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Presidential Documents

Title 3—

The President

Proclamation 7454 of June 29, 2001

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Sections 501 and 502 of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2461 and 2462), authorize the President to designate countries as beneficiary developing countries for purposes of the Generalized System of Preferences (GSP).

2. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) provides that beneficiary developing countries, except least-developed beneficiary developing countries or beneficiary sub-Saharan African countries, are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.

3. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) during the preceding calendar year.

4. Section 503(c)(2)(F) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) (19 U.S.C. 2463(c)(2)(F)(ii)).

5. Section 503(d) of the 1974 Act (19 U.S.C. 2463(d)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2)(A) with respect to any eligible article of any beneficiary developing country if certain conditions are met.

6. Pursuant to sections 501 and 502 of the 1974 Act, and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Georgia as a beneficiary developing country for purposes of the GSP.

7. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that certain beneficiary countries should no longer receive preferential tariff treatment under the GSP with respect to certain eligible articles imported in quantities that exceed the applicable competitive need limitation.

8. Pursuant to section 503(c)(2)(C) of the 1974 Act, I have determined that certain countries should be redesignated as beneficiary developing countries with respect to certain eligible articles that previously had been imported in quantities exceeding the competitive need limitations of section 503(c)(2)(A). For certain articles, I have decided that the effective date of the redesignation shall be determined by the United States Trade Representative (USTR).

9. Pursuant to section 503(c)(2)(F) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) should

be waived with respect to certain eligible articles from certain beneficiary developing countries. For certain articles, I have decided that the effective date of the waiver shall be determined by the USTR.

10. Pursuant to section 503(d) of the 1974 Act, I have determined that the competitive need limitations of section 503(c)(2)(A) should be waived with respect to certain eligible articles from a beneficiary developing country. I have received the advice of the International Trade Commission on whether any industries in the United States are likely to be adversely affected by such waivers, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c), that such waivers are in the national economic interest of the United States. I have decided that the effective date of the waivers shall be determined by the USTR.

11. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to reflect in the HTS the addition of Georgia as a beneficiary developing country under the GSP, general note 4(a) to the HTS is modified as provided in section A(1) of Annex I to this proclamation.

(2) In order to provide that one or more countries that have not been treated as beneficiary developing countries with respect to one or more eligible articles should be redesignated as beneficiary developing countries with respect to such article or articles for purposes of the GSP, and in order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, general note 4(d) to the HTS is modified as provided in section A(2) of Annex I and paragraph (1) of Annex III to this proclamation.

(3) (a) In order to provide preferential tariff treatment under the GSP to a beneficiary developing country that has been excluded from the benefits of the GSP for certain eligible articles, the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section A(3)(a) of Annex I and paragraph (2) of Annex III to this proclamation is modified as provided in such section and paragraph.

(b) In order to provide that one or more countries should not be treated as beneficiary developing countries with respect to certain eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in section A(3)(b) of Annex I to this proclamation is modified as provided in such section.

(4) A waiver of the application of section 503(c)(2)(A)(i)(II) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in section B of Annex I to this proclamation.

(5) A waiver of the application of section 503(c)(2)(A) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and to the beneficiary developing country set forth in Annex II to this proclamation.

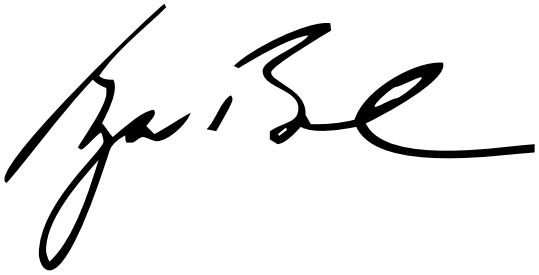
(6) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(7) (a) The modifications made by Annex I to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2001.

(b) The action taken in paragraph (5) of this proclamation shall be effective on the date of signature of this proclamation.

(c) The modifications made by Annex III to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after a date to be announced in the **Federal Register** by the USTR.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



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Annex I

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2001.

Section A. Modifications to the Harmonized Tariff Schedule of the United States (HTS).

(1). General note 4(a) to the HTS is modified by adding "Georgia", in alphabetical order, to the list of independent countries.

(2). General note 4(d) to the HTS is modified by:

(a). deleting the following provisions and the country set out opposite such provision:

0802.50.20 Turkey
2516.90.00 South Africa
7904.00.00 South Africa
9614.20.60 Turkey

(b). deleting the country set out opposite the following subheadings:

2840.11.00 Turkey
2840.19.00 Turkey

(c). adding, in numerical sequence, the following provisions and countries set out opposite them:

0708.20.10 Peru
0710.80.65 Guatemala
0713.40.20 India
1806.10.34 Colombia
2207.10.30 Barbados
2305.00.00 Argentina
2306.30.00 Ukraine
4012.90.45 Sri Lanka
4601.10.00 India
7604.10.50 Russia
8414.51.00 Thailand
8419.50.10 Malta
8419.60.10 Malta

(d). adding, in alphabetical order, the country or countries set out opposite the following subheadings:

0805.90.00 Jamaica
1701.11.05 Colombia
2804.29.00 Ukraine
2909.19.14 Brazil
2924.21.16 Brazil
2928.00.10 Colombia
2933.39.23 Guatemala
5904.92.00 India
7113.19.29 Turkey
7403.11.00 Kazakhstan; Russia

(3). Each enumerated article's preferential tariff treatment under the Generalized System of Preferences (GSP) in the HTS is modified as provided in this section.

(a). For the following provisions, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting an "A" in lieu thereof.:

0802.50.20
2516.90.00
7904.00.00
9614.20.60

(b). For the following provisions, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting an "A*" in lieu thereof:

0708.20.10	1806.10.34	2306.30.00	7604.10.50	8419.60.10
0710.80.65	2207.10.30	4012.90.45	8414.51.00	
0713.40.20	2305.00.00	4601.10.00	8419.50.10	

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Section B. HTS subheadings and countries for which the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is waived.

