in USITC Publication 3431 (June 2001), entitled *Certain Folding Metal Tables and Chairs: Investigation No. 731–TA–932 (Preliminary).*

Issued: June 11, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–15111 Filed 6–14–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–926 and 927 (Preliminary)]

Spring Table Grapes From Chile and Mexico

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Chile and Mexico of spring table grapes, provided for in subheading 0806.10.40 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On March 30, 2001, a petition was filed with the Commission and the United States Department of Commerce (Commerce) by the Desert Grape Growers League, Thermal, CA, and its producer-members, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of spring table grapes from Chile and Mexico. Accordingly, effective March 30, 2001, the Commission instituted antidumping duty investigations Nos. 731–TA–926 and 927 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 5, 2001 (66 FR 18109). The conference was held in Washington, DC, on April 20, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 11, 2001. The views of the Commission are contained in USITC Publication 3432 (June 2001), entitled *Spring Table Grapes From Chile and Mexico: Investigations Nos. 731–TA–926 and 927 (Preliminary).*

Issued: June 12, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–15112 Filed 6–14–01; 8:45 am]

BILLING CODE 7020–02–P

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[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Commissioner Dennis M. Devaney dissenting with respect to imports of spring table grapes from Chile and Mexico.

DEPARTMENT OF LABOR

Employment and Training Administration

State Quality Service Plan (SQSP) Handbook, Comment Request

ACTION: Notice; Request for comments.

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 a provision or the Paperwork Reduction Act of 1995 at 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. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension of the State Quality Service Plan (SQSP).

Guidelines for completion and submittal of the SQSP are contained in ETA Handbook 336, 16th Edition. Fiscal year-specific information such as Federal Program emphasis, or additional budget allocations, will be provided annually in an implementation directive that will initiate the planning process each year. The requirements of the reporting and data collection process itself will remain unchanged from year to year. Copies of the SQSP Handbook may be obtained by contacting the addressed below. The Handbook is also available on the Internet at http://www.itsc.state.md.us/ and http://www.workforcesecurity.doleta.gov.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 14, 2001.

ADDRESSES: Delores A. Mackall, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210, 202–693–3183 (this is not a toll-free number).: FAX, 202–693–3229; Internet: dmackall@doleta.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The SQSP is the planning instrument for the Unemployment Insurance (UI) system nationwide. The statutory basis for the SQSP is Title III of the Social Security Act, which establishes conditions for each State to receive grant funds to administer its UI program. Plans are prepared annually, since funds for UI operations are appropriated each year. ETA's annual budget request for State UI operations contains workload assumptions for which a State must plan in order for the Secretary of Labor to carry out her responsibilities under title III. ETA issues financial planning targets based on the budget request. States make plans based on these assumptions and targets.

II. Review Focus

The Department of Labor 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 submission of responses.

III. Current Actions

ETA proposes to extent this clearance and this request includes a revision to a form (Worksheet UI–3, Quarterly Contingency Report) that States use to report budget information. The revisions will change only the format in which information is reported by deleting three entries of figures that were already entered elsewhere on the form. There is no change in the burden of data collection. Revisions include allowing States to submit the SQSP and the required signature page electronically.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: SQSP Handbook.

OMB Number: 1205–0132.

Affected Public: State Employment Security Agencies (SESAs).

Total Respondents: 53.

Frequency: Annually.

Average Time per Response: 40 hours.

Estimated Total Burden Hours: 2120 hours.

Estimated Total Burden Cost: $61,324.

Dated: June 4, 2001.

Grace A. Kilbane,

Administrator, Office or Workforce Security.

[FR Doc. 01–15165 Filed 6–14–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determination in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division. Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and States:

Volume VI

North Dakota
ND010019 (Jun. 15, 2001)

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

District of Columbia
DC010001 (Mar. 02, 2001)
DC010003 (Mar. 02, 2001)
Delaware
DE010001 (Mar. 02, 2001)
Maryland
MD010017 (Mar. 02, 2001)
MD010034 (Mar. 02, 2001)
MD010035 (Mar. 02, 2001)
MD010036 (Mar. 02, 2001)
Virginia
VA010020 (Mar. 02, 2001)
VA010022 (Mar. 02, 2001)
VA010039 (Mar. 02, 2001)
VA010048 (Mar. 02, 2001)
VA010052 (Mar. 02, 2001)
VA010058 (Mar. 02, 2001)
VA010063 (Mar. 02, 2001)
VA010078 (Mar. 02, 2001)
VA010092 (Mar. 02, 2001)
VA010099 (Mar. 02, 2001)

Volume III

None

Volume IV

MI010001 (Mar. 02, 2001)
MI010002 (Mar. 02, 2001)
MI010003 (Mar. 02, 2001)
MI010004 (Mar. 02, 2001)
MI010005 (Mar. 02, 2001)
MI010007 (Mar. 02, 2001)
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MI010016 (Mar. 02, 2001)
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MI010096 (Mar. 02, 2001)
MI010097 (Mar. 02, 2001)
Wisconsin
WI010010 (Mar. 02, 2001)
WI010019 (Mar. 02, 2001)

Volume V

Missouri
MO010001 (Mar. 02, 2001)
MO010003 (Mar. 02, 2001)
MO010010 (Mar. 02, 2001)
MO010012 (Mar. 02, 2001)
MO010041 (Mar. 02, 2001)
MO010055 (Mar. 02, 2001)
MO010056 (Mar. 02, 2001)
MO010059 (Mar. 02, 2001)
MO010064 (Mar. 02, 2001)

Volume VI

Idaho
ID010001 (Mar. 02, 2001)
ID010002 (Mar. 02, 2001)
ID010003 (Mar. 02, 2001)
Oregon
OR010001 (Mar. 02, 2001)
OR010017 (Mar. 02, 2001)
South Dakota
SD010009 (Mar. 02, 2001)
Washington
WA010001 (Mar. 02, 2001)
WA010002 (Mar. 02, 2001)
WA010003 (Mar. 02, 2001)
WA010005 (Mar. 02, 2001)
WA010007 (Mar. 02, 2001)
WA010008 (Mar. 02, 2001)

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon*. They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 7 day of June 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–14891 Filed 6–14–01; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement of the ''National Longitudinal Survey of Youth 1979.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 14, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Longitudinal Survey of Youth 1979 (NLSY79) is a representative national sample of persons who were born in the years 1957 to 1964 and lived in the U.S. in 1978. These respondents were ages 14–22 when the first round of interviews began in 1979; they will be ages 37 to 45 when the planned twentieth round of interviews is conducted from January to September 2002. The NLSY79 was conducted annually from 1979 to 1994 and has been conducted biennially since 1994. The longitudinal focus of this survey requires information to be collected from the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation.

In addition to the main NLSY79, the biological children of female NLSY79 respondents have been surveyed since 1986, when the National Institute of Child Health and Human Development began providing funding to the Bureau of Labor Statistics (BLS) to gather a large amount of information about the lives of these children. A battery of child cognitive, socio-emotional, and physiological assessments has been administered biennially since 1986 to NLSY79 mothers and their children. Starting in 1994, children who had reached age 15 by December 31 of the survey year (the Young Adults) were interviewed about their work experiences, training, schooling, health, fertility, and self-esteem, as well as sensitive topics addressed in a supplemental, self-administered questionnaire.

The BLS contracts with the Center for Human Resource Research (CHRR) of the Ohio State University to implement the NLSY79, Child, and Young Adult surveys. Interviewing of respondents is conducted by the National Opinion Research Center (NORC) of the University of Chicago. Among the objectives of Department of Labor (DOL) are to promote the development of the U.S. labor force and the efficiency of the U.S. labor market. The BLS contributes to these objectives by gathering information about the labor force and labor market and disseminating it to policy makers and the public so that participants in those markets can make more informed, and, thus, more efficient choices. Research based on the NLSY79 contributes to the formation of national policy in the areas of education, training, employment programs, and school-to-work transitions. In addition to the reports that the BLS produces based on data from the NLSY79, members of the academic community publish articles and reports based on NLSY79 data for the DOL and other funding agencies. The survey design provides data gathered from the same respondents over time to form the only data set that contains this type of intergenerational information for these important population groups. Without the collection of these data, an accurate longitudinal data set could not be provided to researchers and policy makers, and the DOL would not have the data for use in could not performing its policy and report-making activities.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

The Bureau of Labor Statistics seeks approval to conduct the round 20 interviews of the NLSY79 and the associated surveys of biological children of female NLSY79 respondents. The main NLSY79 interview has an average response time of approximately 60 minutes per respondent. The time estimate for the NLSY79 Child Survey involves three components:

- The Mother Supplement is administered to female NLSY79 respondents who live with biological children under age 15. This questionnaire will be administered to about 2,300 women, who will be asked a series of questions about each child under age 15. On average, these women each have about 1.4 children under age 15, for a total number of approximately 3,260 children.
- The Child Supplement, which involves aptitude testing of about 3,260 children under age 15.
- The Child Self-Administered Questionnaire is administered to children ages 10 to 14.

In addition to the main NLSY79 and Child Survey, the Young Adult Survey will be administered to approximately 2,520 youths ages 15 to 20 who are the

biological children of female NLSY79 respondents. These youths will be contacted for an interview regardless of whether they reside with their mothers.

During the field period, about 400 main NLSY79 interviews are validated to ascertain whether the interview took place as the interviewer reported and whether the interview was done in a polite and professional manner.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Bureau of Labor Statistics.

Title: National Longitudinal Survey of Youth 1979.

OMB Number: 1220–0109.

Affected Public: Individuals or households.

Form	Total respondents	Frequency	Total responses	Average time per response (in minutes)	Estimated total burden hours
NLSY79 Round 20 Main Survey	8,200	Biennially	8,200	60	8,200
Main NLSY79 Validation Reinterview	400	Biennially	400	6	40
Mother Supplement	2,300	Biennially	3,260	21	1,141
Child Supplement	3,260	Biennially	3,260	31	1,684
Child Self-Administered Questionnaire	1,710	Biennially	1,710	12	342
Young Adult Survey	2,520	Biennially	2,520	45	1,890
Totals			19,350		13,297

Note: The number of respondents for the Mother Supplement (2,300) is less than the number of responses (3,260) because mothers are asked to provide separate responses for each of the biological children with whom they reside.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 30th day of May 2001.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 01–15161 Filed 6–14–01; 8:45 am]

BILLING CODE 4510–24–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Disclosure to Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') intends to request that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of the collection of information under its regulation on Disclosure to Participants, 29 CFR part 4011 (OMB control number 1212–0050; expires September 30, 2001). This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 14, 2001.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202–326–4040. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4040). The regulation on Disclosure to Participants can be accessed on the PBGC's Web site at http://www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024).

SUPPLEMENTARY INFORMATION: Section 4011 of the Employee Retirement Income Security Act of 1974 requires plan administrators of certain underfunded single-employer pension plans to provide an annual notice to plan participants and beneficiaries of the plan's funding status and the limits on the PBGC's guarantee.

The PBGC's regulation implementing this provision (29 CFR part 4011) prescribes which plans are subject to the notice requirement, who is entitled to receive the notice, and the time, form, and manner of issuance of the notice. The notice provides recipients with meaningful, understandable, and timely information that will help them become better informed about their plans and assist them in their financial planning.

The collection of information under the regulation has been approved by OMB under control number 1212–0050 through September 30, 2001. The PBGC intends to request that OMB extend its approval for another three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that an average of 3,331 plans per year will respond to this collection of information. The PBGC further estimates that the average annual burden of this collection of information is 2.13 hours and $107 per plan, with an average total annual burden of 7,102 hours and $355,200.

The PBGC is soliciting public comments to—

- evaluate 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;
- evaluate the accuracy of the agency's estimate of the burden of the 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 submission of responses.

Issued in Washington, DC, this 12 day of June, 2001.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 01–15158 Filed 6–14–01; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in June 2001. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in July 2001.

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

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in June 2001 is 4.91 percent (*i.e.,* 85 percent of the 5.78 percent yield figure for May 2001).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between July 2000 and June 2001.

For premium payment years beginning in:	The assumed interest rate is:
July 2000	5.04
August 2000	4.97
September 2000	4.86
October 2000	4.96
November 2000	4.93
December 2000	4.91
January 2001	4.67
February 2001	4.71
March 2001	4.63
April 2001	4.54
May 2001	4.80
June 2001	4.91

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in July 2001 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 11th day of June 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–15157 Filed 6–14–01; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collections for OMB Review; Comment Request; Multiemployer Plan Regulations

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of collections of information in the PBGC's regulations on multiemployer plans under the Employee Retirement Income Security Act of 1974 (ERISA). This notice informs the public of the PBGC's intent and solicits public comment on the collections of information.

DATES: Comments must be submitted by August 14, 2001.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202–326–4040. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4040). The regulations on multiemployer plans can be accessed on the PBGC's Web site at http://www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved and issued control numbers for the collections of information, described below, in the

PBGC's regulations relating to multiemployer plans. The PBGC intends to request that OMB extend its approval of these collections of information for three years.

The PBGC is soliciting public comments to—

- Evaluate whether the proposed collections of information are 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 collections of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments should identify the specific part number(s) of the regulation(s) they relate to.

The collections of information for which the PBGC intends to request extension of OMB approval are as follows:

1. Termination of Multiemployer Plans (29 CFR Part 4041A) (OMB Control Number 1212–0020)

Section 4041A(f)(2) of ERISA authorizes the PBGC to prescribe reporting requirements for and other ''rules and standards for the administration of'' terminated multiemployer plans. Section 4041A(c) and (f)(1) of ERISA prohibit the payment by a mass-withdrawal-terminated plan of lump sums greater than $1,750 or of nonvested plan benefits unless authorized by the PBGC.

The regulation requires the plan sponsor of a terminated plan to submit a notice of termination to the PBGC. It also requires the plan sponsor of a mass-withdrawal-terminated plan that is closing out to give notices to participants regarding the election of alternative forms of benefit distribution and to obtain PBGC approval to pay lump sums greater than $1,750 or to pay nonvested plan benefits.

The PBGC uses the information in a notice of termination to assess the likelihood that PBGC financial assistance will be needed. Plan participants and beneficiaries use the information on alternative forms of benefit to make personal financial decisions. The PBGC uses the information in an application for approval to pay lump sums greater than $1,750 or to pay nonvested plan benefits to determine whether such payments should be permitted.

The PBGC estimates that plan sponsors each year (1) submit notices of termination for 10 plans, (2) distribute election notices to participants in 7 of those plans, and (3) submit requests to pay benefits or benefit forms not otherwise permitted for 1 of those plans. The estimated annual burden of the collection of information is 22.75 hours and $9,031.

2. Extension of Special Withdrawal Liability Rules (29 CFR Part 4203) (OMB Control Number 1212–0023)

Sections 4203(f) and 4208(e)(3) of ERISA allow the PBGC to permit a multiemployer plan to adopt special rules for determining whether a withdrawal from the plan has occurred, subject to PBGC approval.

The regulation specifies the information that a plan that adopts special rules must submit to the PBGC about the rules, the plan, and the industry in which the plan operates. The PBGC uses the information to determine whether the rules are appropriate for the industry in which the plan functions and donot pose a significant risk to the insurance system.

The PBGC estimates that at most 1 plan sponsor submits a request each year under this regulation. The estimated annual burden of the collection of information is 1 hour and $3,200.

3. Variances for Sale of Assets (29 CFR Part 4204) (OMB Control Number 1212–0021)

If an employer's covered operations or contribution obligation under a plan ceases, the employer must generally pay withdrawal liability to the plan. Section 4204 of ERISA provides an exception, under certain conditions, where the cessation results from a sale of assets. Among other things, the buyer must furnish a bond or escrow, and the sale contract must provide for secondary liability of the seller.

The regulation establishes general variances (rules for avoiding the bond/escrow and sale-contract requirements) and authorizes plans to determine whether the variances apply in particular cases. It also allows buyers and sellers to request individual variances from the PBGC. Plans and the PBGC use the information to determine whether employers qualify for variances.

The PBGC estimates that each year, 11 employers submit, and 11 plans respond to, variance requests under the regulation, and 2 employers submit variance requests to the PBGC. The estimated annual burden of the collection of information is 1 hour and $3,550.

4. Reduction or Waiver of Complete Withdrawal Liability (29 CFR Part 4207) (OMB Control Number 1212–0044)

Section 4207 of ERISA allows the PBGC to provide for abatement of an employer's complete withdrawal liability, and for plan adoption of alternative abatement rules, where appropriate.

Under the regulation, an employer applies to a plan for an abatement determination, providing information the plan needs to determine whether withdrawal liability should be abated, and the plan notifies the employer of its determination. The employer may, pending plan action, furnish a bond or escrow instead of making withdrawal liability payments, and must notify the plan if it does so. When the plan then makes its determination, it must so notify the bonding or escrow agent.

The regulation also permits plans to adopt their own abatement rules and request PBGC approval. The PBGC uses the information in such a request to determine whether the amendment should be approved.

The PBGC estimates that each year, 100 employers submit, and 100 plans respond to, applications for abatement of complete withdrawal liability, and 1 plan sponsor requests approval of plan abatement rules from the PBGC. The estimated annual burden of the collection of information is 25.5 hours and $20,000.

5. Reduction or Waiver of Partial Withdrawal Liability (29 CFR Part 4208) (OMB Control Number 1212–0039)

Section 4208 of ERISA provides for abatement, in certain circumstances, of an employer's partial withdrawal liability and authorizes the PBGC to issue additional partial withdrawal liability abatement rules.

Under the regulation, an employer applies to a plan for an abatement determination, providing information the plan needs to determine whether withdrawal liability should be abated, and the plan notifies the employer of its determination. The employer may, pending plan action, furnish a bond or escrow instead of making withdrawal liability payments, and must notify the plan if it does so. When the plan then

makes its determination, it must so notify the bonding or escrow agent.

The regulation also permits plans to adopt their own abatement rules and request PBGC approval. The PBGC uses the information in such a request to determine whether the amendment should be approved.

The PBGC estimates that each year, 1,000 employers submit, and 1,000 plans respond to, applications for abatement of partial withdrawal liability and 1 plan sponsor requests approval of plan abatement rules from the PBGC. The estimated annual burden of the collection of information is 250.5 hours and $200,000.

6. Allocating Unfunded Vested Benefits to Withdrawing Employers (29 CFR Part 4211) (OMB Control Number 1212–0035)

Section 4211(c)(5)(A) of ERISA requires the PBGC to prescribe how plans can, with PBGC approval, change the way they allocate unfunded vested benefits to withdrawing employers for purposes of calculating withdrawal liability.

The regulation prescribes the information that must be submitted to the PBGC by a plan seeking such approval. The PBGC uses the information to determine how the amendment changes the way the plan allocates unfunded vested benefits and how it will affect the risk of loss to plan participants and the PBGC.

The PBGC estimates that 5 plan sponsors submit approval requests each year under this regulation. The estimated annual burden of the collection of information is 10 hours.

7. Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR Part 4219) (OMB Control Number 1212–0034)

Section 4219(c)(1)(D) of ERISA requires that the PBGC prescribe regulations for the allocation of a plan's total unfunded vested benefits in the event of a ''mass withdrawal.'' ERISA section 4209(c) deals with an employer's liability for de minimis amounts if the employer withdraws in a ''substantial withdrawal.''

The reporting requirements in the regulation give employers notice of a mass withdrawal or substantial withdrawal and advise them of their rights and liabilities. They also provide notice to the PBGC so that it can monitor the plan, and they help the PBGC assess the possible impact of a withdrawal event on participants and the multiemployer plan insurance program.

The PBGC estimates that there is at most 1 mass withdrawal and 1 substantial withdrawal per year. The plan sponsor of a plan subject to a withdrawal covered by the regulation provides notices of the withdrawal to the PBGC and to employers covered by the plan, liability assessments to the employers, and a certification to the PBGC that assessments have been made. (For a mass withdrawal, there are 2 assessments and 2 certifications that deal with 2 different types of liability. For a substantial withdrawal, there is 1 assessment and 1 certification (combined with the withdrawal notice to the PBGC).) The estimated annual burden of the collection of information is 4 hours and $5,220.

8. Procedures for PBGC Approval of Plan Amendments (29 CFR Part 4220) (OMB Control Number 1212–0031)

Under section 4220 of ERISA, a plan may within certain limits adopt special plan rules regarding when a withdrawal from the plan occurs and how the withdrawing employer's withdrawal liability is determined. Any such special rule is effective only if, within 90 days after receiving notice and a copy of the rule, the PBGC either approves or fails to disapprove the rule.

The regulation provides rules for requesting the PBGC's approval of an amendment. The PBGC needs the required information to identify the plan, evaluate the risk of loss, if any, posed by the plan amendment, and determine whether to approve or disapprove the amendment.

The PBGC estimates that 3 plan sponsors submit approval requests per year under this regulation. The estimated annual burden of the collection of information is 1.5 hours.

9. Mergers and Transfers Between Multiemployer Plans (29 CFR Part 4231) (OMB Control Number 1212–0022)

Section 4231(a) and (b) of ERISA requires plans that are involved in a merger or transfer to give the PBGC 120 days' notice of the transaction and provides that if the PBGC determines that specified requirements are satisfied, the transaction will be deemed not to be in violation of ERISA section 406(a) or (b)(2) (dealing with prohibited transactions).

This regulation sets forth the procedures for giving notice of a merger or transfer under section 4231 and for requesting a determination that a transaction complies with section 4231.

The PBGC uses information submitted by plan sponsors under the regulation to determine whether mergers and transfers conform to the requirements of ERISA section 4231 and the regulation.

The PBGC estimates that there are 35 transactions each year for which plan sponsors submit notices and approval requests under this regulation. The estimated annual burden of the collection of information is 8.75 hours and $5,569.

10. Notice of Insolvency (29 CFR Part 4245) (OMB Control Number 1212–0033)

If the plan sponsor of a plan in reorganization under ERISA section 4241 determines that the plan may become insolvent, ERISA section 4245(e) requires the plan sponsor to give a ''notice of insolvency'' to the PBGC, contributing employers, and plan participants and their unions in accordance with PBGC rules.

For each insolvency year under ERISA section 4245(b)(4), ERISA section 4245(e) also requires the plan sponsor to give a ''notice of insolvency benefit level'' to the same parties.

This regulation establishes the procedure for giving these notices. The PBGC uses the information submitted to estimate cash needs for financial assistance to troubled plans. Employers and unions use the information to decide whether additional plan contributions will be made to avoid the insolvency and consequent benefit suspensions. Plan participants and beneficiaries use the information in personal financial decisions.

The PBGC estimates that 9 plan sponsors give notices each year under this regulation. The estimated annual burden of the collection of information is 1 hour and $13,366.

11. Duties of Plan Sponsor Following Mass Withdrawal (29 CFR Part 4281) (OMB Control Number 1212–0032)

Section 4281 of ERISA provides rules for plans that have terminated by mass withdrawal. Under section 4281, if nonforfeitable benefits exceed plan assets, the plan sponsor must amend the plan to reduce benefits. If the plan nevertheless becomes insolvent, the plan sponsor must suspend certain benefits that cannot be paid. If available resources are inadequate to pay guaranteed benefits, the plan sponsor must request financial assistance from the PBGC.

The regulation requires a plan sponsor to give notices of benefit reduction, notices of insolvency and annual updates, and notices of insolvency benefit level to the PBGC and to participants and beneficiaries and, if necessary, to apply to the PBGC for financial assistance.

The PBGC uses the information it receives to make determinations required by ERISA, to identify and estimate the cash needed for financial assistance to terminated plans, and to verify the appropriateness of financial assistance payments. Plan participants and beneficiaries use the information to make personal financial decisions.

The PBGC estimates that plan sponsors each year give benefit reduction notices for 1 plan and give notices of insolvency benefit level and annual updates, and submit requests for financial assistance, for 25 plans. Of those 25 plans, the PBGC estimates that plan sponsors each year give notices of insolvency for 3 plans. The estimated annual burden of the collection of information is 1 hour and $115,856.