0305.20.20	Russia
0410.00.00	Indonesia
0712.90.70	Egypt
0802.50.20	Turkey
0802.50.40	Turkey
0813.30.00	Chile
0813.40.10	Thailand
0904.20.76	India
1102.30.00	Thailand
1301.90.40	Brazil
1604.15.00	Chile
1605.90.10	Thailand
1702.90.35	Brazil
1901.20.02	Turkey
2002.90.40	Morocco
2008.99.28	Turkey
2008.99.35	Thailand
2008.99.45	Philippines
2103.90.74	Croatia
2603.00.00	Philippines
2811.29.50	Brazil
2819.10.00	Kazakhstan
2840.11.00	Turkey
2840.19.00	Turkey
2841.61.00	Czech Republic
2841.90.20	Kazakhstan
2909.50.40	Indonesia
2912.13.00	Czech Republic
2917.19.10	Hungary
2918.21.10	Brazil
2918.90.35	Romania
2929.10.30	Poland
2931.00.25	Brazil
2933.40.08	Hungary
2933.59.10	Hungary
2938.10.00	Brazil
3801.10.10	Brazil
4106.20.60	India
4202.22.35	Philippines
4202.29.20	Philippines
4302.20.60	Brazil
4412.13.25	Brazil
4412.14.25	Brazil
4412.99.45	Brazil
4602.10.23	Philippines
5208.31.20	India
5208.32.10	India
5208.41.20	India
5208.42.10	India
5209.31.30	India
5209.41.30	India
5607.30.20	Philippines
5702.39.10	India
5702.99.20	India
7113.20.25	India
7202.21.10	Macedonia, Former Yugoslav Republic of
7202.99.10	Brazil
7403.12.00	Russia
8112.91.50	Chile
8112.99.00	Chile
8528.12.80	Thailand
9303.30.40	Czech Republic
9614.20.60	Turkey

Annex II

Harmonized Tariff Schedule of the United States (HTS)
Subheadings and Countries Granted Waivers of the
Application of Section 503(c)(2)(A) of the 1974 Act

HTS Subheading	Country
7113.19.25	India
7113.19.29	India
7113.19.50	India
7418.19.10	India
9405.50.30	India

Annex III

Modifications to the Harmonized Tariff Schedule of the United States (HTS).

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after a date to be announced in the *Federal Register* by the United States Trade Representative, the following modifications to the HTS shall take effect.

(1). General note 4(d) to the HTS is modified by:

(a). deleting the following provisions and the country set out opposite such provision:

0708.90.15 India	5209.51.30 India
0713.90.60 India	5307.20.00 India
0713.90.80 India	5702.39.10 India
0802.31.00 India	5702.49.15 India
0904.20.76 India	5702.99.20 India
0910.10.40 India	5904.91.00 India
1006.30.10 India	6302.99.10 India
1403.90.40 India	6814.90.00 India
2001.90.45 India	7113.19.25 India
2101.20.32 India	7113.20.21 India
2516.22.00 India	7113.20.25 India
3920.63.20 India	7113.20.29 India
3920.93.00 India	7418.19.10 India
4104.39.20 India	8540.12.10 India
4106.19.20 India	8606.30.00 India
5007.90.30 India	9405.50.30 India

(b). deleting the country set out opposite the following subheadings:

1701.11.05 India	4106.19.30 India
1701.91.05 India	4106.20.30 India
1806.10.65 India	4106.20.60 India
4104.39.50 India	7113.19.29 India
4106.12.00 India	7113.19.50 India

(2). For the following provisions, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting an "A" in lieu thereof.

0708.90.15	1403.90.40	4106.19.20	5904.91.00	7418.19.10
0713.90.60	2001.90.45	5007.90.30	6302.99.10	8540.12.10
0713.90.80	2101.20.32	5209.51.30	6814.90.00	8606.30.00
0802.31.00	2516.22.00	5307.20.00	7113.19.25	9405.50.30
0904.20.76	3920.63.20	5702.39.10	7113.20.21	
0910.10.40	3920.93.00	5702.49.15	7113.20.25	
1006.30.10	4104.39.20	5702.99.20	7113.20.29	

[FR Doc. 01–16951

Filed 7–3–01; 8:45 am]

Billing code 3190–01–C

Rules and Regulations

Federal Register
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Thursday, July 5, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–396–AD; Amendment 39–12304; AD 2001–13–22]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A Military), and –40 Series Airplanes; and Model MD–10–10F and MD–10–30F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes; and Model MD–10–10F and MD–10–30F series airplanes, that currently requires, among other actions, performing repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. This amendment, among other actions, adds a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and allows repetitive torque verifications. This amendment is prompted by a review that revealed inadvertent omission of a requirement. The actions specified by this AD are intended to prevent in-flight loss of inboard and outboard flap assemblies due to failure of H–11 attaching bolts, which could result in reduced controllability of the airplane.

DATES: Effective August 9, 2001.

The incorporation by reference of certain publications listed in the regulations has been approved previously by the Director of the Federal Register as of September 25, 2000 (65 FR 50621, August 21, 2000).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). 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 FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–16–10, amendment 39–11866 (65 FR 50621, August 21, 2000), which is applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes; and Model MD–10–10F and MD–10–30F series airplanes, was published in the **Federal Register** on February 21, 2001 (66 FR 10970). The action proposed to continue to require repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. The action also proposed to continue to require replacement of all attaching bolts with bolts made from Inconel, which would constitute terminating action for the repetitive inspection requirements. In addition, the action proposed to add a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and to allow repetitive torque verification in lieu of the repetitive ultrasonic inspections.

Comments

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 412 McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes; and Model MD–10–10F and MD–10–30F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 244 airplanes of U.S. registry will be affected by this AD.

The inspection/torque verification that is currently required by AD 2000–16–10, and retained in this new AD, takes approximately 2 to 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between $29,280 and $117,120, or between $120 and $480 per airplane, per inspection cycle.

The bolt replacement that is currently required by AD 2000–16–10, and retained in this new AD, takes approximately 288 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,987 per airplane. Based on these figures, the cost impact of the currently required replacement on U.S. operators is estimated to be $4,945,148, or $20,267 per airplane.

The cost impact of the new torque verification required by this AD is included in the cost estimate above for the inspection/torque verification.

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 removing amendment 39–11866 (65 FR 50621, August 21, 2000), and by adding a new airworthiness directive (AD), amendment 39–12304, to read as follows:

2001–13–22 McDonnell Douglas: Amendment 39–12304. Docket 2000–NM–396–AD. Supersedes AD 2000–16–10, Amendment 39–11866.

Applicability: Model DC–10–10, –15, –30, –30F (KC–10A military), and –40 series airplanes; and Model MD–10–10F and MD–10–30F series airplanes; as listed in McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 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 (e)(1) 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 in-flight loss of inboard and outboard flap assemblies due to failure of H–11 attaching bolts, which could result in reduced controllability of the airplane, accomplish the following:

Inspection or Torque Verification, and Corrective Actions, if Necessary

(a) Within 2 months after September 25, 2000, (the effective date of AD 2000–16–10, amendment 39–11866), do an ultrasonic inspection of the attaching bolts on the inboard and outboard support on the outboard flap assembly and on the outboard support on the inboard flap assembly to detect failed bolts, or verify the torque of the attaching bolts on the inboard support on the outboard flap, per McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999.

(1) If no failed bolt is found, repeat the ultrasonic inspection or torque verification every 6 months.

(2) If any failed bolt is found, before further flight, replace the bolt and associated parts with a new Inconel bolt and new associated parts per the service bulletin, except as provided by paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Accomplishment of the replacement constitutes terminating action for the repetitive requirements of paragraph (a)(1) of this AD for that bolt.

(i) If an Inconel bolt is not available for accomplishment of the replacement, replacement with a new H–11 steel bolt is acceptable provided that operators repeat the ultrasonic inspection or torque verification every 6 months until the requirements of paragraph (c) of this AD are accomplished.

(ii) If a PLI washer is not available for accomplishment of the Inconel replacement, a new Inconel bolt can be temporarily installed without a new PLI washer provided that the bolt is torqued to the applicable value specified in the service bulletin. Within 6,000 flight hours after an Inconel bolt is torqued, replace the PLI washer with a new washer per the service bulletin.

Torque Verification

(b) For airplanes on which the verification of the torque of the attaching bolts on the inboard support on the outboard flap was done per paragraph (a) of this AD: Within 2 months after the effective date of this AD, verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, per McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999; and do the applicable action(s) specified in paragraph (a)(1) or (a)(2) of this AD.

Bolt Replacement

(c) Within 2 years after accomplishing the initial inspection required by paragraph (a) of this AD or the torque verification required by paragraphs (a) and (b) of this AD, do the action specified in paragraph (a)(2) of this AD for all H–11 bolts. Accomplishment of the replacement of all H–11 bolts with Inconcel bolts constitutes terminating action for the requirements of this AD.

Spares

(d) As of 2 years after the effective date of this AD, no person shall install, on any airplane, an H–11 steel bolt, part number 71658–8–44, 71658–7–44, 71658–7–54, 71658–7–56, 71658–7–29, 71658–9–31, 71658–9–34, 71658–9–38, 71658–9–41, 71658–10–41, 71658–7–26, 71658–7–27, or 71658–8–29, on the inboard or outboard flap assembly.

Alternative Methods of Compliance

(e)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(2) Alternative methods of compliance, approved previously per AD 2000–16–10, amendment 39–11866, are considered to be approved as alternative methods of compliance with this AD.

Special Flight Permits

(f) 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

(g) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC10–57A143, dated December 20, 1999. This incorporation by reference of that document was approved previously by the Director of the Federal Register as of September 25, 2000 (65 FR 50621, August 21, 2000). Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long

Beach, California 90846, Attention: Attention: Data and Service Management, Dept. C1–L5A (D800–0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(h) This amendment becomes effective on August 9, 2001.

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16739 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 129 and 165

[Docket No. 01N–0126]

Beverages: Bottled Water; Technical Amendment; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; technical amendment; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of January 1, 2002, for the direct final rule that appeared in the **Federal Register** of March 28, 2001 (66 FR 16858). The direct final rule amends the bottled water quality standard regulations (part 165 (21 CFR part 165)) by establishing allowable levels for three residual disinfectants (chloramine, chlorine, and chlorine dioxide) and three types of disinfection byproducts (DBPs) (bromate, chlorite, and haloacetic acids (HAA5)) and revised the existing allowable level in part 165 for the DBP total trihalomethanes (TTHM). The direct final rule also revised, for the three residual disinfectants and four types of DBPs only, the monitoring requirement for source water found in the current good manufacturing practice (CGMP) regulations for bottled water in part 129 (21 CFR part 129). FDA is also making a technical amendment to part 165 to correct an editorial error introduced in the direct final rule of March 28, 2001 (66 FR 16858 at 16866). This document confirms the effective date of the direct final rule.

DATES: The effective date for the regulation confirmed: January 1, 2002. The technical amendment to part 165 is also effective January 1, 2002.

FOR FURTHER INFORMATION CONTACT: Lauren Posnick, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–358–3568.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 28, 2001 (66 FR 16858), FDA gave interested persons until June 11, 2001, to comment on the direct final rule. FDA stated that the effective date of the direct final rule would be January 1, 2002, and, if the agency received no significant adverse comment, it would publish a notice of confirmation of the effective date no later than July 5, 2001. FDA received no significant adverse comments within the comment period. Therefore, FDA is confirming that the effective date of the regulation is January 1, 2002.

As noted in the direct final rule, FDA is publishing this confirmation notice 180 days before the effective date to permit affected firms adequate time to take appropriate steps to bring their product into compliance with the standard imposed by the new rule. However, FDA recognizes that some bottled water products may be in the marketplace and remain there for 2 or more years. Thus, there may be some products already in interstate commerce on the effective date that have not been tested under the new part 129 requirements for disinfectants and disinfection by-products and that do not meet the revised standard of quality.

Under 403(h)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343 (h)(1)), such products are considered to be misbranded if they do not meet the revised quality standard for the three residual disinfectants and the four types of DBPs unless they bear a statement of substandard quality. However, FDA believes that it would be appropriate to exercise its enforcement discretion as to those bottled water products that: (1) Are already in interstate commerce before January 1, 2002; (2) do not meet the revised quality standard for the three residual disinfectants and the four types of DBPs; and (3) do not bear a statement of substandard quality–provided that such products are not adulterated. Therefore, the agency does not plan to take enforcement action against such bottled water products, provided that such products are safe.

FDA is making a technical amendment to part 165 to correct an editorial error introduced in the direct final rule of March 28, 2001 (66 FR 16858 at 16866). In §165.110(b)(1)(ii), the agency is correcting the phrase ''three significant figures'' to read ''two significant figures.'' The error also appears in 21 CFR part 165.100 (21 CFR revised as of April 1, 2001), on page 535, in the first column, under ''Effective Date Note.'' Publication of this document constitutes final action of this change under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, notice is given that no objections or requests for a hearing were filed in response to the March 28, 2001, direct final rule. Accordingly, the amendments issued thereby, including the technical amendment below, are effective January 1, 2002.

List of Subjects in 21 CFR Part 165

Beverages, Bottled water, Food grades and standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 165 is amended as follows:

PART 165—BEVERAGES

1. The authority citation for 21 CFR part 165 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 343, 343–l, 348, 349, 371, 379e.

2. Section 165.110 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 165.110 Bottled water.

* * * * *

(b) * * *

(1) * * *

(ii) *Total trihalomethanes* (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane), rounded to two significant figures.