Issued in Washington, DC, this 12th day of June, 2001.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 01–15160 Filed 6–14–01; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Liability for Termination of Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') intends to request that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Liability for Termination of Single-Employer Plans, 29 CFR Part 4062 (OMB control number 1212–0017; expires September 30, 2001). This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 14, 2001.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202–326–4040. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4040). The regulation on Liability for Termination of Single-Employer Plans can be accessed on the PBGC's Web site at http://www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024).

SUPPLEMENTARY INFORMATION: Section 4062 of the Employee Retirement Income Security Act of 1974 provides that the contributing sponsor of a single-employer pension plan and members of the sponsor's controlled group (''the employer'') incur liability (''employer liability'') if the plan terminates with assets insufficient to pay benefit liabilities under the plan. The PBGC's statutory lien for employer liability and the payment terms for employer liability are affected by whether and to what extent employer liability exceeds 30 percent of the employer's net worth.

Section 4062.6 of the PBGC's employer liability regulation (29 CFR 4062.6) requires a contributing sponsor or member of the contributing sponsor's controlled group who believes employer liability upon plan termination exceeds 30 percent of the employer's net worth to so notify the PBGC and to submit net worth information. This information is necessary to enable the PBGC to determine whether and to what extent employer liability exceeds 30 percent of the employer's net worth.

The collection of information under the regulation has been approved by OMB under control number 1212–0017 through September 30, 2001. The PBGC intends to request that OMB extend its approval for another three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that an average of 6 contributing sponsors or controlled group members per year will respond to this collection of information. The PBGC further estimates that the average annual burden of this collection of information will be 12 hours and $2,400 per respondent, with an average total annual burden of 72 hours and $14,400.

The PBGC is soliciting public comments to—

- Evaluate 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;
- Evaluate the accuracy of the agency's estimate of the burden of the 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 submission of responses.

Issued in Washington, DC, this 12th day of June, 2001.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 01–15159 Filed 6–14–01; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection: Comment Request for Review of an Expiring Information Collection: Standard Form 1153

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of an expiring information collection. Standard Form 1153, Claim for Unpaid Compensation of Deceased Civilian Employee is used to collect information from individuals, who have been designated as beneficiaries of the unpaid compensation of a deceased Federal employee or who believe that their relationship to the deceased entitles them to receive the unpaid compensation of a deceased Federal employee. OPM needs this information

in order to adjudicate the claim and properly assign a deceased Federal employee's unpaid compensation to the appropriate individual(s).

Approximately 3,000 SF 1153 forms are submitted annually. It takes approximately 15 minutes to complete the form. The annual estimated burden is 750 hours.

Comments are particularly invited on:

—Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received on or before August 14, 2001.

ADDRESSES: Send or deliver comments to—Melissa A. Drummond, Program Manager, Office of Merit Systems Oversight, Office of Merit Systems Oversight and Effectiveness, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7671, Washington, DC 20415.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–15115 Filed 6–14–01; 8:45 am]

BILLING CODE 6325–43–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request Review of New Information Collection: OPM 1646

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of a new information collection. OPM Form 1646, CFC for Federal Retirees Pledge Card, is used to record Combined Federal Campaign pledges from federal retirees.

We estimate 8,300 Form 1646's will be completed annually. Each form takes approximately 10 minutes to complete. The annual estimated burden is 1,383 hours.

Comments are particularly invited on:

—Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on 202/606–8358, or E-mail to *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to: Curtis Rumbaugh, Office of CFC Operations, U.S. Office of Personnel Management, 1900 E Street, NW., Room 5450, Washington, DC 20415.

For information regarding administrative coordination contact: Curtis Rumbaugh, Office of CFC Operations, U.S. Office of Personnel Management, 1900 E Street, NW, Room 5450, Washington, DC 20415, (202) 606–2564.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–15116 Filed 6–14–01; 8:45 am]

BILLING CODE 6325–46–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (CVB Financial Corporation, Common Stock, No Par Value) File No. 1–0394

June 11, 2001.

CVB Financial Corporation, a California corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, no par value (''Security''), from listing and registration on the American Stock Exchange (''Amex'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the state of California, in which it was incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Issuer has also represented that trading in the Security is scheduled to begin on the Nasdaq Stock Market and to cease on the Amex, at the opening of business on Monday, June 11, 2001. The Issuer's application relates solely to the Security's withdrawal from listing on the Amex and from registration under Section 12(b) of the Act [3] and shall not affect its obligation to be registered under Section 12(g) of the Act.[4]

Any interested person may, on or before July 2, 2001 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–15138 Filed 6–14–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44399; File No. SR–NYSE–2001–05]

Self-Regulatory Organization; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. Relating to the Expansion of the Maximum Share Size Parameter for Single Orders Entered Into the SuperDot System

June 7, 2001.

On March 2, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to expand the maximum share size parameter for single orders entered into the SuperDot System (''SuperDot System'' or ''SuperDot'') to 3,000,000 shares. On March 30, 2001, the Exchange filed Amendment No. 1.[3] The proposed rule change, as amended was published for public comment in the *Federal Register* on April 23, 2001.[4] No comments were received on the proposed rule change. This order approves the proposed rule change as amended.

I. Description of Proposal

The Exchange's SuperDot System provides automated order routing and reporting services to facilitate the transmission, execution, and reporting of market and limit orders on the Exchange. Pursuant to paragraph (a) of NYSE Rule 123B, ''Exchange Automated Order Routing Systems,'' members and member organizations may utilize the SuperDot System to transmit orders of such size as the Exchange may specify from time to time.

In January 2001, the NYSE increased the maximum SuperDot share size parameters for single market and limit orders entered into the SuperDot System from 30,099 shares (for single market orders) and 99,999 shares (for single limit orders) to 500,000 shares initially, to be followed by an increase six months later to 1,000,000 shares.[5]

The Exchange now proposes to increase the maximum order size for both market and limit orders entered into the SuperDot System to 3,000,000 shares. The increase will become effective six months after the increase to 1,000,000 shares.

The Exchange believes that the proposal will facilitate openings and closings by increasing the number of shares SuperDot can accommodate; eliminate the need for firms and institutions to break up large orders to make them SuperDot eligible; streamline the cancel and replace process; and help to facilitate the electronic capture of orders as required by NYSE Rule 123, ''Record of Orders.''[6]

II. Discussion

The Commission finds that the proposal is consistent with the provisions of Section 6(b)(5) of the Act,[7] which require, among other things, that the rules of the exchange be designed to promote just and equitable principles of trade, to removed impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[8] As noted above, the NYSE's SuperDot System provides automated order routing and reporting services to facilitate the transmission, execution, and reporting of market and limit orders on the NYSE. The Commission believes that the proposal to increase the maximum order size for market and limit orders entered into SuperDot to 3,000,000 shares should help to enhance the efficiency of order delivery, execution, and reporting on the NYSE. The Commission believes that the increased efficiency in order delivery, execution,and reporting should facilitate transactions in securities and help the NYSE to maintain a fair and orderly market.

III. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NYSE–2001–05), as amended, is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15097 Filed 6–14–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 provided a revised Exhibit 1 to the proposal. The revised Exhibit 1 indicated that the proposal was filed pursuant to Section 19(b)(2) of the Act rather than Section 19(b)(3) of the Act, as indicated in original Exhibit 1.

[4] *See* Securities Exchange Act Release No. 44179 (April 13, 2001), 65 FR 20510.

[5] *See* Securities Exchanges Act Release No. 43880 (January 23,2001) 65 FR 8828 (February 2, 2001) (notice of filing and immediate effectiveness of File No. SR–NYSE–00–63). The NYSE implemented the 500,000-share maximum SuperDot order size on January 16, 2001. The NYSe expects to implement the 1,000,000-share maximum order size in July 2001, and to implement the 3,000,000-share maximum order size in January 2002. Telephone conversation between Yvonne Fraticelli, Special Office of Market Supervision, Division of Market Regulation, SEC, and Donald Siemer, Director, Market Survelliance, NYSE, on June 1, 2001.

[6] *See* Securities Exchange Act Release No. 43689, (December 7, 2000), 65 FR 79145 (December 18, 2000) (order approving File No. SR–NYSE–99–25).

[7] 15 U.S.C. 78f(b)(5).

[8] In approving the proposal, the Commission has considered the rules's impact on efficiency competition and capital formation 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78s(b)(2)

[10] 16 CFR 299,39–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3337; Amendment #4]

State of Iowa

In accordance with a notice received from the Federal Emergency Management Agency, dated June 6, 2001, the above-numbered Declaration is hereby amended to include Pottawattamie and Webster Counties in the State of Iowa as disaster areas caused by flooding and severe storms beginning on April 8, 2001 and continuing through May 29, 2001.

In addition, applications for economic injury loans from small businesses located in Boone, Cass, Hamilton, Harrison, Humboldt, Mills, Montgomery, Shelby and Wright Counties in the State of Iowa; and Douglas, Sarpy and Washington Counties in the State of Nebraska may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

The number assigned for economic injury in the State of Nebraska is 9L8400.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 1, 2001 and for economic injury the deadline is February 1, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 7, 2001.

Allan I. Hoberman

Acting Associate Administrator, For Disaster Assistance.

[FR Doc. 01–15122 Filed 6–14–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[(Declaration of Disaster #3341; Amendment #2)]

State of Minnesota

In accordance with a notice received from the Federal Emergency Management Agency, dated June 8, 2001, the above-numbered Declaration is hereby amended to include Anoka, Beltrami, Brown, Carver, Chisago, Clearwater, Douglas, Grant, Hennepin, Kittson, Koochiching, Nicollet, Red Lake and Scott Counties and Red Lake Indian Reservation and White Earth Indian Reservation in the State of Minnesota as disaster areas caused by flooding and severe winter storms, flooding and tornadoes occurring between March 23, 2001 and May 29, 2001.

In addition, applications for economic injury loans from small businesses located in Blue Earth, Hubbard, Lake of the Woods, Roseau and Watonwan Counties in the State of Minnesota may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 15, 2001 and for economic injury the deadline is February 15, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 11, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–15120 Filed 6–14–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3347]

State of Texas

As a result of the President's major disaster declaration on June 9, 2001, I find that the following Counties in the State of Texas constitute a disaster area due to damages caused by Tropical Storm Allison occurring on June 5, 2001 and continuing: Anderson, Angelina, Brazoria, Cherokee, Chambers, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Trinity, Tyler, and Walker Counties. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 8, 2001, and for loans for economic injury until the close of business on March 8, 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: Austin, Brazos, Freestone, Henderson, Limestone, Gregg, Grimes, Matagorda, Navarro, Panola, Robertson, Rusk, Upshur, Van Zandt, Waller, Wharton and Wood Counties in Texas; Beauregard, Calcasieu, Cameron, DeSoto, Sabine and Vernon Parishes in Louisiana.

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 creditavailable 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 334708. For economic injury the numbers assigned are 9L8600 for Texas and 9L8700 for Louisiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 11, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–15121 Filed 6–14–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3339; Amendment #2]

State of Wisconsin

In accordance with a notice received from the Federal Emergency Management Agency, dated June 8, 2001, the above-numbered Declaration is hereby amended to include Bayfield County as a disaster area caused by flooding occurring between April 10, 2001 and continuing through May 29, 2001.

In addition, applications for economic injury loans from small businesses located in Ashland County in the State of Wisconsin may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 10, 2001 and for economic injury the deadline is February 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 11, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–15119 Filed 6–14–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; as Amended; New System of Records and New Routine Use Disclosures

AGENCY: Social Security Administration (SSA).

ACTION: New system of records and proposed routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4)) and (e)(11)), we are issuing public notice of our intent to establish a new system of records, the Ticket-to-Work Program Manager (PM) Management Information System and routine uses applicable to this system.

The proposed new system of records will maintain information collected for use in connection with provisions of section 1148 of the Social Security Act (42 U.S.C. 1320(b)(19)) which provides for the establishment of a Ticket-to-Work and Self-Sufficiency Program (Ticket Program). The information housed in the system will be used for management information purposes. We invite public comment on these proposals.

DATES: We filed a report of the proposed new system of records and routine uses with the Chairman of the Senate Governmental Affairs Committee, the Chairman of the House Reform and Oversight Committee, and the Acting Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on June 12, 2001. We also requested OMB to waive the 40-day advance notice requirements for the system. If OMB does not grant the waiver we will not implement the proposal before August 6, 2001.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela McLaughlin, Social Insurance Specialist, Social Security Administration, Room 3–C–2 Operations Building, 6401 Security

Boulevard, Baltimore, Maryland 21235–6401, telephone (410) 965–3677.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Proposed New System of Records, the Ticket-to-Work Program Manager (PM) Management Information System, 60–0300

A. General Background

On December 17, 1999, the President signed into law the Ticket-to-Work and Work Incentives Improvement Act of 1999, Public Law 106–170. Section 101(a) of this law amended title XI of the Social Security Act (the Act) by adding section 1148, which provides for the establishment of the Ticket Program. The Ticket Program permits eligible title II and title XVI Social Security beneficiaries with disabilities to receive a Ticket they can use in obtaining rehabilitation and vocational services, thereby allowing more beneficiaries with disabilities the opportunity to participate in the workforce and lessen their dependence on public benefits.

The Social Security Administration has contracted with a vendor, MAXIMUS Inc., to perform the Program Manager (PM) duties of the Ticket Program.

B. Collection and Maintenance of Data for the Proposed New System of Records, the Ticket-to-Work Program Manager (PM) Management Information System

The PM must collect and maintain relevant information about eligible title II and title XVI Social Security beneficiaries with disabilities participating in the program that will be used for management information and evaluation purposes. This information will be housed in a database entitled, the Ticket-to-Work Program Manager (PM) Management Information System, 60–0300 and will maintain information collected and stored in the system of records entitled, the Ticket-to-Work and Self-Sufficiency Program Payment Database. Additional information collected will include pertinent information concerning the beneficiary's relationship with an EN and status of ticket utilization, e.g., the date the Ticket was mailed, the date the beneficiary assigned the Ticket to an EN, the name and identifying information of the EN and the date of the agreement between the beneficiary and EN, Individual Work Plans (IWP) data, Ticket in/out of use status, earnings data reported by the EN, and suspension of benefits.

Additional information will be added to the system of records for each beneficiary as contact is made between them and the PM. This data will include records of telephone and mail requests for information.

II. Proposed Routine Use Disclosures of Data Maintained in the Proposed New System of Records, the Ticket-to-Work Program Manager (PM) Management Information System

A. Proposed Routine Use Disclosures

We are proposing to establish routine uses of information that will be maintained in the proposed new system as discussed below.

1. To the Office of the President for the Purpose of Responding to an Individual Pursuant to an Inquiry Received From That Individual or From a Third Party on His or Her Behalf.

We will disclose information under this routine use only in situations in which an individual may contact the Office of the President, seeking that office's assistance in a SSA matter on his or her behalf. Information would be disclosed when the Office of the President makes an inquiry and presents evidence that the office is acting on behalf of the individual whose record is requested.

2. To a Congressional Office in Response to an Inquiry From That Office Made at the Request of the Subject of a Record

We will disclose information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in an SSA matter on his or her behalf. Information would be disclosed when the congressional representative makes an inquiry and presents evidence that he or she is acting on behalf of the individual whose record is requested.

3. To Student Volunteers and Other Workers, Who Technically Do Not Have the Status of Federal Employees, When They are Performing Work for SSA as Authorized by Law, and They Need Access to Personally Identifiable Information in SSA Records in Order To Perform Their Assigned Agency Functions

Under certain Federal statutes, SSA is authorized to use the services of volunteers and participants in certain educational, training, employment and community service programs. Examples of such statutes and programs are: 5 U.S.C. 3111 regarding student volunteers; and 42 U.S.C. 2753 regarding the College Work Study Program. We contemplate disclosing information under this routine use only when SSA uses the services of these individuals and they need access to information in this system to perform their assigned duties.

4. Disclosure to Contractors and Other Federal Agencies, as Necessary, for the Purpose of Assisting SSA in the Efficient Administration of its Programs Relating to This System of Records

We will disclose information under this routine use only in situations in which SSA may enter into a contractual agreement or similar agreement with third parties such as Employment Networks. Employment Networks will be directly contacting eligible individuals for the purpose of informing those individuals about the availability of the Ticket-to-Work Program services to assist in accomplishing an Agency function relating to this system of records.

5. Non-tax Return Information Which Is Not Restricted From Disclosure by Federal Law May Be Disclosed to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) Under 44 U.S.C. § 2904 and § 2906, as Amended by NARA Act of 1984, for the Use of Those Agencies in Conducting Records Management Studies

The Administrator of GSA and the Archiver of NARA are charged by 44 U.S.C., Section 2904 and promulgating standards, procedures and guidelines regarding records management and conducting records management studies. Section 2906 of that law, also amended by the NARA Act of 1984, provides that GSA and NARA are to have access to federal agencies' records and that agencies are to cooperate with GSA and NARA. In carrying out these responsibilities, it may be necessary for GSA and NARA to have access to this proposed system of records. In such instances, the routine use will facilitate disclosure.

6. To the Department of Justice (DOJ), a Court, or Other Tribunal, or Other Party Before Such Tribunal, When

(a) SSA, or any component thereof; or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court, or other

tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the IRC (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

We will disclose information under this routine use only as necessary to enable DOJ, a court, or other tribunal, to effectively defend SSA, its components or employees in litigation involving the proposed system of records.

7. Information May Be Disclosed to State or Employment Networks Having an Approved Business Arrangement With SSA To Perform Vocational Rehabilitation Services for SSA Disability Beneficiaries and Recipients

This proposed routine use would permit disclosure of information from the proposed system for the purpose of assisting beneficiaries/recipients to participate in vocational rehabilitation.

B. Compatibility of Proposed Routine Uses

The Privacy Act (5 U.S.C. 552a(b)(3)) and our disclosure regulations (20 CFR 401) permit us to disclose information under a published routine use for a purpose which is compatible with the purpose for which we collected the information. Section 401.150(c) of the regulations permits us to disclose information under a routine use where necessary to carry out SSA programs. Section 401.120 of the regulations provides that we will disclose information when a law specifically requires the disclosure. The proposed routine uses numbered 1–7 above will ensure efficient administration of the Ticket-to-Work Program; the disclosures that would be made under routine use number 5 are required by Federal law. Thus, all of the routine uses are appropriate and meet the relevant statutory and regulatory criteria.

III. Records Storage Medium and Safeguards for the Proposed New System, the Ticket-to-Work Program Manager (PM) Management Information System

We will maintain information about the Ticket Program in the proposed new system of records in electronic form, computer data systems, and paper form. Only authorized SSA personnel and contractor personnel who have a need for the information in the performance of their official duties will be permitted access to the information. Security measures include the use of access codes to enter the computer systems that will maintain the data, and storage of the computerized records in secured areas that are accessible only to employees who require the information in performing their official duties. Any manually maintained records will be kept in locked cabinets or in otherwise secure areas. Also, all entrances and exits to contractor Ticket-to-Work project site buildings are controlled by card entry (proximity) systems and receptionists.

Contractor personnel having access to data in the proposed new system of records along with contractor personnel involved in the evaluation of the Ticket Program will be required to adhere to SSA rules concerning safeguards, access and use of the data. Specifically, the PM will maintain the data in their data center, access to which is restricted to those with electronic proximity cards. Access to the data files is further restricted by use of a three-tiered password which allows access (1) to the system; (2) to the specific application; and (3) to the specific portion where the Ticket-to-Work Program Manager (PM) Management Information System is stored. Further, the data will be stored on a secure server separate from other health benefit information the PM maintains.

SSA and PM personnel having access to the data on this system will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. See 5 U.S.C. 552a(i)(1).

IV. Effect of the Proposed New System of Records, the Ticket-to-Work Program Manager (PM) Management Information System

The proposed new system of records will maintain only that information that is relevant to the administration and evaluation of the Ticket Program which is designed to assist disabled Social Security beneficiaries to successfully return to work. The Ticket Program will address the barriers that Social Security beneficiaries with disabilities currently encounter in returning to work by:

- Expanding the availability of health care services and coverage;
- Eliminating certain work disincentives;
- Providing for enhanced benefits planning and assistance from other public and private sources; and
- Creating the Ticket-to-Work and Self-Sufficiency Program.

Therefore, we do not anticipate that the proposed new system of records will have an unwarranted adverse effect on the rights of individuals.

Dated: June 12, 2001.

Larry G. Massanari,

Acting Commissioner of Social Security.

60–0300

SYSTEM NAME:

Ticket-to-Work Program Manager (PM) Management Information System.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Applications Development, 1149 Sunset Hills Road, Reston, Virginia 20190–5207

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All title II and title XVI Social Security beneficiaries with disabilities who are eligible to receive or have received a Ticket, who are receiving services from Employment Networks (ENs), who have been placed on inactive status, or who have had their Tickets terminated.

Categories of records in the system:

The information maintained will consist of the title II or title XVI beneficiary's name, Social Security number (SSN), date of birth, telephone number (if any), addresses (foreign or domestic), sex, association with a representative payee or legal guardian, as well as the individual's disability type and the period of eligibility to a disability benefit.

Also, information pertinent to the beneficiary's relationship with an EN and status of ticket utilization will be maintained, e.g., the date the Ticket was mailed, the date the beneficiary assigned the Ticket to an EN, the name and identifying information of the EN and the date of the agreement between the beneficiary and EN, Individual Work Plan (IWP) data, Ticket in/out of use status, employment earnings data reported by the EN or by the beneficicary, (the EN will obtain this information from the beneficiary), verified earnings data (earnings data received by SSA from IRS is excluded under the Internal Revenue Code), data on any dispute between the beneficiary and any entity serving under the Ticket-to-Work Program, work review data or timely progress data, and any data relative to suspension of benefits (this information will be received from SSA).

Additional information will be added to the system of records for each beneficiary as contact is made between him/her and the PM. This data will include records of telephone and mail requests for information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1148 of the Social Security Act (42 U.S.C. 1320(b)(19)).

PURPOSE(S):

Information in this system of records will be used for management information purposes associated with implementing, administering and evaluating the Ticket Program. The PM will use this information to fulfill their duties in assisting SSA in administering the Ticket program. Information in this system will also be used to produce, with the PM's assistance, management information data, program evaluation data, and reports providing such information as:

- Number and classification of beneficiaries being served by ENs.
- Number and classification of beneficiaries with increased work activity.
- Classifications of ENs providing service.
- Status changes relating to the use of the ticket.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

Disclosures may be made for routine uses as indicated below. However, disclosure of any information constituting ''returns or return information'' within the scope of the Internal Revenue Code (IRC) (26 U.S.C. 6103) will not be disclosed unless disclosure is authorized by that statute.

1. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

3. To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

4. Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs relating to this system of records.

5. Non-tax return information which is not restricted from disclosure by federal law may be disclosed to the General Services Administration (GSA) and the National Archives and Records Management (NARA) under 44 U.S.C. 2904 and 2906, as amended by NARA Act of 1984, for the use of those agencies in conducting records management studies.

6. To the Department of Justice (DOJ), a court, or other tribunal, or other party before such tribunal, when:

(a) SSA, or any component thereof; or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components is party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court, or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information which are subject to the disclosure provisions of the IRC (26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

7. Information may be disclosed to State or Employment Networks having an approved business arrangement with SSA to perform vocational rehabilitation services for SSA disability beneficiaries and recipients.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Data are stored in electronic form, computer data systems and paper form.

RETRIEVABILITY:

Records in this system are retrieved by name and SSN of the beneficiary.

SAFEGUARDS:

Only authorized SSA personnel and contractor personnel who have a need for the information in their performance of their official duties will be permitted access to the information in this system of records.

Security measures include the use of access codes to enter the computer systems and storage of the computerized records in secured areas that are accessible only to employees who require the information in performing their official duties. Any manually maintained records will be kept in locked cabinets or in otherwise secure areas. Also, all entrances and exits to the contractor Ticket-to-Work Project Site buildings are controlled by card entry (proximity) systems and receptionists. Contractor personnel having access to data in the system of records and contractor personnel involved in the evaluation of the Ticket Program will be required to adhere to SSA rules concerning safeguards, access and use of the data. SSA and PM personnel having access to the data on this system will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. See 5 U.S.C. 552a(i)(1). Further, this data will be stored on a secure server separate from other health benefit information the PM contractor maintains.