* * * * *

Dated: June 29, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16909 Filed 7–2–01; 4:22 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 236–2001]

Privacy Act of 1974; Implementation

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act System of records for subsections (c)(3), and (4), (d), (e)(1), (2), and (3), (e)(4)(G) and (H), (e)(5) and (8), and (g) of the Privacy act, 5 U.S.C. 552a. This system of records is maintained by the Immigration and Naturalization Service (INS) and is entitled ''National Automated Immigration Lookout System (NAILS), JUSTICE/INS–032.''

The NAILS system facilitates INS in its inspection and investigation process. The automated system provides quick and easy retrieval of biographical or case data on persons who may be either inadmissible to the United States, or of interest to other Federal agencies.

The exemptions are necessary to avoid interference with law enforcement operations. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory or other law enforcement process such as, deportation/removal proceedings.

EFFECTIVE DATE: This final rule is effective July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Cahill—(202) 307–1823.

SUPPLEMENTARY INFORMATION: On April 4, 2001 (66 FR 17828) a proposed rule was published in the **Federal Register** with an invitation to comment. The INS accepted three comments on the proposed rule from interested parties on or before April 13, 2001. One commenter expressed support for the proposed rule. Two commenters believed that exceptions were being made to the Privacy Act. No exceptions were being made to the Privacy Act. As in the proposed rule, the final rule specifically states that exemptions will apply only to the extent that information in the system is subject to exemption. The INS cited the same exemptions for law enforcement records as any other agency that has law enforcement functions. The exemptions are warranted and do not make exceptions that may violate the Privacy Act.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act 5 U.S.C. 601–612, it is hereby stated that the order will not have ''a significant economic impact on a substantial number of small entities.''

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, Title 28 of the Code of Federal Regulations, part 16 is amended as set forth below.

PART 16—[AMENDED]

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534, 31 U.S.C. 3717.

2. 28 CFR 16.99 is amended by adding paragraph (a)(3) to read as follows:

§ 16.99 Exemption of the Immigration and Naturalization Service System-limited access.

* * * * *

(a) * * *

(3) The Immigration and Naturalization Service ''National Automated Immigration Lookout System (NAILS) JUSTICE/INS–032.'' The exemptions apply only to the extent that records in the system are subject to exemptions pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

* * * * *

Dated: June 21, 2001.

Janis A. Sposato,

Acting Assistant Attorney General for Administration.

[FR Doc. 01–16824 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0055; FRL–7005–8]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection: Craig Station Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the long-term strategy portion of Colorado's State Implementation Plan (SIP) for Class I Visibility Protection, contained in section III of the document entitled ''Colorado's State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements,'' as submitted by the Governor with a letter dated June 7, 2001. The revision will incorporate into the SIP emissions reduction requirements for the Craig Station (a coal-fired steam generating plant located near the town of Craig, Colorado). EPA is approving the SIP revision, which is expected to remedy Craig Station's contribution to visibility impairment in the Mt. Zirkel Wilderness Area and, therefore, make reasonable progress toward the Clean Air Act National visibility goal with respect to such contribution. On May 1, 2001, EPA published a notice of proposed rulemaking that proposed to approve this SIP revision and provided a thirty-day period for public comment. EPA received one letter of supportive comments regarding the proposed revision and is finalizing the proposal without modification.

EFFECTIVE DATE: This action is effective August 6, 2001.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air and Radiation Programs, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2405; Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222–1530; and The Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Air and Radiation Programs, Environmental Protection Agency, Region VIII, (303) 312–6449.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' are used it means the Environmental Protection Agency.

I. Background

Section 169A of the Clean Air Act (CAA),[1] 42 U.S.C. 7491, establishes as a National goal the prevention of any future, and the remedying of any existing, anthropogenic visibility impairment in mandatory Class I Federal areas[2] (referred to herein as the

[1] The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401 *et seq.*

[2] Mandatory class I Federal areas include international parks, national wilderness areas, and national memorial parks greater than five thousand

''National goal'' or ''National visibility goal''). Section 169A called for EPA to, among other things, issue regulations to assure reasonable progress toward meeting the National visibility goal, including requiring each State with a mandatory Class I Federal area to revise its State Implementation Plan (SIP) to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the National goal. CAA section 169A(b)(2). Section 110(a)(2)(J) of the CAA, 42 U.S.C. 7410(a)(2)(J), similarly requires SIPs to meet the visibility protection requirements of the CAA.

We promulgated regulations that required affected States to, among other things, (1) coordinate development of SIPs with appropriate Federal Land Managers (FLMs); (2) develop a program to assess and remedy visibility impairment from new and existing sources; and (3) develop a long-term (10–15 years) strategy to assure reasonable progress toward the National visibility goal. See 45 FR 80084, December 2, 1980 (codified at 40 CFR 51.300–51.307). The regulations provide for the remedying of visibility impairment that is reasonably attributable to a single existing stationary facility or small group of existing stationary facilities. These regulations require that the SIPs provide for periodic review, and revision as appropriate, of the long-term strategy not less frequently than every three years, that the review process include consultation with the appropriate FLMs, and that the State provide a report to the public and EPA that includes an assessment of the State's progress toward the National visibility goal. See 40 CFR 51.306(c).

On July 12, 1985 (50 FR 28544) and November 24, 1987 (52 FR 45132), we disapproved the SIPs of states, including Colorado, that failed to comply with the requirements of the provisions of 40 CFR 51.302 (visibility general plan requirements), 51.305 (visibility monitoring), and 51.306 (visibility long-term strategy). We also incorporated corresponding Federal plans and regulations into the SIPs of these states pursuant to section 110(c)(1) of the CAA, 42 U.S.C. 7410(c)(1).

The Governor of Colorado submitted a SIP revision for visibility protection on December 21, 1987, which met the criteria of 40 CFR 51.302, 51.305, and 51.306 for general plan requirements, monitoring strategy, and long-term strategies. We approved this SIP revision in the August 12, 1988 **Federal Register** (53 FR 30428), and this revision replaced the Federal plans and regulations in the Colorado Visibility SIP.

The Governor of Colorado submitted subsequent SIP revisions for visibility protection with letters dated November 18, 1992, August 23, 1996, and August 19, 1998. These revisions were made to fulfill the requirements to periodically review and, as appropriate, revise the long-term strategy for visibility protection. We approved the first two long-term strategy revisions on October 11, 1994 (59 FR 51376), and January 16, 1997 (62 FR 2305), respectively. The 1998 revisions will be addressed at a later date.

After Colorado's 1992 long-term strategy review, the U.S. Forest Service (USFS) certified visibility impairment in Mt. Zirkel Wilderness Area (MZWA) and named the Hayden and Craig generating stations in the Yampa Valley of Northwest Colorado as suspected sources. The USFS is the FLM for MZWA. This certification was issued on July 14, 1993. Hayden Station was addressed in the State's 1996 long-term strategy review and revision (see 62 FR 2305, January 16, 1997).

Craig Station, which is the focus of this SIP revision, is located 40 miles upwind from MZWA. The facility consists of three units, but only Units 1 and 2 are subject to this action. Unit 1 is a 428 megawatt steam generating unit that commenced commercial operation in 1980 and Unit 2 is a 428 megawatt steam generating unit that commenced commercial operation in 1979. The existing emission control equipment on Units 1 and 2 consists of the following: wet scrubbers to control sulfur dioxide (SO_2) (currently achieve 65% SO_2 removal), electro-static precipitators to control particulate pollution, and low nitrogen oxides (NO_X) burners to control NO_X emissions. The 1999 emissions inventory for Craig Station Units 1 and 2, as reported to EPA's Acid Rain database, indicated that these units emitted 9,216 tons of SO_2 and 12,501 tons of NO_X. Particulate emissions have been more difficult to estimate since continuous emissions rate data is not available.

On October 9, 1996, Sierra Club, Inc. (''Sierra Club'') sued the owners of the Craig Station in United States District Court, alleging numerous violations of State and Federal opacity standards from 1991–1996. In the Fall of 1996, the State, Craig Station owners, and EPA initiated a joint study to develop information on SO_2 emission reduction options and associated costs for Craig Station Units 1 and 2. This joint study, referred to as the ''Craig Flue Gas Desulfurization Study (Craig FGD Study),'' was viewed as a means to move the parties to a negotiated resolution of Craig Station's contribution to visibility impairment in MZWA, and if negotiations failed, as a possible basis for a Best Available Retrofit Technology (BART) determination under State and EPA visibility regulations. The Craig FGD Study was completed on August 31, 1999.

The Craig FGD Study identified several options, at reasonable costs, for addressing Craig Station's contribution to visibility impairment at MZWA. This information and the results of other technical analyses led us, on September 22, 1999, to call for a revision to the Colorado Visibility SIP to resolve the long outstanding certification of visibility impairment for MZWA with respect to Craig Station (see 64 FR 54010, October 5, 1999). The State was given 12 months to revise the SIP accordingly.

In October 1999, the Sierra Club, the Colorado Air Pollution Control Division (APCD), EPA, USFS, and the Craig Station owners entered into negotiations to try to reach a ''global settlement'' of the various issues facing the power plant. These issues included the Sierra Club lawsuit and the USFS certification of impairment in MZWA.

On October 17, 2000, the Sierra Club and owners of Craig Station reached an agreement in principle to resolve the Sierra Club lawsuit. Sierra Club and the Craig Station owners subsequently negotiated and signed a consent decree that they filed with the United States District Court for the District of Colorado on January 10, 2001 (Civil Action No. 96–N–2368) (referred to hereafter as ''Craig Consent Decree'' or ''Consent Decree.'') The Court entered the Consent Decree on March 19, 2001.

The Consent Decree resolves the Sierra Club complaint regarding opacity violations and also requires substantial reductions in air pollutants that are intended to resolve Craig Station's contribution to visibility impairment in MZWA. The Consent Decree contemplates that its requirements will be incorporated into the Colorado SIP. Although we were not involved in the direct negotiations between Sierra Club and the Craig Station owners regarding the terms of the Consent Decree, during negotiations Sierra Club and the Craig Station owners sought, and we provided, our input regarding terms of

acres in size, and national parks greater than six thousand acres in size, as described in section 162(a) of the Act (42 U.S.C. 7472(a)). Each mandatory Class I Federal area is the responsibility of a ''Federal land manager'' (FLM), the Secretary of the department with authority over such lands. See section 302(i) of the Act, 42 U.S.C. 7602(i).

the settlement. In particular, in a December 20, 2000 letter, we commented on a final draft of the Consent Decree and gave our preliminary views of the settlement with respect to the SO_2 limits for Craig Station. We made clear that only through our public rulemaking process would we reach final judgment regarding a Visibility SIP revision based on the Consent Decree. This final rulemaking is the last step in that public rulemaking process. The Sierra Club and Craig Station owners also asked the State, USFS, and National Park Service to provide input on the Consent Decree during the negotiations of the final agreement.

On May 1, 2001, we announced our proposed approval of proposed revisions to the long-term strategy portion of Colorado's SIP for Class I Visibility Protection, contained in section III of the document entitled ''Colorado's State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements,'' dated February 1, 2001. We based our proposed approval on a February 20, 2001 letter to EPA from Governor Bill Owens requesting that we ''parallel process'' the State's proposed revision. In that proposed rulemaking action, we described in detail our rationale for proposing approval. As indicated in that action, we based our proposed approval on our understanding that the State would make two minor changes to the February 1, 2001 proposed SIP revisions before final adoption. The April 19, 2001 SIP revision that the State adopted and which we are approving with this action, includes the two minor changes we described in our proposed approval. The public should review the notice of proposed rulemaking for further background on this final rulemaking action.

We requested public comments on the proposal (see 66 FR 21721). We received one letter of supportive comments regarding the proposed revision, and are finalizing our approval with this action.

II. Revision Submitted June 7, 2001

With a letter dated June 7, 2001, the Governor of Colorado submitted the revision to the long-term strategy portion of Colorado's SIP for Visibility Protection that the State finally adopted on April 19, 2001. This revision is contained in Section III of the April 19, 2001 document entitled ''Colorado's State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements.'' The revision was made to fulfill, with respect to Craig Station's contribution to visibility impairment in MZWA, the Federal and Colorado requirements to revise the long-term strategy to include emission limitations and schedules for compliance necessary to demonstrate reasonable progress toward the National visibility goal.[3] Among other things, the SIP revision incorporates provisions of the Craig Consent Decree that require the owners of Craig Station to install control equipment and meet stringent emission limitations for particulates (including opacity), NO_X and SO_2.

A. Analysis of State's Revision

1. Procedural Background

The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. 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.

On April 19, 2001, the Colorado Air Quality Control Commission (AQCC), after providing adequate notice, held a public hearing to consider the revisions to the Long-term Strategy of the Visibility SIP and subsequently adopted the revisions.