RETENTION AND DISPOSAL:

Payment and management information maintained in this system are retained 10 years or until it is determined that they are no longer needed. Means of disposal is appropriate to storage medium (e.g., deletion of individual records from the electronic sites when appropriate or shredding of paper records that are produced from the system).

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Disability and Income Security Programs, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, Maryland 21235

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is

insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth along with one other piece of information such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations(20 CFR 401.40).

RECORD ACCESS PROCEDURE:

Same as notification procedure. Requesters also should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.50).

CONTESTING RECORD PROCEDURE:

Same as notification procedure. Requesters should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65).

RECORD SOURCE CATEGORIES:

Data contained in the *Ticket-to-Work Program Manager (PM) Management Information System are obtained from the Ticket-to-Work and Self-Sufficiency Program Payment Database, 60–0295,* from ENs and Social Security beneficiaries with disabilities. Records from this system are also derived from the *Supplemental Security Income Record and Special Veterans Benefits, 60–0103, Master Beneficiary Record, 60–0090, the Disability Determination Service Processing File, 60–0044 and the Completed Determination Record—Continuing Disability Determinations, 60–0050.*

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 01–15197 Filed 6–14–01; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

United States-Israel Free Trade Area Implementation Act; Designation of Qualifying Industrial Zones

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Under the United States-Israel Free Trade Area Implementation Act (IFTA Act), products of qualifying industrial zones encompassing portions of Israel and Jordan or Israel and Egypt are eligible to receive duty-free treatment. Effective upon publication of this notice, the United States Trade Representative, pursuant to authority delegated by the President, is designating Zarqa Industrial Zone as a qualifying industrial zone (QIZ) under the IFTA Act and expanding the already-designated QIZ area of the Ad-Dulayl Industrial Park.

FOR FURTHER INFORMATION CONTACT: Edmund Saums, Director for Middle East Affairs, (202) 395–4987, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: Pursuant to authority granted under section 9 of the United States-Israel Free Trade Area Implementation Act of 1985 (IFTA Act), as amended (19 U.S.C. 2112 note), Presidential Proclamation 6955 of November 13, 1996 (61 FR 58761) proclaimed certain tariff treatment for goods of the West Bank, the Gaza Strip, and Qualifying Industrial Zones. In particular, the Presidential Proclamation modified general notes 3 and 8 of the Harmonized Tariff Schedule of the United States: (a) To provide duty-free treatment to qualifying articles that are the product of the West Bank, the Gaza Strip or a qualifying industrial zone and are entered in accordance with the provisions of section 9 of the IFTA Act; (b) to provide that articles of Israel may be treated as though they were articles directly shipped from Israel for the purposes of the United States-Israel Free Trade Area Agreement (''the Agreement'') even if shipped to the United States from the West Bank, the Gaza Strip, or a qualifying industrial zone, if the articles otherwise meet the requirements of the Agreement; and (c) to provide that the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the cost or value of materials produced in Israel under section 1(c)(i) of Annex 3 of the Agreement and that the direct costs of processing operations performed in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the direct costs of processing operations performed in Israel under section 1(c)(ii) of Annex 3 of the Agreement.

Section 9(e) of the IFTA Act defines a ''qualifying industrial zone'' as an area that ''(1) encompasses portions of the territory of Israel and Jordan or Israel and Egypt; (2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes; and (3) has been specified by the President as a qualifying industrial zone.'' Presidential Proclamation 6955 delegated to the United States Trade Representative the authority to designate qualifying industrial zones.

The United States Trade Representative has previously designated qualifying industrial zones under Section 9 of the IFTA Act on March 13, 1998 (63 FR 12572), March 19, 1999 (64 FR 13623), October 15, 1999 (64 FR 56015), October 24, 2000 (65 FR 64472), and December 12, 2000 (65 FR 77688).

The Government of Israel and the Government of the Hashemite Kingdom of Jordan agreed in a protocol dated March 1, 2001 to the designation of Hillwood-Hashemite University LLC, registered under the name of Global Investments in Industrial Zones & Technology Parks Company (''Zarqa Industrial Zone''), as a qualifying industrial zone. The Government of Israel and the Government of the Hashemite Kingdom of Jordan also agreed in a protocol dated March 1, 2001 to the expansion of the already-designated QIZ area of the Ad-Dulayl Industrial Park. The Government of Israel and the Government of Jordan further agreed that merchandise may enter, without payment of duty or excise taxes, areas under their respective customs control in association with the Zarqa Industrial Zone and Ad-Dulayl Industrial Park qualifying industrial zones. Accordingly, the Zarqa Industrial Zone and Ad-Dulayl Industrial Park meet the criteria under paragraphs 9(e)(1) and (2) of the IFTA Act.

Therefore, pursuant to the authority delegated to me by Presidential Proclamation 6955, I hereby designate the Zarqa Industrial Zone and the expanded Ad-Dulayl Industrial Park, as

established by the March 1, 2001 Amending Protocols to the Agreement Between the Government of the Hashemite Kingdom of Jordan and the Government of the State of Israel on Irbid Qualifying Industrial Zone, as qualifying industrial zones under section 9 of the IFTA Act, effective upon the date of publication of this notice, applicable to goods shipped from these qualifying industrial zones after such date.

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 01–15177 Filed 6–14–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Flight Standards District Office at Scottsdale and Phoenix, AZ; Notice of Change

Notice is hereby given that on or about July 1, 2001, the Flight Standards District Office located at Scottsdale and Phoenix, Arizona will be divided into two independent offices—Scottsdale Flight Standards District Office and Phoenix Certificate Management Office. Services to the public will continue to be provided at the same locations with no interruption. This information will be reflected in the FAA Organization Statement the next time it is reissued. (Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354).

Issued in Los Angeles, CA, on May 25, 2001.

Lynore C. Brekke,

Acting Regional Administrator, Western-Pacific Region.

[FR Doc. 01–15172 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Supplemental Environmental Impact Statement: Lake County, Montana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA hereby gives notice that it intends to prepare a Supplemental Environmental Impact Statement (SEIS) for a corridor study to evaluate proposed development of an 11.2 mile section of U.S. Highway 93 between the Red Horn Road/Dublin Gulch road intersection (milepost 37.1) and the Spring Creek/Baptiste Road intersection (milepost 48.3). Access to the area is currently provided by US 93 and the study will evaluate proposed improvements to the existing highway and all practicable alternatives.

FOR FURTHER INFORMATION CONTACT: Dale Paulson, Program Development Engineer, Federal Highway Administration, 2880 Skyway Drive, Helena, Montana 59602; Telephone: (406) 449–5302 ext. 239; or Joel M. Marshik, Manager, Environmental Services and Tribal Liaison, Montana Department of Transportation, 2701 Prospect Avenue, Helena, Montana 59602; Telephone: (406) 444–7632; or Joe Hovenkotter, Confederated Salish and Kootenai Tribes, PO Box 278, Pablo, Montana 59855; Telephone: (406) 675–2700.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: http://www/nara.gov/fedreg and the Government Printing Office's database at: http://www.access.gpo.gov/.

Background

FHWA, in cooperation with the Montana Department of Transportation (MDT), and the Confederated Salish and Kootenai Tribes (CSKT) prepared a Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation on June 17, 1996, to describe the proposed project, alternatives and the social, economic, and environmental impacts. The FEIS (FHWA–MT–EIS–95–01–F) covered the area from Evaro (MP 6.5) to the north end of Polson at milepost 62.8. A Record of Decision (ROD) was prepared on August 12, 1996, and modified on February 9, 1998, which selected the existing alignment for improvements. However, this ROD was unique in that FHWA deferred making a decision on lane configurations until agreement was reached on a number of issues including design features and mitigation measures.

FHWA, MDT and CSKT have since negotiated a Memorandum of Agreement (MOA) dated December 20, 2000. The MOA lays out a conceptual lane configuration, design features and mitigation measures for 30.8 miles of US 93 from Evaro to the Red Horn Road/Dublin Gulch Road intersection (MP 37.1) and for 10.6 miles of US 93 from the Spring Creek Road/Baptiste Road intersection (MP 48.3) to Polson. Currently a re-evaluation is underway on the section of US 93 which extends from Evaro to Polson, with the exception of the 11.2 mile stretch between Red Horn Road and Spring Creek Road, known as the Ninepipe segment.

Due to extensive environmental and cultural issues, the segment from the vicinity of Red Horn Road on the south to Spring Creek Road on the north was excepted out of the MOA, as well as the Re-evaluation. This segment, referred to as the Ninepipe segment, requires additional environmental studies. FHWA, in cooperation with MDT and CSKT, will prepare a Supplemental Environmental Impact Statement (SEIS) to explore alternatives for the Ninepipe segment, and to evaluate impacts resulting from new circumstances and additional information relevant to environmental and cultural concerns for this 11.2-mile section of US-93.

The SEIS will evaluate the short and long-term impacts of a range of alternatives, including but not limited to; no-build, upgrading the existing facility, and construction on a new alignment. This impact assessment will include, but not be limited to, impacts on wetlands, wildlife and fisheries; social environment; changes in land use; aesthetics; changes in traffic and economic impacts. Environmental Justice (as outlined in Executive Order 12898) will also be addressed as part of the impact assessment. The SEIS will also examine measures to mitigate significant adverse impacts resulting from the proposed action.

Comments are being solicited from appropriate federal, state, tribal, and local agencies and from private organizations and citizens who have interest in this proposal. Public information meetings will be held in the project area to discuss the potential alignments. The draft SEIS will be made available for public and agency review; and a public hearing will be held to receive comments. Public notice will be given of the time and place of all meetings and hearings.

Comments and/or suggestions from all interested parties are requested, to ensure that the full range of all issues, and significant environmental issues in particular, are identified and reviewed. Comments or questions concerning this proposed action and/or its SEIS should be directed to FHWA, MDT or CSKT at the addresses listed previously.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on

federal programs and activities apply to this program).

Authority: (23 U.S.C. 315; 49 CFR 1.48)

Issued on: June 11, 2001.

Dale W. Paulson,

Program Development Engineer.

[FR Doc. 01–15114 Filed 6–14–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 8, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 16, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0035.

Form Number: IRS Forms 943, 943–PR, 943–A and 943A–PR.

Type of Review: Revision.

Title: Employer's Annual Tax Return for Agricultural Employees (943); Planilla Para La Declaracion Anual De La Contribucion Del Patrono De Empleados Agricolas (943–PR); Agricultural Employer's Record of Federal Tax Liability (943–A); and Registro De La Obligacion Contributiva Del Patrono Agricola (943A–PR).

Description: Agricultural employers must prepare and file Form 943 and Form 943–PR (Puerto Rico only) to report and pay FICA taxes and (943 only) income tax voluntarily withheld. Agricultural empoyers may attach Forms 943–A and 943A–PR to Forms 943 and 943–PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 392,443.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
943	10 hr., 3 min	40 min	1 hr., 47 min	16 min
943–PR	8 hr., 51 min	40 min	1 hr., 46 min	16 min
943–A	8 hr., 22 min		8 min	
943A–PR	8 hr., 22 min		8 min	

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 5,011,539 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202), 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports, Management Officer.

[FR Doc. 01–15087 Filed 6–14–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–939–86]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, INTL–939–86, Insurance Income of a Controlled Foreign Corporation for Taxable Years beginning After December 31, 1986 (§§ 1.953–2(e)(3)(iii), 1.953–4(b), 1.953–5(a), 1.953–6(a), 1.953–7(c)(8), and 1.6046–1).

DATES: Written comments should be received on or before August 14, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Insurance Income of a Controlled Foreign Corporation for Taxable Years Beginning After December 31, 1986.

OMB Number: 1545–1142.

Regulation Project Number: INTL–939–86.

Abstract: This regulation relates to the definition and computation of the insurance income of a controlled foreign corporation, and it also contains rules applicable to certain captive insurance companies. The information collection is required by the IRS in order for taxpayers to elect to locate risks with respect to moveable property by reference to the location of the property in a prior period; to allocate investment income to a particular category of insurance income; to allocate deductions to a particular category of insurance income; to determine the amount of those items, such as reserves, which are computed with reference to an insurance company's annual statement; to elect to have related person insurance income treated as income effectively connected with the conduct of a United States trade or business; and to collect the information required by Code section 6046 relating to controlled foreign corporations as defined in Code section 953(c).

Current Actions: There is no change to this existing regulation.

Type of review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Time Per Respondent/Recordkeeper: 28 hr., 12 min.

Estimated Total Annual Burden Hours: 14,100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 8, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–15174 Filed 6–14–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–118926–97]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–118926–97 (TD 8817), Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations (§§ 1.6038B–1, 1.6038B–2).

DATES: Written comments should be received on or before August 14, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations.

OMB Number: 1545–1615.

Regulation Project Number: REG–118926–97.

Abstract: Section 6038B requires U.S. persons to provide certain information when they transfer property to a foreign partnership or foreign corporation. This regulation provides reporting rules to identify United States persons who contribute property to foreign partnerships and to ensure the correct reporting of items with respect to those partnerships.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of OMB approval.

Affected Public: Businesses or other for-profit organizations, and individuals or households.

The collections of information contained in these final regulations are in §§ 1.6038B–1(b) and 1.6038B–2. The burden of complying with the collection of information required to be reported on Form 8865 is reflected in the burden for Form 8865. The burden of complying with the collection of information required to be reported on Form 926 is reflected in the burden for Form 926.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 8, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–15175 Filed 6–14–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Scientific Review and Evaluation Board for Health Services Research and Development Service, Notice of Meeting

The Department of Veterans Affairs, Veterans Health Administration, gives notice under Pub. L. 92–463, that a meeting of the Scientific Review and Evaluation Board for Health Services Research and Development Service will be held at the Hilton Minneapolis/St. Paul Hotel from June 25 through 27, 2001. On June 25, 2001, the meeting will convene from 7–9 p.m. and on June 26 through June 27 from 8 a.m. until 5 p.m. The purpose of the meeting is to review research and development

applications concerned with the measurement and evaluation of health-care services and with testing new methods of health-care delivery and management. Applications are reviewed for scientific and technical merit. Recommendations regarding funding are prepared for the Chief Research and Development Officer.

This meeting will be open to the public at the start of the June 25 session for approximately one half-hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols and similar documents. During this portion of the meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would be likely to frustrate significantly implementation of proposed agency action regarding such research projects). As provided by the subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Those who plan to attend the open session should contact the Assistant Director, Scientific Review (124F), Health Services Research and Development Service, Department of Veterans Affairs, 1400 I Street, NW., Suite 780, Washington, DC, at least five days before the meeting. For further information, call (202) 408–3665.

Dated: May 17, 2001.

By Direction of the Secretary:

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–15180 Filed 6–14–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials

Notice of Availability of Report

Under section 13 of Public Law 92–463 (Federal Advisory Committee Act) notice is hereby given that the Report of the Department of Veterans Affairs Advisory Committee on Cemeteries and Memorials for Fiscal Years 1999 and 2000 has been issued. The Report summarizes activities and recommendations of the Committee on matters relative to programs, policies and goals of the National Cemetery Administration. It is available for public inspection at two locations:

Mr. Edward J. Malone, Jr., Federal Advisory Committee Desk, Library of Congress, Anglo-American Acquisition Division, Government Documents Section, Room LM–B42, 101 Independence Avenue, SE., Washington, DC 20540–4172

and

Department of Veterans Affairs, National Cemetery Administration, Suite 400, 810 Vermont Avenue, NW., Washington, DC 20420

Dated: June 4, 2001.

By Direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–15073 Filed 6–14–01; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Friday,
June 15, 2001

Part II

Federal Emergency Management Agency

44 CFR Part 209

Supplemental Property Acquisition and Elevation Assistance; Final Rule

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 209

RIN 3067–AD06

Supplemental Property Acquisition and Elevation Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final Rule.

SUMMARY: We, FEMA, announce the availability of a Supplemental Property Acquisition and Elevation Assistance Program established for the acquisition or elevation, for hazard mitigation purposes, of properties that have been made uninhabitable by floods in areas that had a major disaster declaration in federal fiscal years 1999 or 2000, and for which Congress has authorized supplemental hazard mitigation assistance.

EFFECTIVE DATE: This final rule is effective August 14, 2001.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3619, (facsimile) (202) 646–3104, or (email) *bob.shea@fema.gov.*

SUPPLEMENTARY INFORMATION: This final rule provides guidance on the administration of a Supplemental Property Acquisition and Elevation Assistance program. Congress made funds available under the Consolidated Appropriations Act for FY 2000, Pub. L. 106–113, which provides up to $215 million for the acquisition of properties affected by Hurricane Floyd or surrounding events, and under Pub. L. 106–246, which provides $50 million for the acquisition or elevation of properties made uninhabitable by floods in areas that have had a major disaster declaration in federal fiscal years 1999 or 2000. This grant authority is for projects to acquire floodprone properties and demolish or relocate structures, or to elevate floodprone structures. Funds under this assistance program are available only for those properties that serve as the principal residence for the owner, are located in the 100-year floodplain, and were made uninhabitable by the declared disaster.

The purpose of the supplemental property acquisition and elevation assistance is to provide State and local governments with a mechanism for reducing or eliminating future disaster losses by clearing the floodplain and helping occupants to move out of harm's way or by elevating structures above expected flood levels. Individual homeowners are not eligible to apply directly for these funds and cannot determine from this rule whether they would be eligible to participate in the grant program. State and local government leadership is required to determine priorities for funding and to provide technical assistance and oversight for project development and implementation.

This rule incorporates Federal, State, and local experiences acquired in implementation of Pub. L. 106–113. We invited comments on our interim final rule published February 11, 2000, 65 FR 7270, but our Rules Docket Clerk did not receive any. We have included in this rule explanatory details that were provided previously to State grantees in correspondence and that reflect how the program was implemented in practice.

We will allocate funds from this program among the States that received major disaster declarations during federal fiscal years 1999 and 2000 based on the number and value of properties meeting the eligibility criteria whose owners express interest in participating in the assistance program. We will request in writing that States provide individual property applications for funding to their FEMA Regional Director following publication of this rule. We will verify project eligibility of the applications provided by States in order to assure that all projects meet the criteria for the supplemental assistance program. None of the funds made available for special property acquisition and elevation assistance under this authority will be used in any calculation of a State's funding allocation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act Hazard Mitigation Grant Program, 42 U.S.C. 5170c.

This rule explains the program eligibility criteria to ensure that States target those properties that were severely impacted by Federal disasters and would likely flood again in the future. It explains how we and the States set priorities for projects to ensure that we use funds in a cost-effective manner. We intend to target the funding to meet the needs of lower income households in the areas that are most affected by flood damage, by acquiring structures that had a fair market value of less than $300,000 just before the declared disaster event. For those properties affected by Hurricane Floyd and acquired with funds provided under Pub. L. 106–113, there is no limit on the total value of the property; the Federal contribution toward the purchase of these properties, however, may not exceed $225,000. In addition, these properties should be contiguous to other buyout parcels, part of an acquisition in the same neighborhood or part of a community acquisition plan.

This rule and the program requirements are structured to parallel our Hazard Mitigation Grant Program (HMGP), which also has post-disaster property acquisition, and elevation authority. However, the funding made available under this program has significant restrictions that differ from the HMGP, which States should note:

(a) Funds are to be used for acquisition, or elevation projects only;

(b) To be eligible, projects may only include properties that:

(1) Are located in the 100-year floodplain;

(2) Are the principal residence of the owner;

(3) Were made uninhabitable by flooding as the result of a major disaster; and

(4) Had a fair market value of less than $300,000 on the day before the declared disaster event if acquired under Pub. L. 106–246;

(c) Subgrantees may pay participating homeowners no more than the fair market value of the property just before the declared disaster event.

The HMGP does not have the limitations described above. In addition, where specific supplemental authorities contain other restrictions, the rule identifies those authorities.

We encourage States to implement this program in conjunction with the HMGP to the extent possible. States and applicants should use HMGP guidance materials for acquisition projects, including the HMGP Interim Desk Reference (FEMA–345) and the Property Acquisition Handbook (FEMA–317) to the extent that the guidance does not conflict with these regulations or the authorizing legislation. For example, FEMA–345 and FEMA–317 provide model deed restrictions and easements, and detailed procedures for avoiding duplication of benefits provided by other programs or insurance. The model deed language and the duplication of benefits review process apply to this special authority.

Communities interested in participating should note that properties purchased with this special funding must remain as open space in perpetuity and may receive no future disaster assistance from any Federal source. For example, public park facilities on purchased open space land are not eligible for our Public Assistance program funding if future flood disasters occur in the area.

States are responsible for measuring both the expected benefits of funded

projects and actual program effectiveness after future flood events. This process will help us and the States to assess program results and improve future mitigation program implementation.

National Environmental Policy Act (NEPA)

NEPA imposes requirements for considering the environmental impacts of agency decisions. It requires that an Environmental Impact Statement (EIS) be prepared for ''major federal actions significantly affecting the quality of the human environment.'' If an action may or may not have a significant impact, an environmental assessment (EA) must be prepared. If, as a result of this study, a Finding of No Significant Impact (FONSI) is made, no further action is necessary. If it will have a significant effect, then the assessment is used to develop an EIS.

Categorical Exclusions. Agencies can categorically identify actions (for example, repair of a building damaged by a disaster) that do not normally have a significant impact on the environment. Unless a major federal action is categorically excluded, an agency must prepare an EA or EIS.

The purpose of the supplemental property acquisition and elevation assistance is to provide State and local governments with a means of reducing or eliminating future disaster losses by clearing the floodplain and helping occupants to move out of harm's way or by elevating structures above expected flood levels. Accordingly, this rule is excluded from the preparation of an environmental assessment or environmental impact statement under 44 CFR 10.8(d)(2)(ii), where the rule is related to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(vii) and 44 CFR 10.8(d)(2)(xv). We will perform an environmental review under 44 CFR part 10, Environmental Considerations, on each proposed acquisition, or elevation project before funding and implementation.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rule sets out our administrative procedures for making funds available for acquiring, relocating or elevating properties that have been made uninhabitable by Hurricane Floyd and by floods in areas that have had major disaster declarations in federal fiscal years 1999 or 2000, with up to $265,000,000 available for this purpose. (Pub. L. 106–113, November 11, 1999 appropriated $215,000,000 for post Hurricane Floyd buyouts, and Pub. L. 106–246, July 13, 2000, appropriated $50,000,000 for buyouts and elevations in areas that had a major disaster declaration in federal fiscal years 1999 or 2000). Most of the $265,000,000 appropriated funds will be obligated by the end of federal fiscal year 2001. As such the rule will have an effect on the economy of more than $100,000,000. The impact of the rule will promote public health and safety by providing low-income homeowners with the financial means to move voluntarily out of high-risk flood hazard areas or to elevate homes above the 100-year flood level. Therefore, this rule is a major rule as defined in 5 U.S.C. 804(2) and is an economically significant rule under Executive Order 12866. The Office of Management and Budget (OMB) has reviewed this rule under Executive Order 12866.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' 59 FR 7629, February 16, 1994, we have undertaken to incorporate environmental justice into our policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination because of their race, color, or national origin.

No action that we can anticipate under the final rule will have a disproportionately high and adverse human health and environmental effect on any segment of the population. Properties that have a high risk of flooding are frequently associated with depressed property values and inhabited by low-income residents. This is the case in many communities that this rule targets for acquisitions and elevations. By offering such populations pre-event fair market value for their damaged residences to relocate voluntarily outside the flood hazard area, this rule helps give low-income homeowners the means to move to safer ground. In some cases, where a party acquires very low-priced residences, the buyout offer may not be enough to pay for available housing outside the hazard area because the law caps the offer at pre-event fair market value. In such cases we will coordinate with the State to help identify alternative funding sources for those buyouts or to cover the relocation differential.

Paperwork Reduction Act

FEMA has submitted to the OMB a request to continue using the collection of information from States and local governments that is contained in this final rule for the implementation of Supplemental Property Acquisition and Elevation Assistance. The collection has been submitted in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

We published this collection previously in the interim final rule and at that time we asked OMB to give us an emergency approval to use the collection until the final rule is published. We also requested public comments on the practical utility of the data being collected, the accuracy of the burden estimate, ways in which we could enhance the quality, utility and clarity of the information being collected, and ways in which we could minimize the burden on respondents, including the use of information technology. We did not receive any comments and have determined that we should continue to collect the data.