2. Content of SIP Revision

The SIP revision is contained in section III of the submittal entitled ''Revision of Colorado's State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements,'' dated April 19, 2001. Only Section III contains provisions that are enforceable against the Craig Station owners. Part III incorporates relevant portions of the Craig Consent Decree into the long-term strategy. The remainder of the SIP revision contains provisions that are explanatory and analyses that are required by section 169A of the CAA, Federal visibility regulations (40 CFR 51.300 to 51.307), and/or the Colorado Visibility SIP.

a. *Section III: Enforceable Portion of the Proposed SIP Revision:*

Craig Station Units 1 and 2 Requirements. The State incorporated into its Visibility SIP revision provisions of the Craig Consent Decree including Definitions, Emission Controls and Limitations, Continuous Emission Monitors, Construction Schedule, Emission Limitation Compliance Deadlines, and Reporting. Such provisions must be met by the Craig Station owners and are enforceable. The Consent Decree numbering scheme was retained to avoid confusion between the SIP and the Consent Decree, but only the Consent Decree's emission controls and limitations, construction schedule, and sections necessary to ensure enforceability of these requirements were included in the SIP. Some changes were made to Consent Decree language to conform to a SIP framework. Finally, changes were made to the force majeure provisions of the Consent Decree to ensure that a demonstration of reasonable progress could be made at this time. Provisions of particular interest incorporated from the Craig Consent Decree are summarized below.

SO_2 Emission Limitations—Craig Units 1 and 2 will be designed to meet at least a 93.7% SO_2 removal rate. The Craig Station owners must design, construct and operate FGD upgrades and related equipment to reliably treat 100% of the flue gas and to meet the following emissions limitations:

—No more than 0.160 lbs SO_2 per million Btu heat input on a 30 boiler operating day rolling average basis;

—No more than 0.130 lbs SO_2 per million Btu heat input on a 90 boiler operating day rolling average basis;

—At least a 90% reduction of SO_2 on a 90 boiler operating day rolling average basis, unless Craig Station owners show this limit cannot be met, in which case an alternative limit shall be established, not to be less than an 85% reduction of SO_2 on a 30 boiler operating day average or 86% on a 90 boiler operating day average;[4] and

—A unit cannot operate for more than 72 consecutive hours without any SO_2 emissions reductions; that is, it must shut down if the control equipment is not working at all for three days.

Particulate Emission Limitations—The Craig Station owners must install and operate a Fabric Filter Dust Collector (known as a baghouse or FFDC) on Craig Units 1 and 2. Particulate emission limitations for each unit are:

[3] This revision is specific to requirements for Craig Station and does not constitute the State's three year review of the components of the Long-term Strategy, as required by 40 CFR 51.306(c). That review and report are not due from the State until September 2001, at which time the public will be able to review and comment on the State's full Long-term Strategy.

[4] Any changes made to the percentage reduction requirement will be made pursuant to the requirements of the Consent Decree, and if the ultimate percentage reduction requirement changes from 90%, the State has indicated that it would report the changes in its next long-term strategy review. We would provide an information notice on any such changes as well.

—No more than 0.03 lbs of particulate matter per million Btu heat input; and
—No more than 20.0% opacity, with certain limited exceptions, as averaged over each separate 6-minute period within an hour as measured by continuous opacity monitors.

NO_X Emissions Limitations—NO_X reductions are to be achieved through the requirement to install ''state-of-the-art'' low-NO_X burners utilizing two-stage combustion with supplemental over-fire air systems. The emissions limitations on each of Craig Station Units 1 and 2 are:

—No more than 0.30 lbs per million Btu heat input on a calendar year annual average basis.

Compliance With Emissions Limits—All required controls must be designed to meet enforceable emission limits. Compliance with the emission limits shall be determined by continuous emission monitors. Compliance with the percentage reduction requirement for SO_2 shall be determined by comparing SO_2 emissions from the stack (measured by continuous emissions monitors—''CEMs'') to potential SO_2 emissions from coal combusted (determined through coal sampling and analysis).

Construction Schedule—The final deadlines for constructing control equipment are as follows:

Unit 1—Completion of construction and initiation of start-up of all upgrades by 12/31/03.

Unit 2—Completion of construction and initiation of start-up of all upgrades by 6/30/04.

The schedule for commencement of compliance with the emissions limitations is as follows:

SO_2—For Unit 1, within 180 days after completion of construction of the additional SO_2 control equipment, or by June 30, 2004, whichever date is earlier, except for 90% SO_2 reduction, which must be achieved within 270 days of the above compliance date, but no later than March 31, 2005.

—For Unit 2, within 180 days after completion of construction of the additional SO_2 control equipment, or by December 31, 2004, whichever date is earlier, except for 90% SO_2 reduction, which must be achieved within 270 days of the above compliance date, but no later than September 30, 2005.

Particulates

—For Unit 1, within 180 days after completion of construction of baghouse system, or by April 30, 2004, whichever date is earlier.
—For Unit 2, within 180 days after completion of construction of baghouse system, or by October 31, 2004, whichever date is earlier.

NO_X

—June 30, 2004 for Unit 1 and December 31, 2004 for Unit 2.

These construction deadlines and emission limitation compliance deadlines are subject to the ''force majeure'' provisions of the Consent Decree, which have been included in the SIP revision. A force majeure event refers to an excused delay in meeting construction deadlines or in meeting emission limitation compliance deadlines due to certain limited circumstances wholly beyond the control of the Craig Station owners.

To help ensure that reasonable progress continues to be made, the State commits in the SIP revision to reopen the SIP (with public notice and hearing) after it is determined that a construction schedule or an emission limitation schedule has been, or will be, delayed by more than 12 months as a result of a force majeure determination or determinations. The State will re-evaluate the SIP at that time to determine whether revisions are necessary to continue to demonstrate reasonable progress, and to ensure that the emission limitations are met. In addition, the SIP revision also contains a clarification that the force majeure provisions are not to be construed to authorize or create any preemption or waiver of the requirements of State or Federal air quality laws, or of the requirements contained in the SIP or Consent Decree.

EPA believes that the language of the SIP revision should assure reasonable progress toward the National visibility goal. If deadlines extend more than twelve months, we expect the State to revise the SIP.

b. *Analysis of Reasonable Progress.* Congress established as a National goal ''the prevention of any future, and the remedying of any existing'' anthropogenic visibility impairment in mandatory Class I Federal areas. The statute does not mandate that the national visibility goal be achieved by a specific date but instead calls for ''reasonable progress'' toward the goal. Section 169A(b)(2) of the CAA requires EPA to issue implementing regulations requiring visibility SIPs to contain such ''emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward the National goal.''

EPA's implementing regulations provided for an initial round of visibility SIP planning which included a long-term strategy to make reasonable progress toward the National goal. See 40 CFR 51.302(c)(2)(i) and 51.306. Section 169A(g)(1) of the CAA specifies factors that must be considered in determining reasonable progress including: (1) The costs of compliance; (2) the time necessary for compliance; (3) the energy and non-air quality environmental impacts of compliance; and (4) the remaining useful life of the source. Protection of visibility in a mandatory Class I Federal area is the objective.

In this unique case, the Craig Station owners have agreed in the context of a judicially-enforceable Consent Decree to meet emissions limitations that are expected to reduce Craig Station's contribution to visibility impairment in MZWA to below perceptible levels. The State has analyzed the emission reductions provided for in the Consent Decree in light of the statutory factors for determining reasonable progress and the ultimate objective of protecting visibility. The State believes that the measures assure reasonable progress by remedying Craig Station's contribution to perceptible visibility impairment in MZWA and has adopted a Visibility SIP revision containing these measures.

Further, in a December 14, 2000 letter from Tom Thompson, USFS, Rocky Mountain Region, to Margie Perkins, APCD, the USFS concluded that ''the proposed reductions of both sulfur dioxide and nitrogen oxides will resolve all Forest Service issues relative to the Craig Station and our 1993 Certification of Impairment.'' Based in part on this letter, the State believes that the pertinent provisions of the Craig Consent Decree, as embodied in the SIP revision, effectively resolve the USFS certification of impairment in MZWA in relation to Craig Station.

We have reviewed the State's SIP revision and supporting information in light of the statutory and regulatory requirements and approve it. The State adequately addressed our concerns by making the two minor changes to the finally adopted SIP revision that we described in our proposed approval (see 66 FR 21721, 21724, May 1, 2001).

We agree with the State that the emission reduction measures at Craig Station required by the Consent Decree and contained in the Visibility SIP revision will remedy Craig Station's contribution to perceptible visibility impairment at MZWA, with reasonable costs, an expeditious compliance schedule, and no significant adverse energy or non-air quality environmental impacts. The State's April 19, 2001 SIP revision and accompanying information, available at the addresses listed at the beginning of this document, provides a detailed analysis of each of the ''reasonable progress'' considerations. For a summary of the State's analysis,

please see our notice of proposed rulemaking (66 FR 21721, May 1, 2001). We agree with the State that the SIP revision will assure reasonable progress in remedying Craig Station's contribution to visibility impairment in MZWA. In particular, we note that the enhanced FGD control systems will lower Craig Station Units 1 and 2's combined SO_2 emissions to a total of approximately 2,600 tons per year from the current level of over 9,300 tons per year. This emissions reduction should effectively address visibility problems in MZWA caused by SO_2 from Craig Units 1 and 2 and lower the threshold of SO_2 emissions from the units to below perceptible levels in MZWA.

c. *Six Factors Considered in Developing the Long-Term Strategy.* The State considered the six factors contained in 40 CFR 51.306(e) when developing this revision to its long-term strategy. Please refer to EPA's May 1, 2001 notice of proposed rulemaking (66 FR 21721) for a discussion of these six factors.

3. Additional Requirements

The State met the requirements for FLM consultation prior to adopting the SIP. The SIP also meets EPA requirements related to enforceability. Please refer to our May 1, 2001 notice of proposed rulemaking (66 FR 21721) for a discussion of these requirements.

III. Public Comments and EPA Responses

EPA received only one set of comments—from the Rocky Mountain Chapter of the Sierra Club. Several of their comments were not relevant to this action, and we will not respond to them here. A summary of their remaining comments, and EPA's responses, is provided below.

Comment: The Sierra Club fully supports EPA's proposed approval of Colorado's Visibility SIP revision regarding the Craig Station. The Sierra Club believes that as long as the owners of the Craig Station comply with the requirements of the Craig Consent Decree, Craig Station's contribution to visibility impairment in MZWA will be appropriately resolved.

Response: EPA notes the Sierra Club's support for the proposed action and agrees that compliance with the Consent Decree requirements should adequately resolve Craig Station's contribution to visibility impairment in MZWA.

Comment: The Sierra Club notes that the Craig Consent Decree does not purport to resolve Craig Station's responsibilities under EPA's regional haze regulations, and no regional haze resolution should be accepted by EPA.

Response: There is nothing in the State's Visibility SIP revision intended to resolve regional haze requirements related to Craig Station or any other sources, and EPA's approval of the revision is not intended in any way to relieve the State of its responsibilities under the regional haze program regarding Craig Station. We expect the State to submit another Visibility SIP revision to address regional haze requirements, and we will assess the adequacy of that submittal at that time through notice and comment rulemaking.

IV. Final Action

We have reviewed the adequacy of the State's revision to the long-term strategy portion of Colorado's SIP for Class I Visibility Protection, contained in section III of the April 19, 2001 document entitled ''Revision of Colorado's State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements,'' as submitted by the Governor with a letter dated June 7, 2001. We are approving the revision, which includes the incorporation of certain requirements from the Craig Consent Decree.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. 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 6, 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 September 4, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 21, 2001.

Carol Rushin,

Acting Regional Administrator, Region 8.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(93) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(93) On June 7, 2001, the Governor of Colorado submitted a revision to the long-term strategy portion of Colorado's State Implementation Plan (SIP) for Class I Visibility Protection. The revision was made to incorporate into the SIP emissions reduction requirements for the Craig Station (a coal-fired steam generating plant located near the town of Craig, Colorado). This SIP revision is expected to remedy Craig Station's contribution to visibility impairment in the Mt. Zirkel Wilderness Area.

(i) Incorporation by reference.

(A) Revision of Colorado's State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements, Section III, effective on April 19, 2001.

[FR Doc. 01–16689 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH–FRL–6999–7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Spent Catalysts from Dual-Purpose Petroleum Hydroprocessing Reactors

AGENCY: Environmental Protection Agency.

ACTION: Notice of opportunity for public comment on memoranda clarifying the scope of petroleum hazardous waste listings.

SUMMARY: The Environmental Protection Agency (EPA) today is providing the public an opportunity to comment on Agency memoranda that explain how current RCRA regulations apply to spent catalyst wastes removed from dual purpose hydroprocessing reactors and generated at petroleum refining facilities. The regulations addressed in these memoranda were promulgated under the Resource Conservation and Recovery Act (RCRA) on August 6, 1998 (63 FR 42110) and among other things, listed spent hydrotreating catalysts (K171) and spent hydrorefining catalysts (K172) as hazardous wastes. Subsequent to that final rule and in response to inquiries from handlers of certain spent petroleum hydroprocessing catalysts, EPA issued two memoranda explaining that spent catalysts from dual purpose petroleum hydroprocessing reactors fall within the scope of the final listing determinations for K171 and K172. Today the Agency is notifying the public of the opportunity to comment on these previously issued memoranda.