Collection of Information

Title. Supplemental Property Acquisition and Elevation Assistance.

Type of Information Collection. Revision of a Currently Approved Collection.

OMB Number: 3067–0279.

Abstract. This collection is in accordance with FEMA's responsibilities under 44 CFR 206.3 to provide an orderly and continuing means of assistance by the Federal Government to State and local governments. The assistance provides help to alleviate the suffering and damage that result from major disasters and emergencies. Under Pub. L. 106–113 we may provide assistance for the acquisition of properties affected by Hurricane Floyd or surrounding events for hazard mitigation purposes. Under Public Law 106–246, we may provide assistance for the acquisition and elevation of properties in areas that had major disaster declarations in federal fiscal years 1999 and 2000.

Forms: SF424, Application for Federal Assistance; FEMA Form 20–15, Budget Information—Construction Programs; Project Narrative; FEMA Form 20–16, 20–16b and 20–16c, Assurances and Certifications; Standard Form LLL, Disclosure of Lobbying Activities; FEMA Form 20–10 Financial Status Report; and the Performance/Progress Report format; Duplication of benefits review—communities and individual homeowners; Agreement-Settlement/Deeds/Easement—communities and individual homeowners; Individual homeowners—Initial meetings/letters and appraisal/inspection visit, review, offer.

Affected Public: Individuals and Households; State, local and tribal governments. The forms, format and agreements allow State and local officials to apply for the Supplemental Property Acquisition and Elevation Assistance on behalf of their communities and citizens.

Estimated Total Annual Burden Hours

Type of collection/forms	No. of respondents	Hours per response	Annual burden hours
SF–424 (Application face sheet)	263	.75	197
20–15 Budget—Construction	263	17.2	4524
Project Narrative (section 209.8(b))	263	15	3945
20–16 (Summary of assurances and certifications)	263	1.7	447
20–16b (Assurances, non-construction)		(1)	
20–16c (lobbying certification)		(1)	
SF–LLL (lobbying disclosure)	263	.5	132
Form 20–10— Financial Status Report (213 × quarterly = 852)	1052	8	8416
Performance/Progress Report (213 × quarterly=852)	1052	4.2	4418
Duplication of benefits review:			
Communities	263	12.62	3319
Individual homeowners	6625	1	6625
Agreement—Settlement/Deeds/Easement:			
Communities	263	6.31	1660
Individual homeowners	6625	1	6625
Individual Homeowners—Initial Meeting/Letters	6625	2	13250
Individual Homeowners—Appraisal/Inspection Visit, Review, Offer	6625	1	6625
Total burden			60,182

[1] Included in 20–16.

Estimated Cost. We have calculated the estimated costs associated with the collection of this information for the application process and the quarterly reporting process to be $1,012,460. This calculation is based on the number of burden hours for each type of information collection/form, as indicated above, and the estimated wage rates for those individuals responsible for collecting the information or completing the forms. We used two wage rates; both rates were determined using data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS). We assumed that urban and regional planners are the most likely staff to have responsibility for information collected and forms completed at the State level. Current BLS data indicate that the median annual earnings of urban and regional planners were $42,860 in 1998, or an hourly rate of $20.61. States may use existing systems for submitting grant applications and reporting. We further assumed that community officials would have the same hourly rate as the urban and regional planners. In order to estimate the costs associated with information collection by individual homeowners, we used BLS data reflecting the median weekly earnings of full-time wage and salary workers nationwide, without regard to sex, age or race. Current BLS data indicates that these median weekly earnings were $549 in 1999, or a hourly rate of $13.73.

	Estimated hourly rate	Annual burden hours	Estimated cost
State and community officials	$20.61	27,057	$557,654
Individuals	13.73	33,125	454,806
Total burden	16.82	60,182	1,012,460

Comments: Interested persons should submit written comments to the Desk Officer for the Federal Emergency Management Agency, Office of Management and Budget, Office of Information and Regulatory Affairs, 725–17th Street, NW., Washington, DC 20503 within 30 days of this notice.

FOR FURTHER INFORMATION CONTACT: For copies of this collection of information, contact Muriel B. Anderson, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (telephone) 202–646–2625, (facsimile) 202–646–3347, or (e-mail) muriel.anderson@fema.gov.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under E.O.13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion. We have, nevertheless, worked with affected States to develop this rule.

In May 2000 we solicited responses from Hurricane Floyd-affected States on several important and complex policy issues about acquisition of floodprone residences. These issues arose during the development of procedures and regulations for the special buyout authority following the catastrophic flooding of Hurricane Floyd. We incorporated in this rule responses that we received from the States and also plan to use them in our continuing efforts to review and strengthen other existing mitigation programs and policies.

Congressional Review of Agency Rulemaking

We have sent this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Pub. L. 104–121. The rule is a ''major rule'' within the meaning of that Act. It is an administrative action in support of normal day-to-day grant activities required by: (1) Pub. L. 106–113, which prescribes how we must transfer the $215,000,000 appropriation through grants to certain States; and (2) Pub. L. 106–246, which prescribes how we must transfer an additional $50,000,000 through grants to States that had a major disaster declaration in federal fiscal years 1999 or 2000.

The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have ''significant adverse effects'' on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is subject to the information collection requirements of the Paperwork Reduction Act and OMB has assigned Control No. 3067–0279. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4, and any enforceable duties that we impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 209

Administrative practice and procedure, Disaster assistance, Grant Programs, Reporting and recordkeeping requirements.

Accordingly, amend Chapter I, Subchapter D, of Title 44, Code of Federal Regulations, by revising Part 209 to read as follows:

PART 209—SUPPLEMENTAL PROPERTY ACQUISITION AND ELEVATION ASSISTANCE

Sec.
209.1 Purpose.
209.2 Definitions.
209.3 Roles and responsibilities.
209.4 Allocation and availability of funds.
209.5 Applicant eligibility.
209.6 Project eligibility.
209.7 Priorities for project selection.
209.8 Application and review process.
209.9 Appeals.
209.10 Project implementation requirements.
209.11 Grant administration.
209.12 Oversight and results.

Authority: Pub. L. 106–113, Div. B, sec. 1000(a)(5) (enacting H.R. 3425 by cross-reference), 113 Stat. 1501, 1536; Pub. L. 106–246, 114 Stat. 511, 568; Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412.

§ 209.1 Purpose.

This part provides guidance on the administration of a program to provide supplemental property acquisition and elevation assistance made available by Congress to provide funds for the acquisition or elevation, for hazard mitigation purposes, of properties that have been made uninhabitable by floods in areas that were declared major disasters in federal fiscal years 1999 and 2000.

§ 209.2 Definitions.

Except as noted in this part, the definitions listed at §§ 206.2 and 206.431 apply to the implementation of this part.

Allowable open space uses means recreational and wetland management uses including: Parks for outdoor recreational activities; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); temporary storage in the open of wheeled vehicles which are easily movable (except mobile homes); unimproved, permeable parking lots; and buffer zones. Allowable uses generally do not include walled buildings, flood reduction levees, highways or other uses that obstruct the natural and beneficial functions of the floodplain.

Applicant means a State agency, local government, or qualified private nonprofit organization that submits an application for acquisition or elevation assistance to the State or to FEMA.

Cost-effective means that the mitigation activity will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur. Both costs and benefits will be computed on a net present value basis. The State will complete an analysis of the cost effectiveness of the project, in accordance with FEMA guidance and using a FEMA-approved methodology. FEMA will review the State's analysis.

Pre-event fair market value means the value a willing buyer would have paid and a willing seller would have sold a property for had the disaster not occurred.

Principal residence means a residence that is occupied by the legal owner; and is the dwelling where the legal owner normally lives during the major portion of the calendar year.

Qualified alien means an alien who meets one of the following criteria:

(1) An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(2) An alien granted asylum under section 208 of the INA;

(3) A refugee admitted to the United States under section 207 of the INA;

(4) An alien paroled into the United States under section 212(d)(5) of the INA for at least one year;

(5) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or section 241(b)(3) of the INA;

(6) An alien granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(7) An alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or

(8) An alien who (or whose child or parent) has been battered and meets the requirements of 8 U.S.C. 1641(c).

Qualified private nonprofit organization means an organization with a conservation mission as qualified under section 170(h) of the Internal Revenue Code of 1954, as amended, and the regulations applicable under that section.

Repetitive Loss Structure means a structure covered by a contract for flood insurance under the National Flood Insurance Program (NFIP) that has incurred flood-related damage on two occasions during a 10-year period, each resulting in at least a $1000 claim payment;

State Hazard Mitigation Plan means the hazard mitigation plan that reflects the State's systematic evaluation of the nature and extent of vulnerability to the effects of natural hazards typically present in the State and includes a description of actions needed to minimize future vulnerability to hazards.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, qualified private nonprofit organizations, or Indian tribes as outlined in 44 CFR 206.434;

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred;

Uninhabitable means that properties are certified by the appropriate State or local official normally empowered to make such certifications as meeting one or more of the following criteria:

(1) Determined by an authorized local government official to be substantially damaged, according to National Flood Insurance Program criteria contained in 44 CFR 59.1;

(2) Have been red- or yellow-tagged and declared uninhabitable due to environmental contamination by floodwaters, or otherwise determined to be uninhabitable by a State or local official in accordance with current codes or ordinances; or

(3) Have been demolished due to damage or environmental contamination by floodwaters.

We, our, or *us* means FEMA.

§ 209.3 Roles and responsibilities.

The following describes the general roles of FEMA, the State, local communities or other organizations that receive grant assistance, and participating homeowners.

(a) *Federal.* We will notify States about the availability of funds, and will allocate available funding to States that received major disaster declarations during the period covered by the supplemental authority. Our Regional Directors will verify project eligibility, provide technical assistance to States upon request, make grant awards, and oversee program implementation.

(b) *State.* The State will be the Grantee to which we award funds and will be accountable for the use of those funds. The State will determine priorities for funding within the State. This determination must be made in conformance with the HMGP project identification and selection criteria (44 CFR 206.435). The State also will provide technical assistance and oversight to applicants for project development and to subgrantees for project implementation. The State will report program progress and results to us. The States also will recover and return to us any funds made available from other sources for the same purposes. When Native American tribes apply directly to us, they will be the grantee and carry out ''state'' roles.

(c) *Applicant (pre-award) and subgrantee (post-award).* The applicant (a State agency, local government, or qualified private nonprofit organization) will coordinate with interested homeowners to complete an application to the State. The subgrantee implements all approved projects, generally takes title to all property, and agrees to dedicate and maintain the property in perpetuity for uses compatible with open-space, recreational, or wetlands management practices. The subgrantee will receive, review and make final decisions about any appraisal disputes that are brought by participating homeowners. The subgrantee is accountable to the State, as well as to us, for the use of funds.

(d) *Participating homeowners.* The participating homeowners will notify the community of their interest to participate; provide necessary information to the community coordinator about property ownership, disaster damage, and other disaster benefits received or available; review the offer made from the community; and accept it or request a review appraisal.

§ 209.4 Allocation and availability of funds.

(a) We will allocate available funds based on the number and value of properties that meet the eligibility criteria and whose owners want to participate in an acquisition or elevation project.

(b) We may reallocate funds for which we do not receive and approve adequate applications. We will obligate most available funds within 12 months following the deadline for submitting applications, unless extenuating circumstances exist.

§ 209.5 Applicant eligibility.

The following are eligible to apply to the State for a grant:

(a) State and local governments;

(b) Indian tribes or authorized tribal organizations. A tribe may apply either to the State or directly to us; and

(c) Qualified private nonprofit organizations.

§ 209.6 Project eligibility.

(a) *Eligible types of project activities.* This grant authority is for projects to acquire floodprone properties and demolish or relocate structures per § 209.10(i), or to elevate floodprone structures. Approved projects must meet the following criteria and comply with all other program requirements described in this rule;

(b) *Eligibility criteria.* To be eligible, projects must:

(1) Be cost effective. The State will complete an analysis of the cost-effectiveness of the project, in accordance with our guidance and using a methodology that we approve. We will review the State's analysis;

(2) Include only properties that:

(i) For acquisition, the owner agrees to sell voluntarily;

(ii) Are within the 100-year floodplain based on best available data or as identified by a FIRM or FEMA-approved Disaster Recovery Map;

(iii) Were made uninhabitable (as certified by an appropriate State or local official) by the effects of a declared major disaster during federal fiscal years 1999 or 2000;

(iv) For acquisition, had a pre-event fair market value of less than $300,000 just before the disaster event. Properties submitted for buyout under Pub. L. 106–113 (the original Hurricane Floyd supplemental buyout program) are exempt from this policy, with the limitation that in no case does the Federal share or offer for any such property exceed $225,000; and

(v) Served as the principal residence for the owner. For multifamily units

such as condominium buildings, all units within the structure should be principal residences of the owners and not sublet.

(3) Conform with 44 CFR part 9, Floodplain Management and Protection of Wetlands; 44 CFR part 10, Environmental Considerations; and any applicable environmental and historic preservation laws and regulations.

(c) For acquisition projects, an owner who is not a United States citizen or qualified alien may receive current fair market value for his or her property. He or she may not receive additional amounts for pre-event fair market value.

(d) Funds available under Pub. L. 106–113 (the original Floyd supplemental appropriation) are limited to use for acquisition purposes only.

§ 209.7 Priorities for project selection.

(a) It is the State's responsibility to identify and select eligible buyout projects for funding under the supplemental grant program. All funded projects must be consistent with the State Hazard Mitigation Plan. The mitigation planning process or any other appropriate means may identify buyout and elevation projects.

(d) States will set priorities in their State mitigation plan to use as the basis for selecting projects for funding. The State's priorities will address, at a minimum, substantially damaged properties, repetitive loss target properties, and such other criteria that the State deems necessary to comply with the law. States and subgrantees are to give priority consideration to projects for acquisition or elevations of repetitive loss properties, and must include all eligible repetitive loss properties in the projects submitted to us for funding.

(Approved under OMB control number 3067–0212).

§ 209.8 Application and review process.

(a) *General.* This section describes the procedures to be used by the State in submitting an application for funding under the Supplemental Property Acquisition and Elevation Assistance program. Under this program, the State is the grantee and is responsible for processing subgrants to applicants in accordance with 44 CFR part 13 and this part.

(b) *Timeframes.* We will establish deadlines for States to submit applications, and States will set local application deadlines. States may begin forwarding applications to us immediately upon Notice of Availability of Funds and must forward all applications not later than the date set by the Regional Director. States must provide to us the information described below in paragraph (c) of this section for each property proposed for acquisition or elevation in support of the supplemental allocation requested and within the timeframe that we establish. We will verify project eligibility estimates provided by States in order to assure that all projects meet the criteria for the supplemental grant awards. We will perform an independent verification of this information for not less than 50 percent of the properties submitted.

(c) *Format.* The State will forward its application to the Regional Director. The Application will include: a Standard Form (SF) 424, Application for Federal Assistance; FEMA form 20–15, Budget Information—Construction Programs; Project Narrative (section 209.8(c)—community project applications (buyout plans) selected by the State); FEMA form 20–16, 20–16b and 20–16c Assurances and Certifications; Standard Form LLL, Disclosure of Lobbying Activities; FEMA form 20–10, Financial Status Report; the Performance/Progress Report format; and the State's certification that the State has reviewed all applications and that they meet program eligibility criteria. The Project Narrative (community project applications) will include:

(1) Community applicant information, including contact names and numbers;

(2) Description of the problem addressed by the proposed project;

(3) Description of the applicant's decision-making process, including alternatives considered;

(4) Project description, including property locations/addresses and scope of activities;

(5) Project cost estimate and match source;

(6) For acquisition projects, open space use description and maintenance assurance;

(7) Risk and cost-effectiveness information, or State's benefit-cost analysis;

(8) Environmental and historic preservation information including

(i) Whether the property is now or ever has been used for commercial or industrial purposes, and

(ii) Any information regarding historic preservation that is readily available; and

(9) Attachments for each property as follows:

(i)A photograph of the structure from the street;

(ii) Owner's name;

(iii) Complete address, including zip code;

(iv) Latitude and longitude;

(v) The date of construction;

(vi) Proximity to the 100-year floodplain;

(vii) Panel and date of the applicable Flood Insurance Rate Map, if any;

(viii) The elevation of the first habitable floor and an estimate of the depth of flooding in the structure;

(ix) The estimated pre-event fair market value of the home. Applicants will estimate the value of properties using the best available information, such as inspections, public records and market values of similar properties in similar neighborhoods to arrive at a pre-event fair market value that reflects what a willing buyer would have paid a willing seller had the disaster not occurred. If tax assessment data are used as the basis, the applicant should add the relevant adjustment percentage for that jurisdiction to adjust the tax assessment to the current fair market value. These adjustment data should be obtained from the jurisdiction's tax assessor's office. For any jurisdictions where the adjustment factor is over 25 percent, applicants should include a justification for the high adjustment factor. Applicants should not include any other project costs in the property values. These costs will be reflected elsewhere;

(x) Indication whether flood insurance was in force at the time of the loss, and policy number, if available.

(xi) Indications that the property will meet the definition of uninhabitable:

(A) Substantial damage determination, and name and title of determining official, or if not yet determined then:

(1) For manufactured homes (mobile homes), inundation of 1 foot or more of water above the first habitable floor or other evidence of substantial damage; or

(2) For permanent structures other than manufactured homes, inundation of 5 feet or more of water above the first above-ground habitable floor or other evidence of substantial damage. Habitable floors do not include basements.

(B) Were red- or yellow-tagged and declared uninhabitable due to environmental contamination by floodwaters, or otherwise determined to be uninhabitable by a State or local official under current codes or ordinances; or

(C) Were demolished due to damage or environmental contamination by floodwaters.

(xii) Information regarding whether the structure is on the NFIP repetitive loss list (provide NFIP Repetitive Loss Property Locator Number, if available); and

(xiii) Observations on whether acquisition or elevation of the structure

may result in a mixture of vacant lots and lots with structures remaining on them.

(9) *FEMA review and approval.* We will review and verify the State's eligibility determination and either approve, deny, or request additional information within 60 days. The Regional Director may extend this timeframe if complicated issues arise. We have final approval authority for funding of all projects.

(Approved under OMB control number 3067–0279).

§ 209.9 Appeals.

The State may appeal any decision that we make regarding projects submitted for funding in the Supplemental Property Acquisition and Elevation Assistance program. The State must submit the appeal in writing to the Regional Director and must include documentation that justifies the request for reconsideration. The appeal must specify the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent. The applicant must appeal within 60 days of the applicant's receipt of our funding decision. The State must forward any appeal from an applicant or subgrantee with a written recommendation to the Regional Director within 60 days of receipt. Within 90 days following the receipt of an appeal, the Regional Director will notify the State in writing as to the new decision or the need for more information.

§ 209.10 Project implementation requirements.

Subgrantees must enter into an agreement with the State, with the written concurrence of the Regional Director, that provides the following assurances:

(a) The subgrantee will administer the grant and implement the project in accordance with program requirements, 44 CFR parts 13 and 14, the grant agreement, and with applicable Federal, State, and local laws and regulations.

(b) The State and subgrantee will administer the grant in an equitable and impartial manner, without discrimination on the grounds or race, color, religion nationality, sex, age, or economic status in compliance with section 308 of the Stafford Act (42 U.S.C. 5151) and Title VI of the Civil Rights Act. In implementing the grant, the State and the subgrantee will ensure that no discrimination is practiced.

(c) The State and subgrantee will ensure that projects involving alterations to existing structures comply with all applicable State and local codes.

(d) The State and subgrantee will ensure that projects comply with applicable State and local floodplain management requirements. Structures will be elevated to the Base Flood Elevation.

(e) Property owners participating in acquisition projects may receive assistance up to the pre-event fair market value of their real property, except as limited by the eligibility criteria.

(f) The subgrantee will establish a process, which we must approve, whereby property owners participating in acquisition projects may request a review of the appraisal for their property, or request a second appraisal.

(g) The State will reduce buyout assistance by any duplication of benefits from other sources. Such benefits include, but are not limited to, payments made to the homeowner for repair assistance; insurance settlements; legal settlements; Small Business Administration loans; and any other payments made by any source to address the property loss unless the property owner can provide receipts showing that the benefits were used for their intended purpose to make repairs to the property.

(h) Increased Cost of Compliance coverage benefits under the National Flood Insurance Program (NFIP) may be used to match elevation or acquisition and relocation projects. Increased Cost of Compliance claims can only be used for NFIP-approved costs; these can then be applied to the project grant match. This coverage does not pay for property acquisition, but can pay demolition or structure relocation.

(i) The following restrictive covenants must be conveyed in the deed to any property acquired, accepted, or from which structures are removed (''the property''):

(1) The property must be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices; and

(2) No new structure(s) will be built on the property except as indicated in this paragraph:

(A) A public facility that is open on all sides and functionally related to a designated open space or recreational use;

(B) A public rest room; or

(C) A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which the Director approves in writing before the construction of the structure begins.

(D) In general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, camping (except where adequate warning time is not available to allow evacuation), temporary storage in the open of wheeled vehicles that are easily movable (except mobile homes), unimproved, permeable parking lots and buffer zones. Allowable uses generally do not include walled buildings, flood reduction levees, highways or other uses that obstruct the natural and beneficial functions of the floodplain.

(3) After completing the acquisition project, no application for future disaster assistance will be made for any purpose with respect to the property to any Federal entity or source, and no Federal entity or source will provide such assistance, even for the allowable uses of the property described above.

(4) Any structures built on the property according to paragraph (i)(2) of this section, must be: Located to minimize the potential for flood damage; floodproofed; or elevated to the Base Flood Elevation plus one foot of freeboard.

(5) The subgrantee or other public property owner will seek the approval of the State grantee agency and our Regional Director before conveying any interest in the property to any other party. The subgrantee or other public entity or qualified private nonprofit organization must retain all development rights to the property. Our Regional Director will only approve the transfer of properties that meet the criteria identified in this paragraph.

(6) In order to carry out tasks associated with monitoring, we, the subgrantee, or the State have the right to enter the parcel, with notice to the parcel owner, to ensure compliance with land use restrictions. Subgrantees may identify the open space nature of the property on local tax maps to assist with monitoring. Whether the subgrantee obtains full title or a conservation easement on the parcel, the State must work with subgrantees to ensure that the parcel owner maintains the property in accordance with land use restrictions. Specifically, the State may:

(i) Monitor and inspect the parcel every two years and certify that the owner continues to use the inspected parcel for open space or agricultural purposes; and

(ii) Take measures to bring a non-compliant parcel back into compliance within 60 days of notice.

(7) Only as a last resort, we reserve the right to require the subgrantee to bring the property back into compliance and transfer the title and easement to a qualified third party for future maintenance.

(8) Every 2 years on October 1st, the subgrantee will report to the State, certifying that the property continues to be maintained consistent with the provisions of the agreement. The State will report the certification to us.

§ 209.11 Grant administration.

(a) *Cost share.* We may contribute up to 75 percent of the total eligible costs. The State must ensure that non-Federal sources contribute not less than 25 percent of the total eligible costs for the grant. The State or any subgrantee cannot use funds that we provide under this Act as the non-Federal match for other Federal funds nor can the State or any subgrantee use other Federal funds as the required non-Federal match for these funds, except as provided by statute.

(b) *Allowable costs.* A State may find guidance on allowable costs for States and subgrantees in Office of Management and Budget (OMB) Circulars A–87 and A–122 on Cost Principles. States may use up to 7 percent of the grant funds for management costs of the grant. The State should include management costs in its application. Subgrantees must include reasonable costs to administer the grant as a direct project cost in their budget.

(c) *Progress reports.* The State must provide a quarterly progress report to us under 44 CFR 13.40, indicating the status and completion date for each project funded. The report will include any problems or circumstances affecting completion dates, scope of work, or project costs that may result in noncompliance with the approved grant conditions.

(d) *Financial reports.* The State must provide a quarterly financial report to us under 44 CFR 13.41.

(e) *SMARTLINK Drawdowns.* The State will make SMARTLINK drawdowns to reimburse or advance allowable costs to subgrantees for approved projects.

(f) *Audit requirements.* Uniform audit requirements as set forth in 44 CFR part 14 apply to all grant assistance provided under this subpart. We may elect to conduct a Federal audit on the disaster assistance grant or on any of the subgrants.

(g) If a mitigation measure is not completed, and there is not adequate justification for non-completion, no Federal funding will be provided for that project.

§ 209.12 Oversight and results.

(a) *FEMA oversight.* Our Regional Directors are responsible for overseeing this grant authority and for ensuring that States and subgrantees meet all program requirements. Regional Directors will review program progress quarterly.

(b) *Monitoring and enforcement.* We, subgrantees, and States will monitor the properties purchased under this authority and ensure that the properties are maintained in open space use. We and the State may enforce the agreement by taking any measures that we or they deem appropriate.

(c) *Program results.* The State will review the effectiveness of approved projects after each future flood event in the affected area to monitor whether projects are resulting in expected savings. The State will report to us on program effectiveness after project completion and after each subsequent flood event.

Dated: June 8, 2001.

Joe M. Allbaugh,

Director.

[FR Doc. 01–15053 Filed 6–14–01; 8:45 am]

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Federal Register

Friday,
June 15, 2001

Part III

Department of Education

National Institute on Disability and Rehabilitation Research; Notice of Final Funding Priorities for Fiscal Years 2001–2003 for Three Rehabilitation Engineering Research Centers

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research; Notice of Final Funding Priorities for Fiscal Years 2001–2003 for Three Rehabilitation Engineering Research Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of Final Funding Priorities for Fiscal Years 2001–2003 for three Rehabilitation Engineering Research Centers.

SUMMARY: We will announce final funding priorities for three Rehabilitation Engineering Research Centers (RERC) on Technology for Successful Aging, Wheelchair Transportation Safety and Mobile Wireless Technologies for Persons with Disabilities under the National Institute on Disability and Rehabilitation Research (NIDRR) for FY 2001–2003. We take this action to focus research attention on areas of national need. We intend these priorities to improve the rehabilitation services and outcomes for individuals with disabilities.

DATES: These priorities take effect on July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: *Donna.Nangle@ed.gov.*

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice contains final priorities under the Rehabilitation Engineering Research Centers (RERC) on Technology for Successful Aging, Transportation Safety and Mobile Wireless Technologies for Persons with Disabilities under the National Institute on Disability and Rehabilitation Research (NIDRR) for FY 2001–2003.

The final priorities refer to NIDRR's Long-Range Plan (the Plan). The Plan can be accessed on the World Wide Web at: *http://www.ed.gov/offices/OSERS/NIDRR/#LRP.*

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This notice addresses the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The authority for the program to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973 (the Act), as amended (29 U.S.C. 762(g) and 764. Regulations governing this program are found in 34 CFR part 350.

Note: This notice does not solicit applications. A notice inviting applications is published in this issue of the **Federal Register**.

Analysis of Comments and Changes

On April 10, 2001, we published a notice of proposed priorities in the **Federal Register** (66 FR 18688). The Department of Education received 13 letters commenting on the notice of proposed priorities by the deadline date. Technical and other minor changes—and suggested changes that we are not legally authorized to make under statutory authority—are not addressed.

Priority 1: Technologies for Successful Aging

Comment: One commenter feels that this priority should address the communication needs of older Americans with communication disabilities in order to individualize their rehabilitation and optimize their ability to communicate in their natural environments.

Discussion: NIDRR recognizes the importance of addressing the communication needs of all individuals with disabilities and currently supports an RERC on Communication Enhancement that addresses communications needs of the aging population. An applicant could propose activities that address the communication needs of older Americans and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to address the communication needs of elderly individuals with communication disabilities.

Changes: None.

Comment: One commenter suggested that a new activity should be added that requires the RERC to develop new technologies in speech generated devices (speech aids that provide individuals with severe speech impairment the ability to meet their functional needs) and accessories such as mounting systems, switches, and access devices.

Discussion: An applicant could propose activities to develop new technologies in speech generated devices and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to develop new technologies in speech generated devices.

Changes: None.

Comment: One commenter suggested that a new activity should be added that requires the RERC to develop new technologies in hearing aids, assistive listening devices, and cochlear implants to assist those individuals with severe hearing loss.

Discussion: NIDRR recognizes the importance of addressing the hearing needs of all individuals with disabilities and currently supports an RERC on Hearing Enhancement and Assistive Devices that addresses hearing needs of a broad range of individuals with hearing loss. An applicant could propose activities to develop hearing technologies that would benefit older Americans with hearing impairments and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to develop hearing technologies.

Changes: None.

Comment: One commenter suggested that a new activity should be added that requires the RERC to focus on the cultural and linguistic diversity of the aging population.

Discussion: An applicant could propose activities that focus on cultural and linguistic diversity of the aging population and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to focus on the cultural and linguistic diversity of the aging population.

Changes: None.

Comment: One commenter suggested that adding the words ''and other service providers'' after ''home health'' would strengthen the fourth activity.

Discussion: NIDRR agrees that adding ''and other service providers'' to the fourth activity would strengthen the priority.

Changes: The fourth activity has been modified to include the words ''and other service providers'' after ''home health.''

Comment: One commenter suggested that the emphasis in this priority on home-based monitoring and communication technologies is very

similar to the types of activities being conducted at the RERC on Telerehabilitation and suggested that it made more sense for the RERC on Technology for Successful Aging to collaborate with the RERC on Telerehabilitation in these areas and to focus on topics not currently funded. Specifically, the RERC should be required to: Investigate factors that limit access to community resources and socialization by older Americans with disabilities; analyze strategies (both AT and non-AT) that have the potential to prevent loss of function in home and community; investigate personal and public transportation issues that impact the safety and integration of older Americans in their communities, as well as the amount of care required to keep them home; collaborate with the RERC on Ergonomic Solutions for Employment to enhance knowledge of human factors issues in home and community environments affecting the safety and function of older Americans in these environments; and collaborate with the RERC on Telerehabilitation to develop and expand the application of telemonitoring and measure the impact on health as well as community integration and socialization.

Discussion: NIDRR agrees that the RERC on telerehabilitation and the RERC on Technology for Successful Aging should be encouraged to collaborate with one another. NIDRR also recognizes that there are similarities between the two RERCs, specifically activities dealing with the development of monitoring technologies. The RERC on Telerehabilitation is responsible for identifying and developing technologies capable of supporting rehabilitation services for individuals who do not have access to comprehensive outpatient rehabilitation services. The RERC on Technology for Successful Aging is required to focus on technological solutions that promote health, safety, independence, active engagement and quality of life of older persons with disabilities. All of the proposed activities contained in this comment are within the scope of the priority and could be proposed by an applicant to achieve the general purpose of this priority. The peer review process will evaluate the merits of the proposal. However, there is insufficient evidence to warrant requiring all applicants to carry out the activities suggested in this comment.

Changes: The last bulleted activity has been modified to include ''the RERC on Telerehabilitation'' as a potential NIDRR-funded project with which this RERC may collaborate.

Comment: The scope of this priority should be expanded beyond technologies for monitoring and communications to include technologies for automating tasks (such as rehabilitation robotics) and smart mobility aids (such as power wheelchairs that help the user perform specific tasks like passing through narrow doorways, walkers that keep track of a person's location within his or her home, and manual wheelchairs that automatically avoid obstacles).

Discussion: An applicant could propose to explore technologies for automating tasks and smart mobility aids and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to propose to explore technologies for automating tasks and smart mobility aids.

Changes: None.

Comment: One commenter believes that the priority should consider the need to marshal the forces of capitalism and the marketplace to encourage industry to develop products based on the solutions created by the proposed RERC.

Discussion: NIDRR agrees with the commenter and points out that the RERC is required under the fifth activity to explore strategies for strengthening partnerships with industry to facilitate the transfer of technologies and applications developed by this RERC.

Changes: None.

Comment: The fourth activity should be expanded to promote knowledge beyond awareness of new and existing technologies and include educational activities designed to teach how the technology is used.

Discussion: NIDRR agrees with the commenter about the importance of including educational activities on how newly developed technologies are used and believe the fourth activity adequately supports this point.

Changes: None.

Comment: Particular attention must be given to the ethical implications of the technologies developed by this RERC. For example, examining technology outcomes, such as ease of task performance or control of daily living activities must be studied in tandem with issues such as: Who has access to data about how I spend my time? Is turning off the monitoring device under my control?

Discussion: All RERCs are required to obtain human subjects approval through their respective Institutional Review Boards (IRB) and show evidence of such approval to the U.S. Department of Education prior to commencing with any research that includes human subjects. As part of the informed consent process, researchers are required to abide by strict confidentiality rules that protect the identity of all participating subjects. However, once a product (i.e., a monitoring device) has moved beyond the laboratory and is being used by the general public, human subject protection may or may not be valid. For instance, if a person is being monitored (using a newly developed monitoring device developed by the RERC) by a health care institution, patient confidentiality laws apply. This would not be the case if family members are monitoring a loved one. This type of policy issue goes beyond the scope of this RERC.

Changes: None.

Comment: One commenter suggested that the RERC use the services of the ''highly developed'' Geriatric Education Centers, which are dispersed nationwide, for education, training, and disseminating efforts.

Discussion: Applicants are required under the first bulleted activity of this priority to develop and implement a plan to disseminate the RERC research results to various constituents. NIDRR believes applicants should have the discretion to determine the best way to disseminate their information. An applicant could propose to include the Geriatric Education Centers as part of its plan and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to use the Geriatric Education Center.

Changes: None.

Comment: Two commenters feel that the high tech requirement of the RERC should be balanced with a public policy activity that targets reimbursement of assistive devices, including high tech communication and monitoring technologies, and health care policy.

Discussion: NIDRR agrees there are complex policy issues that affect reimbursement of assistive technologies, both high and low tech, for all persons with disabilities. The Assistive Technology Act of 1998 (AT Act) funds projects to identify, describe and work to remove barriers that confront all persons with disabilities in their attempt to acquire assistive technologies. NIDRR will expect this RERC to work closely with relevant AT Act projects in addressing complex policy issues surrounding reimbursement of AT devices that would benefit the aging population.

Changes: The last bullet has been modified to include ''AT Act projects''

as potential NIDRR-funded projects with which this RERC may collaborate.

Comment: One commenter suggested that it would be beneficial if the RERC was required to quantifiably measure outcome variables that could be used for determining utilization outcomes for each product developed by the RERC. Such measures, according to the commenter, would be very useful to show policymakers the effectiveness of new approaches and devices.

Discussion: An applicant could propose to explore ways to incorporate mechanisms that would quantifiably measure outcome variables and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to propose to explore mechanisms that would quantifiably measure outcome variables.

Changes: None.

Priority 2: Wheelchair Transportation Safety

Comment: One commenter suggested that an activity should be added to this priority that addresses the transportation safety needs of manual wheelchair users who are capable of transferring onto a vehicle seat rather than having to be transported while seated in their wheelchair.

Discussion: NIDRR agrees that issues remain to be addressed with regard to wheelchair transportation safety. An applicant could propose to address the transportation safety needs of manual wheelchair users who transfer into vehicles and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to propose to explore transportation safety needs of manual wheelchair users who transfer into vehicles.

Changes: None.

Comment: Two commenters suggested that an activity should be added to the priority that specifically addresses the unique safety issues associated with wheelchair users who drive.

Discussion: NIDRR agrees with the commenters that issues remain to be addressed with regard to wheelchair transportation safety. An applicant could propose to address the unique safety issues of wheelchair users who drive and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to propose to address the unique safety issues of wheelchair users who drive.

Changes: None.

Comment: One commenter suggested the title of this priority be changed to better reflect the emphasis on wheelchair user transportation safety or broaden the scope to include the transportation safety needs of other groups of individuals with disabilities.

Discussion: NIDRR agrees with the commenter that the title of the RERC should be reworded to better reflect the emphasis on wheelchair users. NIDRR further agrees that there are many other disability groups (*e.g.,* individuals who are visually, hearing, or cognitively impaired) who could benefit from an RERC that focused its research and development efforts on transportation safety needs. However, NIDRR feels that requiring this RERC to research the transportation safety needs for such a broad array of disability groups would require greater resources than have been allocated for this priority. Based upon the foregoing, an applicant could propose to address the transportation safety needs of wheelchair users who also have other disabilities and the peer review process will evaluate the merits of the proposal.

Changes: The title has been changed to the ''RERC on Wheelchair Transportation Safety.''

Comment: Two commenters suggested that the first activity should be expanded to require the RERC to gather additional information such as the cause of accident, the type of incident (i.e., normal driving maneuver, emergency maneuver, vehicle impact magnitude and direction), the cause of injury (i.e., wheelchair failure, securement or restraint failure, or improper securement), and the type of vehicle or transportation service involved (i.e., school bus, transit bus, paratransit, personal van).

Discussion: NIDRR agrees with the commenter that additional information about vehicle accidents involving wheelchair users would be beneficial and could ultimately lead to improvements in securement and vehicle adaptations.

Changes: The first activity has been modified to include ''the cause of accident,'' ''the cause of injury,'' and ''the type of vehicle or transportation service involved.''

Comment: A great deal of work has been done on independent securement that need not be repeated. What's needed is to build on the existing body of knowledge and incorporate advances made during the last decade in both wheelchair design and transit system vehicles.

Discussion: NIDRR agrees with the commenter and expects all applicants to be knowledgeable about the methodology and literature of pertinent subject areas and to demonstrate an awareness of the state-of-the-art in technology.

Changes: None.

Comment: One commenter supported the development of integrated occupant restraint systems but feels it is important to require these efforts to be integrated with all wheelchair securement efforts, including the universal securement interfaces developed under the third activity.

Discussion: The fifth activity requires applicants to investigate integrated occupant restraint systems that are ''independent of the vehicle.'' NIDRR believes that, in order to be independent of the vehicle, the integrated occupant restraint system must also be independent of wheelchair securement systems given that wheelchair securement systems are attached to vehicles. However, NIDRR does agree with the commenter's general concern that integrated occupant restraint systems developed by this RERC should not interfere with, or in any way compromise, the integrity of currently marketed wheelchair securement devices or those developed under the third activity.

Changes: None.

Comment: One commenter suggested that the third activity is too limiting in that it refers only to development of a universal securement interface that would enable users to safely and independently secure their wheelchairs and scooters. Other securement options need to be investigated that may be more feasible, more rapidly commercialized and more widely accepted while achieving the goal of being safer and easier to operate.

Discussion: NIDRR believes that the concept of a universal securement interface capable of being independently operated by most wheelchair users is an important concept that must be investigated. An applicant is free to propose to investigate other securement options and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to propose to investigate other securement options.

Changes: None.

Comment: Traditional dynamic testing is fairly straight forward but quite expensive given that it requires a test sled. Emphasis of the fourth activity should be on the development of lower cost tests, both static and dynamic, that are adequate to define the crashworthiness of wheelchairs as either acceptable or not acceptable. In

addition, this effort should include research to define the level of modification at which a wheelchair must be retested.

Discussion: NIDRR agrees with the commenter that it is important to investigate low-cost methods for testing the crashworthiness of wheelchairs and after-market and customized wheelchair seating systems and peripheral devices. NIDRR agrees that issues remain to be addressed with regard to wheelchair testing and retesting. An applicant could propose research to define the level of modification at which a wheelchair must be retested and the peer review process will evaluate the merits of the proposal. However, NIDRR has no basis to determine that all applicants should be required to propose research to define the level of modification at which a wheelchair must be retested.

Changes: The fourth activity has been modified to include ''* * * methods, including low-cost methods, for testing, both static and dynamic, the crashworthiness * * *''.

Comment: Performance standards are an essential part of the process of implementing good securement and restraint practices on a wide scale. However, before starting work on new standards, the RERC should carefully study the response of manufacturers, transit agencies, and the public to the newly established standards on belt-type securement.

Discussion: The seventh activity requires the RERC to investigate the use of new or existing voluntary performance standards that would address problems associated with wheelchair-seated occupants. Development and implementation of new or existing voluntary performance standards are very time consuming and require input from a broad array of constituents, including those mentioned by the commenter.

Changes: None.

Comment: One commenter feels that the requirement for applicants to develop a plan for ensuring that all new and improved technologies are successfully transferred to the marketplace is a bit strong. The commenter went on to suggest that perhaps a better statement might be ''* * * provide evidence that a good effort has been made to transfer * * *'' and that levels of success in technology transfer should be clearly defined.

Discussion: Technology transfer is a critical activity that requires effort and planning. NIDRR believes that requiring all RERCs to develop a plan within the first year of the grant cycle promotes consideration of technology transfer issues throughout the life of the grant. NIDRR does not believe that the requirement as stated is too ''strong.''

Changes: None.

Comment: One commenter feels that the requirement for the RERC to conduct a state-of-the-science conference is one way to disseminate information but experience has shown it to be very limited in value. The commenter went on to suggest that an alternative might be to demonstrate active dissemination efforts (e.g., direct contact of user groups, regional meetings, e-mail publicity about a web-site as opposed to the passive approach of building a web-site that only curious people find, etc.).

Discussion: In addition to the mandatory state-of-the-science conference, applicants are required under the first bulleted activity of this priority to develop and implement a plan to disseminate the RERC research results to various constituents. NIDRR believes applicants should have the discretion to determine the best way to disseminate their information.

Changes: None.

Comment: Two commenters suggested that the priority be expanded to include all aspects of transportation safety for individuals with physical disabilities including the various modes of public and private transportation (e.g., roads, rails, air, and water) and high-risk activities such as boarding, exiting, and vehicle maneuvers.

Discussion: NIDRR agrees with the commenters that issues remain to be addressed with regard to other aspects of transportation safety for individuals with physical disabilities. However, NIDRR feels that requiring this RERC to research the transportation safety needs for all public and transportation modes as well as high-risk activities would require greater resources than have been allocated for this priority. An applicant could propose to address the transportation safety needs of individuals with physical disabilities in addition to those published in this priority and the peer review process will evaluate the merits of the proposal.

Changes: None.

Comment: One commenter believes that, before NIDRR establishes an activity investigating integrated occupant restraint systems, the relative merits of integrated restraints should be evaluated, considering their impact on non-travel activities, wheelchair design, compatibility with other required postural supports, and medical issues in addition to the biomechanics of crash safety.

Discussion: As noted in the background statement, there are numerous problems associated with anchoring vehicle-mounted occupant restraint systems for wheelchair-seated occupants, thereby justifying NIDRR's requirement to investigate the concept of integrated occupant restraint systems that are independent of the vehicle.

Changes: None.

Comment: The terminology ''use of new or existing standards'' is unclear. There are incompatibilities between existing standards that need to be addressed without additional crashworthy requirements that may not be justified by injury data but would place undue burden on consumers, clinicians, and manufacturers.

Discussion: NIDRR's reference to ''existing standards'' in the seventh activity is based upon the background statement where two of voluntary performance standards (i.e., ANSI/RESNA WC–19 and SAE J2249) were discussed. These voluntary standards were developed by a diverse group, including researchers, manufacturers, relevant federal agencies, and consumers, as an attempt to improve transportation safety for wheelchair-seated travelers. NIDRR recognizes that there are some inconsistencies between these standards. NIDRR also recognizes the importance of obtaining quality injury and accident data of accidents involving wheelchair-seated travelers (see activity one). NIDRR believes that the required activities of this RERC will provide a solid foundation for research, development, testing, and information dissemination related to the development and implementation of voluntary standards aimed at improving transportation safety for wheelchair-seated travelers.

Changes: None.

Comment: The proposed priority did not make any distinction between children and adults, so we assume that both are to be included in RERC projects. In particular, there are special safety issues that are primarily related to children in wheelchairs that need to be addressed.

Discussion: The priority purposefully does not distinguish between children and adults. NIDRR agrees with the commenter that there are special safety issues related to children in wheelchairs (*i.e.*, design requirements for restraints used with smaller children and the types of head support that are suitable and safe for use by children during transportation). An applicant could propose activities that focus specifically on children, adults, or both and the peer review process will evaluate the merits of the proposal.

Changes: None.

Comment: The detailed quantitative data on motor-vehicle crashes needed to

determine the incidence and extent of injuries to wheelchair-seated occupants in relation to the vehicle, occupant, restraint factors, and crash are not available, and will not be available for the foreseeable future. A code to identify wheelchair'seated occupants was recently added to the National Automotive Sampling System (NASS) data set, but because of the representative sampling strategy used in the NASS, it will be many years before this database provides a useful number of crashes involving wheelchair-seated occupants. What is needed now is a program that is aimed specifically at conducting in-depth investigations of as many motor-vehicle crashes involving wheelchair-seated occupants as possible in order to identify injury modes and risks that are unique to wheelchair-seated occupants in different types of crashes and to provide real-world feedback regarding the performance and effectiveness of equipment that complies with voluntary safety standards.

Discussion: An applicant could propose a program that is aimed specifically at conducting in-depth investigations of motor vehicle crashes involving wheelchair-seated occupants under the first activity and the peer review process will evaluate the merits of the proposal.

Changes: None.

Priority 3: Mobile Wireless Technologies for Persons With Disabilities

On April 18, 2001, we published a notice of proposed priority in the **Federal Register** (66 FR 20078). The Department of Education received 3 letters commenting on the notice of proposed priorities by the deadline date. Technical and other minor changes—and suggested changes we are not legally authorized to make under statutory authority—are not addressed.

Comment: An important outcome of an RERC is a body of objective knowledge that is archived for widespread use. The publication of results in peer reviewed literature that is appropriate for the constituencies of the center should be included as an option in the RERC's dissemination plan.

Discussion: NIDRR agrees with the commenter and supports the use of peer-reviewed journals as one means for disseminating RERC research results. NIDRR points out that the second bulleted activity does include ''appropriate journals'' as part of the dissemination plan requirement.

Changes: None.

Comment: The review process should include consideration of how the applicant will conduct work that will promote long-term impact on the accessibility of wireless technologies after the conclusion of the grant.

Discussion: As the background statement suggests, the information technology field, including mobile wireless technologies, is evolving at such a high rate that it would virtually be impossible to determine the long-term impact on the accessibility of mobile wireless technologies after conclusion of this grant.

Changes: None.

Rehabilitation Engineering Research Center Program

The authority for RERCs is contained in section 204(b)(3) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 764(b)(3)). The Assistant Secretary may make awards for up to 60 months through grants or cooperative agreements to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to conduct research, demonstration, and training activities regarding rehabilitation technology in order to enhance opportunities for meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives. An RERC must be operated by or in collaboration with an institution of higher education or a nonprofit organization.

Description of Rehabilitation Engineering Research Centers

RERCs carry out research or demonstration activities by:

(a) Developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to (1) solve rehabilitation problems and remove environmental barriers, and (2) study new or emerging technologies, products, or environments;

(b) Demonstrating and disseminating (1) innovative models for the delivery of cost-effective rehabilitation technology services to rural and urban areas, and (2) other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities; or

(c) Facilitating service delivery systems change through (1) the development, evaluation, and dissemination of consumer-responsive and individual and family-centered innovative models for the delivery to both rural and urban areas of innovative cost-effective rehabilitation technology services, and (2) other scientific research to assist in meeting the employment and independent needs of individuals with severe disabilities.

Each RERC must provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any RERC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

Priority 1: RERC on Technology for Successful Aging

Background

Americans are living longer, and because of this demographic revolution the landscape of disability is also changing. Since 1900, average life expectancy has increased dramatically from less than 50 years of age to approximately 76 years, and centenarians now represent the fastest growing age group in the United States (Bureau of the Census, ''Current Population Reports,'' pgs. 70–73, 1993). During this same time period, the percentage of Americans who are 65 years or older has more than tripled (from 4.1% in 1900 to 12.7% in 1999) and the actual number increased eleven times from 3.1 million to 34.5 million. This number is expected to double by the year 2030 (Administration on Aging, ''Profile of Older Americans, 2000,'': *http://www.aoa.dhhs.gov/aoa/stats/profile/*).

In 1994–1995 more than half of those 65 and older (52.5%) reported having at least one disability and it is estimated that one-third of this population has a severe disability. Over 4.4 million (14%) have difficulty in carrying out activities of daily living (ADLs), which includes bathing, dressing, eating, and getting around the house, and 6.5 million (21%) reported difficulty in carrying out instrumental activities of daily living (IADLs) such as preparing of meals, shopping, managing money, using the telephone, doing housework, and taking medication. However, despite the increased risks of disability associated

with aging, ninety-five percent of older Americans choose to remain in their own homes, use public services and function independently as they age (Current Population Reports, ''Americans with Disabilities, 1994–1995,'' *http://www.census.gov/main/cprs.html*).

Although there are many similarities between younger and older persons with disabilities (e.g., the goal of independent living), there are also important differences. Younger persons with disabilities are much more likely to experience impairment or disability in only one area (e.g., cognitive, hearing, vision, or mobility), whereas older persons tend to have multiple chronic conditions, presenting a mix of symptoms, impairments, and functional limitations. Older persons with disabilities also differ from their younger counterparts in that they are predominantly female, have lower income, and have a smaller network of social support.

As the baby boomer generation ages, the challenge for policymakers and industry is to fully leverage advances in information, communications, sensors, advanced materials, lighting, and many other technologies to optimize existing public and private investments and to create new environments that respond to an aging society's needs (Coughlin, J.F., ''Technology Needs of Aging Boomers,'' *Issues in Science and Technology Online:* http://bob.nap.edu/issues/16.1/coughlin.htm, pg. 5, 1999). There is a need for an integrated infrastructure for independent aging that should include a safe home, a productive workplace, personal communications, and lifelong transportation.

The NIDRR Long-Range Plan suggests that aging of the disabled population in conjunction with quality of life issues dictates a particular focus on prevention and alleviation of secondary disabilities and coexisting conditions and on health maintenance over the lifespan. Research in this area must focus on the development and evaluation of environmental options in the built environment and the communications environment, including such approaches as universal design, modular design, and assistive technology that enable individuals with disabilities and society to select the most appropriate means to accommodate or alleviate limitations (NIDRR, Long-Range Plan: 1999–2003, pg. 49).

Home environmental interventions and assistive and universally designed technologies have the potential to increase independence for community-based older persons with disabilities. A new generation of home-based monitoring and communication technologies could enable caregivers at any distance to monitor and respond to the needs of older friends, family, residents, and patients. Systems that make full use of the existing telecommunications infrastructure could be used to ensure that medicine has been taken, that physical functions are normal, and that minor symptoms are not indicators of a larger problem. They could provide early identification of problems that, if left untreated, may result in hospitalization for the individual and higher health care costs to society (Coughlin, J.F., op cit., pg. 7, 1999).

The fact that most older adults choose to remain in their own homes as they age is a cost effective option from a public policy perspective provided that the home can be used as a platform to ensure overall wellness and community integration. For example, introduction of a new generation of appliances, health monitors, and related devices that can safely support independence and remote caregiving could make the home a viable alternative to long-term care for many older adults. Research should go beyond questions of design and physical accessibility to the development of an integrated home that is attractive to us when we are younger and supportive of us as we age (Coughlin, J.F., op cit., pg. 6, 1999).

In the emerging, evolving field of assistive technology, there are gaps in the research. This is particularly true for older adults with disabilities. To create enabling home environments, research is needed on assistive and universally designed technologies and environmental interventions that are safe, affordable, support independence and social participation, and involve the integration of information technology and ergonomic principles. As part of achieving this goal, there is a need to develop appropriate devices that unobtrusively monitor key needs (*i.e.,* taking medications, eating, and drinking), as well as critical events (*i.e.,* falls or stove left on). There is also a need for research to determine the most effective ways to inform professionals, families, and consumers about new and emerging assistive and universally designed technologies, the best ways to use them, and ways to pay for them.

Another important area relates to the needs of older persons with cognitive impairments. This population presents the greatest challenge to creating enabling environments. According to recent findings, individuals with cognitive impairment use the fewest numbers of assistive devices but could benefit from the development of ''smart'' environments—devices that anticipate needs, suggest (or actually provide) alternatives, and limit the amount of sensory input and decision making required (Mann, W., *Topics in Geriatric Rehabilitation 8(2),* pgs. 35–52, 1993).

Priority

We will establish an RERC on technologies for successful aging that will focus on technological solutions to promote the health, safety, independence, active engagement and quality of life of older persons with disabilities. The RERC must:

(a) Identify, assess, and evaluate current and emerging needs, and barriers to meeting those needs, for home-based monitoring and communication technologies that promote health, independence, and active engagement of older persons with disabilities in the community and with family and friends;

(b) Investigate, develop, and evaluate home-based monitoring and communication technologies to promote health independence, and active engagement of older persons with disabilities;

(c) Investigate, develop, and evaluate technologies that can be used to create ''smart'' environments that anticipate needs, suggest (or actually provide) alternatives, and limit the amount of sensory input and decision making required of older persons with multiple types of impairments, including sensory, mobility, and cognitive;

(d) Identify, develop and evaluate strategies and training materials to promote knowledge about new and existing technologies for use by caregivers, home health and other service providers, case managers and by older persons with disabilities; and

(e) Develop and explore various strategies for strengthening partnerships with industry to facilitate the development of new technologies and applications that are appropriate for use by older persons with multiple types of impairments and functional capabilities.

In addition to activities proposed by the applicant to carry out these purposes, the RERC must:

- Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the RERC's research results to all relevant target audiences including, but not limited to, clinicians, engineers, manufacturers, service providers, older persons with

disabilities, families, disability organizations, technology service providers, case managers, businesses, and appropriate journals;

• Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded RERC on Technology Transfer, a utilization plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace;

• Conduct in the third year of the grant a state-of-the-science conference on home-based monitoring and communication technologies to promote the health, independence, and active engagement of older persons with disabilities and publish a comprehensive report on the final outcomes of the conference in the fourth year of the grant; and

• Collaborate on research projects of mutual interest with NIDRR-funded projects, such as the RERCs on Universal Design and the Built Environment, Mobile Wireless Technologies, Information Technology Access, Telecommunications Access, Telerehabilitation, the RRTC on Aging with a Disability, and Assistive Technology Act projects as identified through consultation with the NIDRR project officer.

Priority 2: RERC on Wheelchair Transportation Safety

Background

Americans live in a very mobile society where access to, and use of, public and private transportation services is essential to daily living. There are roughly 1.7 million Americans living outside of institutions who use wheelchairs and scooters (Kaye, H.S., Kang, T., and LaPlante, M.P., ''Mobility Device Use in the United States,'' *Disability Statistics Report, (14),* Washington, D.C.: U.S. Department of Education, NIDRR, June, 2000), including those who rely heavily on public and private transportation services to commute to work and school, participate in recreational activities, and carry out daily activities. The Individuals with Disabilities Education Act (IDEA) requires that children with disabilities, including those who use wheelchairs, must be transported safely to educational settings. The Americans with Disabilities Act of 1990 (ADA) requires that all public and private transportation systems, including trains, buses, and subways be accessible to persons with disabilities, including those who use wheelchairs. (The ADA does not address air transportation and school buses.) However, in a recent report eighty-two percent of wheelchair users stated they have difficulty accessing their local public transportation system (Kaye, H.S., Kang, T., and LaPlante, M.P., ''Mobility Device Use in the United States.'' *Disability Statistics Report, (14),* Washington, D.C.: U.S. Department of Education, NIDRR, June, 2000).

Many wheelchair users are not capable of transferring into a vehicle seat and instead are required to travel seated while in their wheelchairs. However, most wheelchairs are not designed to function as vehicle seats, thus putting wheelchair-seated travelers at greater risk of injury compared to those who sit in standard vehicle seats (Bertocci, G.E., et. al., ''Computer Simulation and Sled Test Validation of a Powerbase Wheelchair and Occupant Subjected to Frontal Crash Conditions,'' *IEEE Transactions on Rehabilitation Engineering,* Vol. 7, No. 2, pg. 234, June, 1999). Providing effective occupant protection in a motor vehicle is a multifaceted problem that involves the vehicle seat, how the seat is anchored to the vehicle, and an occupant restraint system (seatbelts, airbags, etc). Manufacturers of motor vehicle seats are required to perform extensive testing to ensure that vehicle seating systems are designed and constructed to provide support for the occupant under crash conditions (Department of Transportation, U.S. National Center for Health Statistics, ''Federal Motor Vehicle Safety Standards Seating Systems,'' U.S. Government Printing Office, Washington, DC, 49 CFR 571.207). However, wheelchairs used as motor vehicle seats are not necessarily designed for such use and must rely upon after-market products to secure or anchor the wheelchair to the vehicle. Unfortunately, tie-down systems are not afforded the same scrutiny as vehicle seating systems thereby increasing the likelihood that the tie-down systems could fail and the wheelchair and its occupant could become a projectile in crash settings.

Laboratory research has dramatically demonstrated the potential danger for wheelchair riders not adequately secured using wheelchair tie-down and restraint systems (WTORS) during vehicle collisions (Benson, J.B. and Schneider, L.W., ''Improving the crashworthiness of restraints for handicapped children,'' In: *Advances in belt restraint systems, design, performance, and usage: Society of Automobile Engineers Technical Paper #840528*, Warrandale, PA., pgs. 389–404, 1984). Although there has been an increased awareness about wheelchair rider safety, there is a paucity of information regarding the risk to wheelchair riders while riding in motor vehicles. In an effort to better characterize wheelchair rider risk, an analysis of motor vehicle accident data for the general public was conducted. According to Shaw, the most readily accessible and quantifiable information regarding vehicle accidents involving onboard wheelchairs was found in the National Electronic Injury Surveillance System (NEISS) database that is maintained by the Consumer Product Safety Commission (CPSC). CPSC staff collected information from a sample of 95 (out of an estimated 6,000) hospitals nationwide that are equipped to accommodate emergency visits. Based upon data collected from January 1988 through September 1996, an estimated 1,320 wheelchair riders were injured as a result of vehicle accidents (Shaw, G., ''Wheelchair rider risk in motor vehicles: A technical note,'' *Journal of Rehabilitation Research and Development*, *Vol. 37, No. 1,* Pgs. 89–100, January and February, 2000).

Similar results were found in a different study that looked at NEISS data from 1986 to 1990. In that study, an estimated 2,200 wheelchair riders were injured and the author concluded that ''improper securement accidents generally occur when the vehicle stops too quickly or makes a sharp turn.'' Furthermore, the author could only find the record of one fatality between 1973 and 1991 that resulted from an occupant falling from the wheelchair due to a sudden stop (Richardson, H.A., ''Wheelchair occupants injured in motor vehicle-related accidents,'' U.S. Department of Transportation National Center for Statistics and Analysis, Mathematical Analysis Division, Washington, DC 1991).

Both studies expressed the need for caution when using NEISS data to define wheelchair rider injury risk. Although the NEISS data source provides a perspective regarding the approximate number of incidents and insight as to the kinds of injury-producing situations, it does not provide sufficient specific detail such as a consistent reporting and classification of vehicle type and size (i.e., large, heavy vehicles versus small, lighter vehicles), the WTORS used, and the death and injury rate per unit of exposure. This information is needed to establish the risk and to evaluate the efficiency of risk-reduction efforts (Shaw, G., op cit., 2000).

Voluntary standards have been developed to establish general design and performance requirements for wheelchairs intended to also be used as

a vehicle seat and for WTORS. The American National Standards Institute/ Rehabilitation Engineering Society of North America (ANSI/RESNA) wheelchair standard (hereafter referred to ANSI/RESNA WC–19) provides wheelchair manufacturers with design and testing guidelines under frontal impact conditions for wheelchairs intended to be used as seats in motor vehicles (American National Standards Institute (ANSI)/Rehabilitation Engineering Society of North America (RESNA), ''WC/Volume 1, Section 19: Wheelchairs used as seats in motor vehicles,'' RESNA standard, Arlington, VA: RESNA, 2000). Similarly, a standard developed by the Society of Automotive Engineers (SAE J2249) provides guidance for the installation and usage of WTORS (SAE, ''SAE J2249: Wheelchair tie-downs and occupant restraints systems for use in motor vehicles,'' Society of Automotive Engineers (SAE), 1996).

Although these voluntary standards address the safety needs of wheelchair-seated travelers, there is still much that needs to be accomplished. For instance, the ANSI/RESNA WC–19 standards are used to assess the crashworthiness of complete wheelchair systems through a variety of tests including dynamic frontal impact testing. However, there are no requirements to test the crashworthiness of wheelchair systems under varying impact directions, such as side or rear impact crashes. Studies of both the biomechanics and kinematics of occupants and wheelchairs subjected to side and rear impact crashes could lead to a better understanding of injury risk for wheelchair-seated occupants under these circumstances and improved design criteria and safety standards.

The SAE J2249 standards recommend using four-point, strap-type wheelchair tie-downs for securing wheelchairs to a vehicle. Devices such as these have been used for some time and are effective if the chair is designed to accommodate the strains and is secured properly. However, strap-type tie-downs are cumbersome and time-consuming, warranting the need for development of wheelchair tie-downs that are both safe and easy to operate.

Finally, it is not uncommon for rehabilitation technology professionals to order a wheelchair frame or base from one supplier and add to it a separate seating system or other peripheral device, such as a ventilator, that has been purchased from another supplier. Despite an effort to evaluate the crashworthiness of a wheelchair system using the ANSI/RESNA WC–19 standards, the common practice of adding after-market or customized equipment invalidates the test results of a wheelchair tested with originally manufactured components. Subsequently, the after-market or customized equipment are not subjected to the same dynamic impact testing used on the original wheelchair system to evaluate its ability to withstand crash-level forces (Van Roosmalen, L., et. al., ''Proposed Test Method for and Evaluation of Wheelchair Seating System (WCSS) Crashworthiness,'' *Journal of Rehabilitation Research and Development*, Vol. 37, No. 5, Pgs. 543–553, September and October, 2000).

Perhaps one of the most successful safety devices introduced by the automobile industry is the safety belt, or occupant restraint system. It is estimated that safety belts save 9,500 lives every year (National Highway Traffic Safety Administration, ''America's Experience with Seat Belt and Child Seat Use,'' January 2, 2001: www.nhtsa.dot.gov/people/injury/ airbags/presbelt/america_ seatbelt.html) and many States now make it mandatory for occupants riding in private vehicles to wear safety belts. Traditional vehicle seating systems protect their occupants through properly positioned occupant restraint systems and crashworthy seat design (Department of Transportation, U.S. National Center for Health Statistics, ''Federal Motor Vehicle Safety Standards Seating Systems,'' U.S. Government Printing Office, Washington, DC, 49 CFR 571.207). Unfortunately, individuals who must remain seated in their wheelchairs while traveling in motor vehicles are unable to benefit from traditional seating systems. According to the SAE J2249 standards, the current practice for wheelchair-seated occupant pelvic restraints (lap belts) is to anchor the belts to the vehicle floor or to rear wheelchair tie-downs. Current practice for the shoulder restraint is to anchor one end of the belt on the vehicle wall or ceiling and the lower end to the pelvic restraint belt (Society of Automotive Engineers, ''SAE J2249: Wheelchair tie-downs and occupant restraints (WTORS) for use in motor vehicles,'' 1996). ANSI/RESNA WC–19 recommends an additional wheelchair integrated pelvic restraint on wheelchairs that are used in motor vehicles (American National Standards Institute (ANSI)/Rehabilitation Engineering Society of North America (RESNA), ''WC/ Volume 1, Section 19: Wheelchairs used as seats in motor vehicles,'' RESNA Standard, Arlington, VA: RESNA, 2000). However, there are numerous problems associated with anchoring vehicle-mounted occupant restraint systems for wheelchair-seated occupants including, but not limited to, the limited number of anchoring options due to window locations, seating positions, and the vehicle's structural integrity. In addition, all users, regardless of wheelchair models, seat heights, etc., are required to use the same fixed occupant restraint systems that have the potential of compromising safety belt fit, comfort, and occupant safety.

Priority

We will establish an RERC on transportation to improve the safety of wheelchair users who remain seated in their wheelchairs while using public and private transportation services and to investigate new wheelchair securement technologies that might enable wheelchair users to independently secure and release the wheelchair without the need for a second person. The RERC must:

(a) Investigate and report on the incidence, extent, and nature of injury of wheelchair riders due to motor vehicle accidents, making a distinction between the cause of accident, the cause of injury, the type of vehicle or transportation service involved, and the vehicle size and weight, and include recommendations for ways to minimize injury;

(b) Investigate and report on safety issues, including both kinematics and biomechanics, related to wheelchair-seated occupants subjected to side and rear impact crashes;

(a) Investigate, develop and evaluate universal securement interfaces that would enable wheelchair and scooter users to safely and independently secure their wheelchairs and scooters to motor vehicles;

(b) Investigate and compare methods, including low-cost methods, for testing, both static and dynamic, the crashworthiness of after-market and customized wheelchair seating systems and peripheral devices and, if found to be viable, develop strategies for integrating these methods into existing voluntary wheelchair performance standards;

(e) Investigate, develop, and evaluate integrated occupant restraint systems that are independent of the vehicle and easy for wheelchair-seated occupants to operate; and

(f) Investigate the use of new or existing voluntary performance standards that would address problems associated with wheelchair-seated occupants subjected to side and rear impact crashes and potential benefits of

using integrated occupant restraint systems, universal securement interfaces, and after-market and customized wheelchair seating systems and peripheral devices.

In addition to the activities proposed by the applicant to carry out the purposes, the RERC must:

- Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the RERC's research results to clinicians, engineers, manufacturers, persons with disabilities, disability organizations, technology service providers, businesses, and appropriate journals;
- Develop and implement in the first year, and in consultation with the NIDRR-funded RERC on Technology Transfer, a utilization plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace;
- Conduct in the third year of the grant a state-of-the-science conference on wheelchair transportation and publish a comprehensive report on the final outcomes of the conference in the fourth year of the grant;
- Collaborate on research projects of mutual interest with other projects, such as the NIDRR-funded RERC on Wheeled Mobility and the Federal Transit Administration-funded Project Action, as identified through consultation with the NIDRR project officer; and
- Collaborate with relevant Federal agencies responsible for the administration of public laws that address access to and usability of public and private transportation for individuals with disabilities including, but not limited to, the U.S. Department of Transportation's Federal Transit Administration and National Highway Traffic Safety Administration, and other relevant Federal agencies identified by the NIDRR project officer.

Priority 3: RERC on Mobile Wireless Technologies for Persons With Disabilities

Background

The information technology (IT) revolution is fundamentally altering the way Americans work, purchase goods and services, communicate, and play. Today, one can access information using any number of electronic devices and networks, including computers connected to ''plain old telephone lines'' (POTS), televisions connected to cable or digital satellite networks, cellular telephones, or wireless hand-held personal digital assistant devices. Unlike earlier information technologies (*i.e.,* print, radio, telephone, television and telefax), mobile communications networks, the Internet and the World Wide Web did not enter into our daily lives gradually—rather, they exploded onto the scene. While the economic impact of this transformation has not been fully evaluated at either the individual or systems level, it is significant.

The proliferation of information technologies, including wireless technologies, does not guarantee accessibility for persons with disabilities. According to a recent study, only 23.9% of people with disabilities have access to a computer at home compared to just over half (51.7%) of their non-disabled counterparts. The gap in Internet use is even more striking: roughly 10% of people with disabilities connect to the Internet compared to almost 40% of those without disabilities. Elderly people with disabilities are even less likely to make use of these technologies. Among those 65 years of age or older, only 10% of individuals with disabilities have computers at home and, of those, only 2.2% use the Internet (Kaye, H.S., ''Computer and Internet Use Among People with Disabilities,'' *Disability Statistics Report (14),* U.S. Department of Education, National Institute on Disability and Rehabilitation Research, Washington, D.C., 1999).

Chapter 5 of NIDRR's Long-Range Plan (64 FR 45768) discusses the importance of making information technology accessible to persons with disabilities of all ages, and includes a discussion of universal access and the need for continued research and development in this area. Unfortunately, while advances in computers and information technologies create new opportunities for some individuals, they create barriers for others. The proliferation of electronic visual and tactile displays (*i.e.,* LCD, LED, and touch screens) on home appliances, business equipment, and public access terminals also poses a major problem for individuals with sensory and motor deficits unless alternative methods for accessing and using these devices are made available. Conversely, audio cues (beeps) cannot convey information to individuals who are deaf or hard of hearing. Of particular concern is that an increasing number of functions are being integrated onto single chips or motherboards, obviating the need for third party accessories such as sound cards or voice input devices. This makes changes or modifications to these built-in features difficult or even impossible.

Cellular communications are wireless communications that occur in small ''cells'' or geographic areas on land. When one talks on a cellular phone their voice is transmitted to a nearby tower (usually within ten miles). Cellular phone calls are then passed from tower to tower as cellular users move from one geographic area to the next. To manage all the communications, the cellular phones and towers must ''speak'' the same language. The Internet and World Wide Web revolutions began in the 1990's and, in less than a decade, have been responsible for reshaping the way information is accessed and the way commerce is conducted (Hjelm, J., *Designing Wireless Information Services,* Wiley Computer Publishing, New York, pg. 2, 2000).

Technologies that launched the digital revolution are undergoing rapid changes, resulting in a new generation of mobile information systems. The Wireless Application Protocol (WAP) was developed in 1997 by numerous wireless companies in an attempt to make a common interface for wireless devices to access the Internet (Hjelm, J., op cit., pg. 293, 2000). This standard is currently being implemented into cellular phones and personal digital assistants and includes the technology to transmit data back and forth using ''micro-browsers.'' Micro-browsers are analogous to Internet browsers used on personal computers but have far fewer features so only the most relevant information is communicated using WAP (Mock, D.L., ''Wireless 101: A Guide to Wireless Investing for Newbies and non-Techies,'' Rev. 2, pgs. 13–14, July, 2000). A new technology that is poised to revolutionize the IT industry is the Bluetooth Protocol Architecture, the name given to a new short-range radio frequency technology that could ultimately replace data wire connections on just about any electronic device. Bluetooth technologies will enable electronic devices within about 30 feet of each other to communicate over a high-speed wireless connection and could transcend any environment (Hjelm, J., op cit., pg. 292, 2000).

The future generation of wireless technologies, commonly referred to as ''third generation'' systems, will ultimately have the capacity to transmit data, text, voice, and graphics between terminals that may be fixed or moving, with bandwidth that varies according to the instant demand and is charged for on that basis (Shipley, T. and Gill, J., ''Inclusive Design of Wireless Systems,'' Royal National Institute for the Blind, London, England, pg. 27, 2000). Third generation systems will provide Internet

access as well as point-to-point communication, and will ultimately merge with other wireless technologies, such as Bluetooth (Ibid).

The ubiquitous nature of mobile wireless communications brings with it a host of opportunities as well as challenges. For example, a cellular telephone cannot present information in the same way that a laptop or desktop can. Furthermore, different environments require different types of input and output. It is difficult to use a keyboard when walking, difficult and even dangerous to use a device that requires visual attention when driving, and devices that require speech input or output are not practical in noisy environments.

People with disabilities should be able to benefit from the evolving digital revolution on equal terms, freed from the barriers of inaccessible technology (Ibid, pg. 27). This will happen only if the new wave of wireless communications systems are designed to accommodate a broad range of abilities among users (Ibid, pg. 2). Without an inclusive approach to design, large segments of this target population will find themselves precluded from accessing and participating in the new information driven society (Ibid). The infrastructure to support the new era of wireless technologies will be complex and expensive, and because of this there will be reluctance to make changes once systems are operational. Therefore, it is imperative that the design of both systems and equipment be considered carefully at the outset of development.

Further, there is a critical shortage of engineers and product designers who are capable of providing expertise to developers and manufacturers about incorporating accessible and universal design features into their IT products. Achieving this goal will require product designers and IT experts to collaborate more closely with clinicians, service providers, and consumers to identify potential applications of new telecommunications devices and systems that support independent living, employment, and community integration. Finally, more individuals need to be trained to educate consumers, customer service professionals, technical writers, web developers, marketers, and other IT related professionals about accessible and usable information technologies.

NIDRR currently funds RERCs on Information Technology Access and Telecommunications Access. The RERC on Mobile Wireless Technologies for Persons with Disabilities will be required to coordinate with these two RERCs on relevant policy and regulatory activities and other activities of mutual interest.

Priority

We will establish an RERC on mobile wireless technologies to investigate promising applications of, and facilitate equitable access to, future generations of mobile wireless technologies for individuals with disabilities of all ages and to expand research and development capacity within this subject area. The RERC must:

(a) Investigate, develop, and evaluate technological solutions in collaboration with industry to promote universal access and usability in future generations of mobile wireless technologies;

(b) Investigate, develop, and evaluate applications of mobile wireless technologies that could benefit persons with disabilities in independent living, employment, and community integration such as healthcare monitoring, environmental control, emergency location signaling devices, scheduling maintenance, mobile communications, etc.;

(c) Investigate, develop, and evaluate innovative and flexible multi-modal interface methods for accessing and using future generations of mobile wireless technologies such as home appliances, mobile communication systems and portable information terminals, office equipment, health-monitoring devices, and public access terminals;

(d) Identify, implement, and evaluate, in collaboration with the wireless IT industry, professional IT associations, and institutions of higher education, innovative approaches to expand capacity in accessible IT studies including design, research and development;

(e) Monitor trends and evolving product concepts that represent and signify future directions for mobile wireless technologies; and

(f) Provide technical assistance to public and private organizations responsible for developing policies, guidelines and standards that affect the accessibility of mobile wireless technologies and systems that are manufactured and implemented.

In addition to the activities proposed by the applicant to carry out these purposes, the RERC must:

- Collaborate with industry, industrial consortia, and professional and trade associations on all activities;
- Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the RERC's research results to disability organizations, persons with disabilities, technology service providers, businesses, manufacturers, and appropriate journals;
- Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded RERC on Technology Transfer, a utilization plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace;
- Conduct a state-of-the-science conference on accessible information technologies in the third year of the grant cycle and publish a comprehensive report on the final outcomes of the conference in the fourth year of the grant cycle; and
- Coordinate on research projects of mutual interest with relevant NIDRR-funded projects such as the RERCs on Information Technology Access and Telecommunications Access and the Information Technology Technical Assistance and Training Center, as identified through consultation with the NIDRR project officer.

Applicable Program Regulations: 34 CFR part 350.

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Dated: June 12, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

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BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.133E]

Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research

ACTION: Notice Inviting Applications and pre-application meeting for New Rehabilitation Engineering Research Centers for Fiscal Year 2001–2003.

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the programs and applicable regulations governing the programs including the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant under these competitions.

This notice of final funding priorities for Technology for Successful Aging, Wheelchair Transportation Safety, and Mobile Wireless Technologies for Persons with Disabilities are published elsewhere in this issue of the **Federal Register**.

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning. This notice would address the National Education Goals that promote new partnerships to strengthen schools and expand the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

This notice addresses the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: Parties eligible to apply for grants under this program are States, public or private agencies, including for-profit agencies, public or private organizations, including for-profit organizations, institutions of higher education, and Indian tribes and tribal organizations.

Program Authority: 29 U.S.C. 764(b)(3).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86 and 97, and the program regulations 34 CFR part 350.

Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting to discuss the funding priorities and to receive technical assistance through individual consultation and information about the funding priorities. The meeting will be held on *July 12, 2001* you may attend either in person or by conference call at the Department of Education, Office of Special Education and Rehabilitative Services, Switzer Building, Room 3065, 330 C St. SW., Washington, DC between 10 a.m. and 12 noon. NIDRR staff will also be available from 1:30 p.m. to 4 p.m. on that same day to provide technical assistance through individual consultation and information about the funding priority. For further information or to make arrangements to attend contact William Peterson, Switzer Building, Room 3425, 330 C St., SW, Washington, DC 20202. William.Peterson@ed.gov on the Internet or Telephone (202) 205–9192. If you use a telecommunication device for the deaf (TDD), you may call (202) 205–4475.

Assistance to Individuals With Disabilities at the Public Meetings

The meeting site is accessible to individuals with disabilities, and a sign language interpreter will be available. If you need an auxiliary aid or service other than a sign language interpreter in order to participate in the meeting (e.g. other interpreting service such as oral, cued speech, or tactile interpreter; assistive listening device; or materials in alternative format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request we receive after this date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

APPLICATION NOTICE FOR FISCAL YEAR 2001 REHABILITATION ENGINEERING RESEARCH CENTERS, CFDA NO. 84–133E

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year) [1]	Project period (months)
84.133E–1 Technology for Successful Aging	August 13, 2001	1	$900,000	60
84.133E–3 Wheelchair Transportation Safety	August 13, 2001	1	900,000	60
84.133E–8 Mobile Wireless Technologies for Persons with Disabilities.	August 13, 2001	1	1,000,000	60

Available Date: June 15, 2001.

[1] The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount in any year (See 34 CFR 75.104(b)).

Note.—The estimate of funding level and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

For Applications Contact: The Grants and Contracts Service Team (GCST), Department of Education, 400 Maryland Avenue SW., Switzer Building, 3317, Washington, DC 20202, or call (202) 205–8207. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9860. The preferred method for requesting information is to FAX your request to (202) 205–8717.

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

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 3414, Switzer Building, Washington, DC 20202–2645. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: Donna.Nangle@ed.gov.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications under the RERC program.

(a) *Importance of the problem* (6 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (3 points).

(ii) The extent to which the proposed project will have beneficial impact on the target population (3 points).

(b) *Responsiveness to an absolute or competitive priority* (5 points total).

(1) The Secretary considers the responsiveness of an application to the absolute or competitive priority published in the **Federal Register**.

(2) In determining the application's responsiveness to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (3 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (2 points).

(c) *Design of research activities* (22 points total).

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (7 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art (3 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (3 points);

(C) Each sample population is appropriate and of sufficient size (3 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (3 points); and

(E) The data analysis methods are appropriate (3 points).

(d) Design of development activities (20 points total).

(1) The Secretary considers the extent to which the design of development activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the extent to which the plan for development, clinical testing, and evaluation of new devices and technology is likely to yield significant products or techniques, including consideration of the extent to which:

(i) The proposed project will use the most effective and appropriate technology available in developing the new device or technique (3 points);

(ii) The proposed development is based on a sound conceptual model that demonstrates an awareness of the state-of-the-art in technology (4 points);

(iii) The new device or technique will be developed and tested in an appropriate environment (3 points);

(iv) The new device or technique is likely to be cost-effective and useful (3 points);

(v) The new device or technique has the potential for commercial or private manufacture, marketing, and distribution of the product (4 points); and

(vi) The proposed development efforts include adequate quality controls and, as appropriate, repeated testing of products (3 points).

(e) *Design of training activities* (4 points total).

(1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the extent to which the type, extent, and quality of the proposed clinical and laboratory research experience, including the opportunity to participate in advanced-level research, are likely to develop highly qualified researchers (4 points).

(f) *Design of dissemination activities* (7 points total).

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (5 points).

(ii) The extent to which the information to be disseminated will be accessible to individuals with disabilities (2 point).

(g) *Design of utilization activities* (3 points total).

(1) The Secretary considers the extent to which the design of utilization activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the extent to which the potential new users of the information or technology have a practical use for the information and are likely to adopt the practices or use the information or technology, including new devices (3 points).

(h) *Plan of operation* (4 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (4 points).

(i) *Collaboration* (4 points Total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project. (4 points).

(j) *Adequacy and reasonableness of the budget* (4 points total).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (2 point).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(k) *Plan of evaluation* (8 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary

considers the extent to which the plan of evaluation provides for periodic assessment of progress toward the following factors:

(i) Implementing the plan or operation; (4 points); and

(ii) Achieving the project's intended outcomes and expected impacts (4 points).

(l) *Project staff* (8 points total).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 point).

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (3 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (3 points).

(m) *Adequacy and accessibility of resources* (5 points total).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (2 points).

(ii) The extent to which the applicant has appropriate access to clinical populations and organizations representing individuals with disabilities to support advanced clinical rehabilitation research (2 point).

(iii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (1 point).

Additional Selection Criterion

We will use the selection criteria in 34 CFR 350.54 to evaluate applications under this program. The maximum score for all the criteria is 100 points; however, we will also use the following criterion so that up to an additional 10 points may be earned by an applicant for a total possible score of 110 points.

Up to 10 points could be added based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under these absolute priorities. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities.

Thus, for purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for these priorities. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Instructions for Application Narrative

We will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

We strongly recommend the following:

(1) a one-page abstract;

(2) an Application Narrative (*i.e.,* Part III that addresses the selection criteria that will be used by reviewers in evaluating individual proposals) of no more *125 pages for Project applications,* double-spaced (no more than 3 lines per vertical inch) 8″ x 11″ pages (on one side only) with one inch margins (top, bottom, and sides). The application narrative page limit recommendation does not apply to: Part I—the electronically scannable form; Part II—the budget section (including the narrative budget justification); and Part IV—the assurances and certifications; and (3) a font no smaller than a 12-point font and an average character density no greater than 14 characters per inch.

Instructions for Transmittal of Applications

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

(a) *If You Send Your Application by Mail.*

You must mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.133E (Applicant must insert priority name), Washington, DC 20202–4725.

You must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S.Postal Service.

(b) *If You Deliver Your Application by Hand*

You or your courier must hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.133E (Applicant must insert priority name), Room #3633, Regional Office Building #3, 7th and D Streets, SW, Washington, DC.

The Application Control Center accepts application Deliveries daily between 8 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

Notes:

(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) If you send your application by mail or if you or your courier deliver it by hand, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt with 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Assistance (ED Form 424; revised November 12, 1999) the CFDA number—and letter, if any—of the competition under which you are submitting your application.

Application Forms and Instructions

The Appendix to this application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

PART I: Application for Federal Assistance (ED 424 (Rev. 11/12/99)) and instructions.

PART II: Budget Form—Non-Construction Programs (ED 524) and instructions.

PART III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters: and Drug-Free Work-Place Requirements (ED Form 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014) and instructions. (NOTE: ED Form GCS–014 is intended for the use of primary participants and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL (Rev. 7–97)) if applicable) and instructions.

You may submit information on a photocopy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an *original signature.* We will not award a grant unless we have received a completed application form.

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*

(Catalog of Federal Domestic Assistance Numbers: 84.133E, Rehabilitation Engineering Research Centers)

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Dated: June 12, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

Appendix

Apllication forms and Instructions

Applicants are advised to reproduce and complete the application forms in this Section. Applicants are required to submit an original and two copies of each application as provided in this Section. However, applicants are encouraged to submit an original and seven copies of each application in order to facilitate the peer review process and minimize copying errors.

Frequent Questions

1. Can I Get an Extension of the Due Date?

No! On rare occasions the Department of Education may extend a closing date for all applicants. If that occurs, a notice of the revised due date is published in the **Federal Register**. However, there are no extensions or exceptions to the due date made for individual applicants.

2. What Should Be Included in the Application?

The application should include a project narrative, vitae of key personnel, and a budget, as well as the Assurances forms included in this package. Vitae of staff or consultants should include the individual's title and role in the proposed project, and other information that is specifically pertinent to this proposed project. The budgets for both the first year and all subsequent project years should be included.

If collaboration with another organization is involved in the proposed activity, the application should include assurances of participation by the other parties, including written agreements or assurances of cooperation. It is *not* useful to include general letters of support or endorsement in the application.

If the applicant proposes to use unique tests or other measurement instruments that are not widely known in the field, it would be helpful to include the instrument in the application.

Many applications contain voluminous appendices that are not helpful and in many cases cannot even be mailed to the reviewers. It is generally not helpful to include such things as brochures, general capability statements of collaborating organizations, maps, copies of publications, or descriptions of other projects completed by the applicant.

3. What Format Should Be Used for the Application?

NIDRR generally advises applicants that they may organize the application to follow the selection criteria that will be used. The specific review criteria vary according to the specific program, and are contained in this Consolidated Application Package.

4. May I Submit Applications to More Than One NIDRR Program Competition or More Than One Application to a Program?

Yes, you may submit applications to any program for which they are responsive to the program requirements. You may submit the same application to as many competitions as you believe appropriate. You may also submit more than one application in any given competition.

5. What Is the Allowable Indirect Cost Rate?

The limits on indirect costs vary according to the program and the type of application. An applicant for an RRTC is limited to an indirect rate of 15%. An applicant for a Disability and Rehabilitation Research Project should limit indirect charges to the organization's approved indirect cost rate. If the organization does not have an approved indirect cost rate, the application should include an estimated actual rate.

6. Can Profitmaking Businesses Apply for Grants?

Yes. However, for-profit organizations will not be able to collect a fee or profit on the grant, and in some programs will be required to share in the costs of the project.

7. Can Individuals Apply for Grants?

No. Only organizations are eligible to apply for *grants* under NIDRR programs. However, individuals are the only entities eligible to apply for fellowships.

8. Can NIDRR Staff Advise Me Whether My Project Is of Interest to NIDRR or Likely To Be Funded?

No. NIDRR staff can advise you of the requirements of the program in which you propose to submit your application. However, staff cannot advise you of whether your subject area or proposed approach is likely to receive approval.

9. How Do I Assure That My Application Will Be Peferred to the Most Appropriate Panel for Review?

Applicants should be sure that their applications are referred to the correct competition by clearly including the competition title and CFDA number, including alphabetical code, on the Standard Form 424, and including a project title that describes the project.

10. How Soon After Submitting My Application Can I Find Out if it Will Be Funded?

The time from closing date to grant award date varies from program to program. Generally speaking, NIDRR endeavors to have awards made within five to six months of the closing date. Unsuccessful applicants generally will be notified within that time frame as well. For the purpose of estimating a project start date, the applicant should estimate approximately six months from the closing date, but no later than the following September 30.

11. Can I Call NIDRR To Find Out if My Application Is Being Funded?

No. When NIDRR is able to release information on the status of grant applications, it will notify applicants by letter. The results of the peer review cannot be released except through this formal notification.

12. If My Application Is Successful, Can I Assume I Will Get the Requested Budget Amount in Subsequent Years?

No. Funding in subsequent years is subject to availability of funds and project performance.

13. Will All Approved Applications Be Funded?

No. It often happens that the peer review panels approve for funding more applications than NIDRR can fund within available resources. Applicants who are approved but not funded are encouraged to consider submitting similar applications in future competitions.

BILLING CODE 4000–01–U

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name:
Address:
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number
3. Applicant's T-I-N -
4. Catalog of Federal Domestic Assistance #: 8 4 → Title:
5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) - Fax #: ( ) -
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)*

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/___
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates: Start Date: ___/___/___ End Date: ___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #:
OR
b. Assurance of Compliance #:
c. IRB approval date: ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative
b. Title
c. Tel. #: ( ) - Fax #: ( ) -
d. E-Mail Address:
e. Signature of Authorized Representative Date: ___/___/___

REV. 11/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15c, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a , **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

Pitfalls to Avoid in Responding to Item 12 of the ED 424

(Human Subjects Item on Application for Federal Education Assistance)

In 1998, the U.S. Department of Education (ED) began using in all grant application packages a revised version of the Application for Federal Education Assistance (ED 424). The ED 424 contains a new item, item 12, which requests information about the protection of human research subjects in projects funded by ED. To minimize the need for ED-requested revisions to item 12 responses, we have prepared a list of pitfalls to avoid. We have also tightened up the instructions for item 12 to specify where in the application, if necessary, the applicant should insert 1) the information we need to determine if designated exemptions to the Regulations for the Protection of Human Subjects are appropriate or 2) the six-point narrative required when nonexempt research activities involving human subjects are planned.

The following are the most common responses that result in ED-requested revisions to item 12 of the ED 424.

1. The applicant did not check the "Yes" or the "No" box. One of the boxes must be checked.

2. The applicant checked "No," but the proposal suggests that research activities involving human subjects are planned. If research activities involving human subjects are planned, whether or not those activities are exempt under the ED regulations, "Yes" must be checked.

3. The applicant checked "No" but also responded to other parts of item 12. If "No" is checked, do not respond to the remaining parts of item 12.

4. The applicant checked "Yes" and designated one or more exemption(s) in 12a., indicating that all the research activities involving human subjects are exempt, but also provided information in 12b. or 12c.

- a. If all the research activities are exempt, do not respond to the remaining parts of item 12, even if the applicant submits the proposal to the Institutional Review Board for review.
- b. If some or all of the research activities are covered (nonexempt), skip 12a. and go directly to 12b.

5. The applicant checked "Yes" and entered one or more exemption number(s) in 12a. but overlooked the requirement to provide the information we need to determine if the designated exemptions are appropriate. The narrative information about the designated exemptions should be provided in an "Item 12/Protection of Human Subjects Attachment" and be inserted immediately following the ED 424 face page. The narrative must be succinct.

6. The applicant checked "Yes" and did not designate exemption(s), but failed to provide the six-point research activities narrative outlined in "Instructions to Applicants about the Narrative Information that Must Be Provided if Research Activities Involving Human Subjects are Planned" in Protection of Human Subjects in Research (Attachment to ED 424). The narrative is required when covered (nonexempt) research activities involving human subjects are planned. The six-point narrative should be provided in an "Item 12/Protection of Human Subjects Attachment" and be inserted immediately following the ED 424 face page. The narrative must be succinct.

For additional information, please visit our Protection of Human Subjects web site at: http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILLING CODE 4000–01–C

Public reporting burden for these collections of information is estimated to average 30 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.

Send comments regarding this burden estimate or any other aspect of these collections of information, including suggestions for reducing this burden, to: the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1820–0027, Washington, DC 20503.

Rehabilitation Engineering Research Centers (CFDA No. 84.133E) 34 CFR part 350 Subpart B.

BILLING CODE 4000–01–P

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes 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 collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE

APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract ☐ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application ☐ b. initial award c. post-award	☐ a. initial filing ☐ b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes 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 collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

[FR Doc. 01–15155 Filed 6–14–01; 8:45 am]

BILLING CODE 4000–01–C

Federal Register

Friday,
June 15, 2001

Part IV

Department of Education

Office of Educational Research and Improvement; American Indian and Alaska Native Education Research Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

DEPARTMENT OF EDUCATION

[CFDA No.: 84.306N]

Office of Educational Research and Improvement; American Indian and Alaska Native Education Research Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Program: The purpose of the American Indian and Alaska Native (AIAN) Education Research Grant Program is to fund research, evaluation, and data collection to provide information on the status of education for the Indian population and on the effectiveness of Indian Education Programs. For FY 2001 the competition for new awards focuses on projects designed to meet the absolute priority published elsewhere in this issue of the **Federal Register**.

Eligible Applicants: Indian Tribes, Indian organizations, State education agencies, local education agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions, or a consortium of these institutions that meet the requirements of 34 CFR 75.127 through 75.129 of EDGAR.

Applications Available: June 29, 2001 for hardcopies.

On the date of publication of this notice application packages will also be available electronically on the World Wide Web at the following site: www.ed.gov/GrantApps/

Deadline for Transmittal of Applications: July 30, 2001.

Estimated Available Funds: Approximately $1.4 million.

Estimated Range of Awards: The size of the awards will be commensurate with the nature and scope of the work proposed.

Estimated Number of Awards: 5.

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

Budget Period: 12 months.

Project Period: 12 to 36 months.

Page Limit: The application narrative may not exceed the equivalent of 20 double-spaced pages, with printing on only one side of 8½ x 11-inch paper. Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Note: We have found that reviewers are able to conduct the highest quality review when applications are concise and easy to read. We strongly encourage applicants to use a 12-point or larger size font, one-inch margins at the top, bottom, and both sides, and pages numbered consecutively.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86 (part 86 applies to IHEs only), 97, 98, and 99. (b) The regulations in 34 CFR part 700.

Priority: This competition focuses on projects designed to meet the absolute priority in the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

SUPPLEMENTARY INFORMATION:

Collaboration: The Secretary encourages collaboration in the conduct of this research. Examples of collaboration include: public and private research institutions collaborating with Indian organizations, including schools funded by the Bureau of Indian Affairs; and tribal colleges collaborating with major research universities and local educational agencies in urban areas serving high concentrations of Indian children.

For Applications Contact: Education Publications Center (ED Pubs), PO Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its web site: http://www.ed.gov/pubs/edpubs.html. Or you may contact ED Pubs at its E-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.306N.

FOR FURTHER INFORMATION CONTACT: Karen Suagee, American Indian and Alaska Native Research Grant Program, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 610B, Washington, DC 20208–5521. Telephone: (202) 219–2244 or via Internet: karen.suagee@ed.gov or you may contact Eileen O'Brien, at the same program and address. Telephone: (202) 208–2978 or via Internet: eileen.o'brien@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

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: http://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. 6031(c)(2)(B); 20 U.S.C. 7873 and 20 U.S.C. 7881(4)).

Dated: June 12, 2001.

Sue Betka,

Deputy Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 01–15179 Filed 6–14–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

American Indian and Alaska Native Education Research Grant Program

AGENCY: Office of Educational Research and Improvement, Department of Education.

ACTION: Notice of final priority.

SUMMARY: The Secretary announces a priority for the American Indian and Alaska Native Education Research Grant Program to fund research that will evaluate the role of Native language and culture in the development of educational strategies for improving achievement and academic progress of American Indian and Alaska Native students. The Secretary uses this particular priority for a competition in fiscal year (FY) 2001 and may use this priority in later fiscal years.

EFFECTIVE DATE: This priority is effective July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Karen Suagee, U.S. Department of Education, 555 New Jersey Avenue, NW., room 610B, Washington, DC 20208–5521. Telephone: (202) 219–2244 or via Internet: karen.suagee@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

Background

The Office of Educational Research and Improvement (OERI) and the Office of Indian Education (OIE), within the Office of Elementary and Secondary Education (OESE), support educational research and development activities that improve the educational achievement and academic progress of American Indian and Alaska Native students. Under section 9141 of the Elementary and Secondary Education Act (the national research activities authority), the Department is authorized to fund research, evaluation, and data collection to provide information on the status of education for the Indian population and on the effectiveness of Indian Education Programs. Section 9141 further provides that the research activities funded under this authority shall be carried out in consultation with OERI.

Pursuant to this authority and in response to Executive Order 13096, entitled ''American Indian and Alaska Native Education'', OIE and OERI are collaborating on their first grant competition. Moreover, pursuant to a Memorandum of Understanding between OESE and OERI, OERI will administer the competition.

The Executive Order requires the Department to develop and implement a comprehensive research agenda designed to improve the academic achievement and school retention of American Indian and Alaska Native students. The research agenda is to address three goals: (1) To establish baseline data on academic achievement and retention of American Indian and Alaska Native students in order to monitor improvements; (2) to evaluate promising practices used with those students; and (3) to evaluate the role of native language and culture in the development of educational strategies. Work on the research agenda is in progress. When the agenda is completed, the Secretary may establish additional priorities for grant competitions under this authority in FY 2002 and later years. During the interim period, the Secretary provides an absolute priority to address one of the agenda goals: evaluating the role of language and culture in developing educational strategies.

We published a notice of proposed priority for the American Indian and Alaska Native Education Research Grant Program in the **Federal Register** on April 19, 2001 (66 FR 20180). As noted in the proposed priority, recent research points to the degree of fit, or congruence, between the cultural contexts of home and school as a factor influencing academic and social development outcomes of students. These outcomes include, but are not limited to, academic achievement, reduced dropout rate, school engagement, responsible behavior (taking into account tribal values), attendance, and high school completion. The research suggests that achieving positive academic and social outcomes for students from diverse linguistic and cultural backgrounds may be enhanced by incorporating native language and culture in the development of educational strategies.

Family and community involvement in education is also vital to the academic and social development of students. For schools serving students from diverse linguistic and cultural backgrounds, the research also suggests that strong family and community collaboration with schools that reflects the language and culture of the community may support the efforts of schools to enhance student achievement and social development. The Secretary wishes to determine the extent to which, and the ways in which, incorporating native language and culture in educational strategies (including strong family and community collaboration with schools) contributes to the attainment of these positive academic and social outcomes for American Indian and Alaska Native students.

Analysis of Comments and Changes

In response to our invitation in the notice of proposed priority, 10 parties submitted comments on the proposed priority. Three comments indicated broad support for the purpose and content of the priority. Other comments can be grouped into the following general areas: recommendations to add a particular focus to the scope of the final priority and recommendations for technical or procedural changes or definitional clarity. An analysis of the comments and the changes to the priority since publication of the notice of proposed priority follow. Program administrative changes and changes the Secretary is not authorized to make under the applicable statutory authority are not addressed.

Comment: One comment noted that the majority of American Indians now live in urban areas and recommended that the absolute priority should focus the research on the educational needs of Indian children in urban areas. This comment also noted the loss of native languages in multi-tribal urban Indian environments and advised that the priority include research on the reintroduction of native languages into the curriculum in urban schools.

Discussion: Research on urban Indian educational needs is within the scope of the final priority. The text of the priority recognizes this by using the phrase, ''* * * in both rural and urban settings.'' However, the Secretary intends for applicants to have flexibility to focus on either rural or urban settings, or both. Regarding the second recommendation to include research on the reintroduction of native languages, the Secretary wishes to allow for flexibility in selecting topics rather than specifying particular topics, so no change will be made.

Change: The final priority has been revised to permit applicants to address research on either rural or urban settings, or both.

Comment: Two comments recommended making a distinction in the final priority between the role of language and culture in developing educational strategies. One comment emphasized that family and community support is essential for school-based approaches to language revitalization, and further noted the difficulties in many communities of securing such joint commitment. According to this comment, only a minority of Indian parents and community members supports native language programs in the schools. The same comment indicated that for the majority of tribes, incorporating tribal culture (as opposed to language) into educational strategies may therefore produce a more powerful effect on achievement. The second comment indicated that a distinction should be made in the final priority between total language immersion approaches and approaches that treat language and culture as a supplement to the mainstream curriculum.

Discussion: Research supports the position that language and culture are complementary elements insofar as language is a primary vehicle through which culturally embedded concepts

are expressed. The final priority for funding research on both Native language and culture reflects this position and in addition, responds to the language of the Executive Order goal, ''* * * to evaluate the role of native language and culture in the development of educational strategies.'' However, the Secretary wishes to allow for flexibility in conducting research on this broad subject and recognizes that it may be feasible to address only one element at a time.

The Secretary also recognizes that total language immersion is a distinct approach in contrast to the supplemental nature of many instructional approaches to teaching language and culture. However, the Secretary does not wish to specify particular approaches, preferring that researchers identify approaches for study. Thus, no change has been made to distinguish total language immersion from the array of approaches to teaching language and culture.

Change: The final priority has been revised to allow applicants to address language or culture, or both elements.

Comment: One comment suggested that educational leadership be added to the listing of factors from among which applicants must consider in addressing the final priority.

Discussion: The factors stated in the final priority were intended to be illustrative of a range of factors, as opposed to an exhaustive listing. The Secretary intends for the applicant to identify and justify the factors that may affect either academic achievement or social development (or both) of students. Notwithstanding this intention, the Secretary agrees that educational leadership may be a significant factor in establishing a climate for enhancing teaching and learning and thus, adding educational leadership adds clarity.

Change: Educational Leadership will be added to the listing of factors that may contribute to positive academic achievement or social development.

Comment: Two comments indicated the need to add a specific focus to the statement of priority. One comment emphasized the need to integrate mental health approaches in conjunction with cultural strategies for educational and social success. This comment emphasized the need to have the issues of self-esteem, fear of failure, and discrimination incorporated into the cultural strategies. A second comment indicated that access to quality on-reservation instruction for deaf and hard of hearing Indian students was critically important.

Discussion: Regarding the first comment, the term ''social development'' as used in the priority statement is intended to encompass a number of factors, including healthy emotional development. The Secretary intends for applicants to identify these factors, if applicable to their proposed research. The second comment is directed to the provision of specialized instructional services and is thus not applicable to the research focus of the final priority.

Change: None.

Comment: One comment recommended certain additions to the items that the priority statement indicates should be included in a research application. This comment recommended that the following be added: (1) evidence that tribal protocols are followed to ensure access and support for the proposed research project; (2) the active involvement of American Indians and Alaska Natives in the conceptualization and conduct of the research; and (3) language explaining that ''a rigorous design'' can be one that uses many methods and creative approaches, including Native Ways of Knowing designs.

Discussion: In listing the components of a research application, the Secretary intended to identify the technical attributes of high quality research. While the Secretary acknowledges that the first two recommendations regarding proper protocol and active involvement of stakeholders may clearly enhance the quality of the research, the Secretary believes that high quality research may encompass additional attributes, and thus does not believe it necessary to make the two recommended changes. However, the third recommendation, to add multiple methods, including quantitative and qualitative methods, as well as innovative and creative approaches, does enhance understanding of what constitutes a rigorous design. Finally, as there are many high quality designs, the Secretary does not wish to specify examples.

Change: The listing of components of a high quality application will include language regarding multiple methodologies.

Comment: One comment recommended that the term ''Indian organization'' be defined for eligibility purposes and that tribal colleges and universities be specifically mentioned as qualified members of the applicant pool.

Discussion: The Secretary wishes to advise that there is no statutory or regulatory definition of ''Indian organization.'' However, the term, ''Indian'', which modifies organization, is a defined term and is contained in section 9161(4) of Title IX of the Elementary and Secondary Education Act (ESEA). In addition, there is no separate definition of ''Indian IHE''. However, as just noted, there is a statutory definition of ''Indian'' and the definition of ''IHE'' is contained by reference in section 14101(17) of Title XIV of the ESEA. Whether a particular tribal community college is an eligible applicant will be determined on a case-by-case basis.

Change: None.

Comment: One comment stated that projects should be funded for five years, and that the priority statement should include development and pilot testing of instructional strategies in the list of factors that may affect student outcomes.

Discussion: The Secretary believes that a project period of up to three years is adequate to conduct this type of research. The Field-Initiated Studies Education Research Grant Program, administered by OERI, is an example of such research. Concerning the second recommendation to add development and pilot testing of instructional strategies, the list of factors was intended to be illustrative of a range of factors, as opposed to an exhaustive listing. Thus, the Secretary does not believe it is necessary to add more examples.

Change: None.

Comment: A comment recommended that the term ''evaluate'' be replaced with ''investigate'' or ''examine,'' in order to reflect research language.

Discussion: The Secretary acknowledges that the term ''evaluate'' often connotes an activity to judge the merit or worth of a specific program or approach and may therefore be narrow in focus. However, Executive Order 13096 (to which this priority responds) utilizes the phrase, ''evaluate the role of native language and culture * * *'', which the Secretary interprets in the broader sense of systematic study.

Change: No change.

Comment: One comment recommended that in order to avoid confusion, the words, ''in later years'', be deleted from the Background section that precedes the priority statement.

Discussion: The Background section is intended to distinguish the single proposed priority on language and culture for this fiscal year from priorities in future years. Once the Research Agenda is completed and priority research questions are identified, the Secretary may elect to propose absolute, competitive, or invitational priorities from among the

priority research questions in any given year, commencing in 2002.

Change: None

Absolute Priority: Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the priority in the next paragraph. Funding this priority will depend on the availability of funds and the quality of applications received. There will be only one grant competition addressing this priority. Therefore, each applicant will compete against all applicants under this competition.

The Secretary funds only applicants that propose to expand the current research base for pre-kindergarten through secondary level education of American Indian and Alaska Native students, in both rural and urban settings, by addressing the following research question:

To what extent and in what ways does incorporating native language and culture in educational strategies affect either academic achievement or social development of American Indian and Alaska Native students, or both? In addressing this question applicants may choose to address only native language or culture (or both). In addition, applicants may choose to address only rural or urban settings (or both).

Applicants must take into account other factors that may affect these outcomes, such as curriculum and instruction, standards and assessment, school and classroom settings, educational leadership, teacher professional development, and family and community collaboration with schools.

The research proposed in the application should—

a. Incorporate a well-conceptualized and theoretically sound framework;

b. Incorporate a rigorous design (that utilizes multiple methods such as qualitative and quantitative as well as innovative and creative approaches, as appropriate) that is capable of generating findings that contribute substantially to understanding in the field;

c. Link previous research, theory, and findings to the proposed study;

d. Conduct work of sufficient size, scope, and duration to produce generalizable results;

e. Contribute to the advancement of knowledge; and

f. Provide for a dissemination plan that will facilitate effective use of the research by educators, community members, policy makers, and other interested parties.

Preference for Indian Applicants

Eligible entities for the national research program authorized under section 9141 of the Elementary and Secondary Education Act (20 U.S.C. 7861) are Indian Tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions. We want to advise the public that the statute requires the Secretary to give a preference to Indian Tribes, Indian organizations, and Indian institutions of higher education in awarding research grants authorized under section 9141.

(Section 9153; 20 U.S.C. 7873.)

The Secretary will award 5 extra points to applications submitted by the entities entitled to the statutory preference. We want to advise the public that a consortium application of eligible entities that includes an Indian Tribe, Indian organization or Indian institution of higher education would be considered eligible to receive the extra 5 points.

Electronic Access to This Document

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(Catalog of Federal Domestic Assistance Number: 84.306N American Indian and Alaska Native Education Research Grant Program)

Program Authority: 20 U.S.C. 7861 and 7873 and section 931 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6031).

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Sue Betka,

Deputy Assistant Secretary, Office of Educational Research and Improvement.

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Vol. 66, No. 116

Friday, June 15, 2001

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FEDERAL REGISTER PAGES AND DATE, JUNE

29661–29894 1
29895–30056 4
30057–30286 5
30287–30628 6
30629–30800 7
30801–31106 8
31107–31374 11
31375–31834 12
31835–32206 13
32207–32528 14
32529–32712 15

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
11 30340

3 CFR

Proclamations:
7208 (See Proc. 7445) 30053
7214 (See Proc. 7445) 30053
7445 30053
7446 30287
7447 31367
7448 31371
7449 31375
7450 32205

Executive Orders:
13035 (Amended by EO 13215) 30285
13092 (see EO 13215) 30285
13113 (see EO 13215) 30285
13125 (Amended by EO 13216) 31373
13159 (See notice of June 11, 2001) 32207
13200 (see EO 13215) 30285
13215 30285
13216 31373

Administrative Orders:
Notices:
Notice of June 11, 2001 32207
Presidential Determinations:
No. 2001–16 of June 1, 2001 30631
No. 2001–17 of June 1, 2001 30633
Memorandums:
Memorandum of May 30, 2001 30629
Memorandum of May 31, 2001 31833
Memorandum of June 5, 2001 30799

5 CFR

330 29895
332 29895
351 29895
353 29895
1201 30635

7 CFR

2 31107
272 29661
273 29661
301 32209
319 32210
360 32213
932 30289
985 30291
993 30642
1482 30801

Proposed Rules:
301 32268
319 29735
981 31850
1030 31185
1944 29739

8 CFR

100 29661
103 .....29661, 29682, 32138
212 32529
214 31107
236 29661
245a 29661
274a 29661
248 31107
299 .....29661, 29682, 31107
310 32138
320 32138
322 32138
334 32138
337 32138
338 32138
341 32138

9 CFR

94 .....29686, 29897, 29899

Proposed Rules:
93 29921

10 CFR

150 32452
170 32452
171 32452

Proposed Rules:
2 29741
1008 32272

12 CFR

8 29890
32 31114

Proposed Rules:
Ch. V 31186

13 CFR

107 30646
115 30803
121 .....30646, 32416

14 CFR

23 30649
39 .....29689, 29900, 30296, 30300, 30302, 30305, 30307, 31121, 31124, 31129, 31131, 31135, 31141, 31143, 31525, 31527, 31835, 31836, 31837, 32530, 32531, 32533, 32535

61 31145
63 31145
65 31145
71 ....29691, 32537
91 30310
95 30057
97 ....29691, 29693
108 31145
121 ....29888, 30310, 31145, 31146
125 30310
135 ....30310, 31145, 31146

Proposed Rules:
39 ....30093, 30095, 30099, 30101, 30103, 30105, 30107, 30109, 30112, 30114, 30341, 30343, 30345, 31189, 31192, 31194, 31566, 31569, 32276, 32591
71 ....30117, 30118, 30119, 30120, 30654, 31196, 32593

15 CFR
902 30651

Proposed Rules:
922 30828

16 CFR

Proposed Rules:
1115 30655

17 CFR
200 31839
239 32538
249 32538
270 30311
275 30311
450 29888

19 CFR
206 32217

21 CFR
5 30992
101 30311
173 31840
522 32539
606 ....31165, 31146
607 31146
610 31146
630 31165
640 31146
660 31146
809 31146

22 CFR
41 32540
51 29904

24 CFR
982 30566

Proposed Rules:
206 30262
982 32198

25 CFR
151 31976

26 CFR
1 32541
31 32541
301 32541
602 32541

Proposed Rules:
1 ....31197, 31850, 32279
5c 31850
5f 31850
18 31850
31 32279
301 ....31850, 32279

27 CFR
9 29695
46 32218
70 32218
270 32218
275 32218
290 32218
296 32218

28 CFR

Proposed Rules:
16 29921

29 CFR
4022 32543
4044 32543
4902 32221

30 CFR
926 31530

Proposed Rules:
206 30121
210 30121
216 30121
218 30121
920 31571
926 ....29741, 29744,
934 30347

31 CFR

Proposed Rules:
210 29746

32 CFR
989 ....31177, 31976

33 CFR
100 ....30313, 30314, 30316, 30805
117 30806
165 ....29699, 29907, 30059, 30061, 30317, 30319, 31841, 32222, 32223
207 ....30063, 31277

Proposed Rules:
100 31868
165 ....31870, 31872, 32280

36 CFR
242 31533

Proposed Rules:
13 32282
1202 30134

37 CFR
252 29700
257 29700

Proposed Rules:
1 30828
2 30828

38 CFR
21 ....32225, 32226
36 32230

Proposed Rules:
46 30141

39 CFR
20 29704
111 30064
551 31822
3000 32544

40 CFR
9 ....30806, 30807, 31086
52 ....29705, 30815, 31086, 31544, 31545, 31548, 31550, 31552, 31554, 32231, 32545, 32556
60 ....31177, 32545
61 32545
62 32545
63 30818
75 31842
81 32556
141 31086
142 31086
180 ....29705, 30065, 30073, 30321, 30325, 30334, 30822
197 32074
271 29712
281 32564
282 32566
300 32235
435 30807

Proposed Rules:
52 ....30145, 30656, 30829, 31197, 31199, 31573, 31574, 31575, 32287, 32594
60 ....32484, 32594
61 32594
62 ....32484, 32594
70 31575
72 31978
75 31978
78 31978
81 ....31873, 32594, 32595
97 31978
261 30349
63 30830
86 30830
271 29746
300 ....31580, 31582, 32287

42 CFR
410 32172
412 32172
413 32172
431 31178
433 31178
435 31178
436 31178
457 31178
485 32172

43 CFR
3800 32571

44 CFR
64 31178
65 ....31181, 31183
209 32666
354 32575

Proposed Rules:
59 32293
64 32293

46 CFR
1 31842
110 29908
111 29908

47 CFR
1 ....29722, 32580
2 29722
15 ....31556, 32580
24 29911
25 31557
36 30080
54 ....30080, 30334
64 30334
73 ....29723, 29724, 29725, 29726, 30090, 30091, 30092, 30335, 30826, 31560, 31561, 32242
87 29722
90 30335
101 29722

Proposed Rules:
15 31585
17 ....30853, 30860
20 31878
22 31589
24 31589
25 30361
73 ....29747, 30365, 30366, 31596, 31597, 32296
95 31598
622 30866
660 ....30867, 30869

48 CFR
1803 29726
1811 29727
1830 29727
1832 29728
1852 29726

Proposed Rules:
801 30659
806 30659
812 30659
837 30659
852 30659
873 30659

49 CFR
40 32248
393 30335
1180 32582

Proposed Rules:
171 32420
173 32420
174 32420
175 32420
176 32420
177 32420
178 32420
571 ....29747, 30366, 31883

50 CFR
17 32250
20 32264
21 32264
100 31533
600 29922
622 29924
635 ....30651, 31844
648 ....29729, 31184
660 ....29729, 31561
679 ....31845, 31849

Proposed Rules:
17 .....30148, 30368, 30372, 31760, 32052
20.....32297
223 .....31600, 31603, 32304, 32305
224.....32304, 32305
300.....32310
622 .....31608, 31609, 32312
648.....30149
679.....30396

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JUNE 15, 2001

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Atlantic highly migratory species—
  - Atlantic bluefin tuna; published 6-13-01

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- Missouri; published 5-16-01

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments:
- Montana; published 5-4-01

Practice and procedure:
- Impermissible State and local regulation of personal wireless service facilities regarding radiofrequency emmisisions; relief requests; review procedures
  - Effective date confirmed; published 6-15-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
- Ceftiofur sterile powder for injection in cattle; published 6-15-01

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:
- Russian nationals; removal from list of countries ineligible for transit without visa privileges; published 6-15-01

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records disposition; technical amendments; published 5-16-01

POSTAL RATE COMMISSION

Personnel:
- Standards of conduct; revision; published 6-15-01

SECURITIES AND EXCHANGE COMMISSION

Securities:
- International disclosure standards; foreign private issuers conformance
  - Correction; published 6-15-01

STATE DEPARTMENT

Visas; nonimmigrant documentation:
- Waiver by Secretary of State and Attorney General of passport and/or visa requirements—
  - Russia; published 6-15-01

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:
- Louisiana; published 5-16-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Britax Sell GmbH & Co.; published 5-31-01
- Honeywell; published 5-23-01

Airworthiness standards:
- European Joint Aviation requirements; transport category airplanes—
  - Hydraulic systems standards revision to harmonize with European standards; published 5-16-01
- Transport category airplanes—
  - Landing gear shock absorption test requirements; published 5-16-01

TREASURY DEPARTMENT

Internal Revenue Service

Procedure and administration:
- Underpayment of tax deposits and overstated deposit claims; penalties; published 6-15-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Tobacco inspection:
- Permissive inspection and certification; fees and charges; comments due by 6-22-01; published 5-23-01

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:
- Cattle from Australia and New Zealand; testing exemption; comments due by 6-19-01; published 4-20-01
  - Hearing; comments due by 6-19-01; published 6-4-01
- Cattle, imported; tuberculosis testing requirements; comments due by 6-19-01; published 4-20-01
- Horses from Iceland; exemption from dourine, glanders, equine piroplasmosis, and equine infectious anemia testing during quarantine period; comments due by 6-18-01; published 4-18-01

Plant-related quarantine, domestic:
- Karnal bunt; comments due by 6-19-01; published 4-20-01

Plant-related quarantine, foreign:
- Artificially dwarfed plants; importation; comments due by 6-19-01; published 4-20-01
- Unshu oranges from Japan; comments due by 6-18-01; published 4-18-01

AGRICULTURE DEPARTMENT

Rural Utilities Service

Electric and telecommunications loans:
- Audits; management letter requirements; comments due by 6-20-01; published 5-21-01
- Generally Accepted Government Auditing Standards; amendments; comments due by 6-20-01; published 5-21-01

COMMERCE DEPARTMENT

International Trade Administration

Watches, watch movements, and jewelry:
- Duty-exemption allocations—
  - Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 6-22-01; published 5-23-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic zone—
  - Bering Sea and Aleutian Islands and Gulf of Alaska groundfish; Steller sea lion protection measures; comments due by 6-22-01; published 5-15-01
- Magnuson-Stevens Act provisions—
  - Domestic fisheries; exempted fishing permit applications; comments due by 6-19-01; published 6-4-01
- West Coast States and Western Pacific fisheries—
  - Pacific Coast groundfish; comments due by 6-19-01; published 5-30-01

COMMODITY FUTURES TRADING COMMISSION

Commodity Futures Modernization Act; implementation:
- Securities brokers or dealers; registration as futures commission merchant or introducing broker; comments due by 6-18-01; published 5-17-01

Securities:
- Market capitalization and dollar value of average daily trading volume, method of determining; narrow-based security index definition application; comments due by 6-18-01; published 5-17-01

ENERGY DEPARTMENT

Research misconduct; Federal policy; agency implementation; meetings; comments due by 6-20-01; published 4-18-01

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- West Virginia; comments due by 6-22-01; published 5-23-01

Air quality implementation plans; approval and promulgation; various States:
- Arizona; comments due by 6-20-01; published 5-21-01
- Delaware; comments due by 6-18-01; published 5-17-01
- Kentucky and Indiana; comments due by 6-18-01; published 5-17-01

Maryland; comments due by 6-21-01; published 5-22-01
Pennsylvania; comments due by 6-20-01; published 5-21-01
Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:
California; comments due by 6-18-01; published 5-18-01
Hazardous waste management system:
Hazardous waste manifest system modification; comments due by 6-21-01; published 5-22-01
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01
National priorities list update; comments due by 6-21-01; published 5-22-01

FEDERAL COMMUNICATIONS COMMISSION
Common carrier services:
Tariffs—
Competitive local exchange carriers; access charge reform; comments due by 6-20-01; published 5-21-01
Radio stations; table of assignments:
Florida; comments due by 6-18-01; published 5-15-01
Various states; comments due by 6-18-01; published 5-15-01

FEDERAL MARITIME COMMISSION
Practice and procedure:
Alternative dispute resolution; comments due by 6-20-01; published 5-21-01

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Human drugs and biological products:
Prescription drug products; labeling requirements; comments due by 6-22-01; published 3-30-01

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Low income housing:
Housing assistance payments (Section 8)—
Temporary Assistance for Needy Families Program; annual income requirements; comments due by 6-19-01; published 4-20-01

INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Findings on petitions, etc.—
Yellow-billed cuckoo; comments due by 6-20-01; published 6-5-01

INTERIOR DEPARTMENT
Watches, watch movements, and jewelry:
Duty-exemption allocations—
Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 6-22-01; published 5-23-01

LIBRARY OF CONGRESS
Copyright Office, Library of Congress
Copyright office and procedures:
Transfers and licenses covering extended renewal term; notices of termination; comments due by 6-18-01; published 5-3-01

SECURITIES AND EXCHANGE COMMISSION
Securities:
Market capitalization and dollar value of average daily trading volume, method of determining; narrow-based security index definition application; comments due by 6-18-01; published 5-17-01

TRANSPORTATION DEPARTMENT
Coast Guard
Ports and waterways safety:
San Diego Bay, CA; security zone; comments due by 6-21-01; published 4-23-01

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Bell; comments due by 6-18-01; published 4-18-01
Boeing; comments due by 6-19-01; published 4-20-01
Bombardier; comments due by 6-22-01; published 5-23-01
Raytheon; comments due by 6-18-01; published 5-4-01

TRANSPORTATION DEPARTMENT
Federal Highway Administration
Engineering and traffic operations:
Uniform Traffic Control Devices Manual—
Accessible pedestrian signals; supporting information and guidance; comments due by 6-18-01; published 5-17-01

TRANSPORTATION DEPARTMENT
National Highway Traffic Safety Administration
Civil monetary penalties; inflation adjustment; comments due by 6-18-01; published 5-18-01

TREASURY DEPARTMENT
Alcohol, Tobacco and Firearms Bureau
Alcoholic beverages:
Wine; labeling and advertising—
Counoise and St. Laurent; new grape variety names; comments due by 6-18-01; published 4-17-01

TREASURY DEPARTMENT
Customs Service
Articles conditionally free, subject to reduced rates, etc.:
Wool products; limited refund of duties; comments due by 6-22-01; published 4-23-01

VETERANS AFFAIRS DEPARTMENT
Adjudication; pensions, compensation, dependency, etc.:
Benefits entitlement, written and oral information or statements affecting; comments due by 6-19-01; published 4-20-01

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.

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H.R. 1836/P.L. 107–16

Economic Growth and Tax Relief Reconciliation Act of 2001 (June 7, 2001; 115 Stat. 38)

Last List June 8, 2001

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