DATES: EPA will accept public comments until September 4, 2001. Comments postmarked after this date will be marked ''late'' and may not be considered.

ADDRESSES: If you wish to comment on the memoranda discussed below, you must send an original and two copies of your comments referencing docket number F–2001–PR2P–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Ariel Rios, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA address listed in the **SUPPLEMENTARY INFORMATION.** You also may submit comments electronically by sending electronic mail through the Internet to: *rcradocket@epamail.epa.gov.* See the beginning of **SUPPLEMENTARY INFORMATION** for instructions on electronic submissions.

You should not submit electronically any confidential business information (CBI). You must submit an original and two copies of CBI under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA Ariel Rios, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

FOR FURTHER INFORMATION: For general information, contact the RCRA Hotline at (800) 424–9346 or TDD (800) 553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412–3323. For information on specific aspects of the information contained in the memoranda discussed below, contact Patricia Overmeyer of the Office of Solid Waste (5304W), U.S. Environmental Protection Agency Ariel Rios, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. (E-mail address and telephone number: *Overmeyer.patricia@epa.gov,* (703) 605–0708.)

SUPPLEMENTARY INFORMATION: You should identify comments in electronic format with the docket number F–2001–PR2P–FFFFF. You must submit all electronic comments as an ASCII (text) format or a word processing format that can be converted to ASCII (text). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats used by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter. Some of the supporting documents in the docket also are available in electronic format on the Internet at URL: *http://www.epa.gov/epaoswer/hazwaste/id/petroleum/catalyst.htm*

EPA will keep the official record for this action in paper form. Accordingly, we will transfer all comments received electronically into paper form and place

them in the official record, which also will include all comments submitted directly in writing. The official administrative file is the paper file maintained at the RCRA Docket, the address of which is in **ADDRESSES** at the beginning of this document.

EPA's responses to public comments, whether the comments are received in written or electronic format, will be published in the **Federal Register** or in a response to comments document placed in the public docket. We will not reply immediately to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

You may view public comments and the supporting materials for the issues and memoranda discussed below in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review file materials, we recommend that you make an appointment by calling (703) 603–9230. You may copy a maximum of 100 pages from any file maintained at the RCRA Docket at no charge. Additional copies cost $0.15/per page.

Customer Service

How Can I Influence EPA's Thinking on the Memoranda?

We invite you to provide your comments on the memoranda that are described below and included in the appendices. Your views on the issues discussed in these documents, your ideas on new approaches we have not considered, any new and/or relevant data you may have, your views on how these memoranda may affect you, and other relevant information are requested. Your comments must be submitted by the deadline shown in the section titled **DATES** above. Your comments will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and provide a summary of the reasoning you used to arrive at your conclusions. Provide examples to illustrate your views wherever possible.
- If you estimate potential costs, explain how you arrived at your estimate.
- Tell us which aspects of the memoranda you support, as well as which parts with which you disagree.
- Offer specific alternatives.
- Clearly label any CBI submitted as part of your comments (send all CBI information according to the special procedures listed above under **ADDRESSES.**) Please also provide non-CBI summaries of any CBI information, if possible.
- Include your name, date, and the EPA docket number (F–2001–PR2P–FFFFF) with your comments.

I. Background

A. What Is the Reason for Today's Publication?

On August 6, 1998, EPA listed as hazardous wastes spent hydrotreating catalysts (K171) and spent hydrorefining catalysts (K172) generated in petroleum refining operations (63 FR 42110). These regulations were promulgated under RCRA, 42 U.S.C. 6901, *et seq.* EPA took no action with regard to a third type of spent hydroprocessing catalyst generated by petroleum refineries, hydrocracking catalysts.

Subsequent to the promulgation of the hazardous waste listing determination, a number of industry and environmental groups filed lawsuits challenging the validity of the listings. These cases were consolidated in the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *American Petroleum Institute* v. *EPA,* Docket No. 94–1683.

Among the petitioners was Gulf Chemical and Metallurgical Corporation. Gulf asserted that the final rulemaking did not provide adequate definitions of the spent catalysts covered within the scope of the hazardous waste listing descriptions for K171 and K172. In particular, Gulf stated that the scope of the final listing descriptions did not adequately address the regulatory status of spent catalysts from petroleum hydroprocessing reactors that perform both hydrotreating and hydrocracking functions (*i.e.,* spent catalysts from dual purpose reactors). Gulf pointed out that such dual purpose reactors perform functions meeting both the definitions of ''hydrotreating'' and ''hydrocracking'' provided in DOE's Petroleum Supply Annual (PSA) and presented in the preamble to the August 6, 1998 final petroleum refining listing determination.

After reviewing the issues raised by Gulf in its petition, we concluded that the Agency had no dispute with the petitioner with regard to the regulatory status of spent catalysts removed from dual purpose reactors. In fact, we saw no grounds for Gulf's challenge to the August 1998 rulemaking given that our interpretation of the final listing descriptions for K171 and K172 is that spent catalysts from petroleum hydroprocessing units that perform hydrorefining and hydrotreatment functions are captured by the listing.

Gulf's challenge did, however, serve to highlight the potential for confusion regarding the regulatory status of spent catalysts removed from dual purpose reactors. Although a straight reading of the regulatory language promulgated in the final rule should result in a conclusion that spent catalysts from units or reactors that perform hydrotreatment or hydrorefining functions are listed hazardous wastes, EPA's Office of Solid Waste decided to distribute to the Agency's Senior RCRA Policy Advisors a memorandum explaining the regulatory status of spent catalysts from dual purpose petroleum hydroprocessing operations. The memorandum was issued on November 29, 1999, and was distributed to industry trade associations and posted on EPA's ''RCRA On-line'' website (*http://www.epa.gov/rcraonline*). The text of the memorandum is included as an appendix to this publication and a copy of the original memorandum is contained in the docket. After the memorandum was issued, Gulf dismissed its lawsuit on the hazardous waste listings (K171 and K172).

The views expressed in the November 29, 1999 memorandum are based upon the fact that spent catalysts removed from dual purpose reactors facilitate hydrotreatment or hydrorefining of petroleum feedstock. Dual purpose reactors are hydroprocessing reactors that perform hydrotreatment or hydrorefining functions while simultaneously hydrocracking petroleum feedstock. We further explained in the memorandum that the fact that such reactors hydrocrack petroleum feedstocks does not exclude the spent catalysts from the hazardous waste listing. It was never the Agency's intent to exclude a spent catalyst from the listings for K171 and K172 on the basis that a spent catalyst may be removed from a unit or reactor that hydrocracks, if that unit or reactor also hydrotreats or hydrorefines the petroleum stream.

In February 2000, API filed a lawsuit in the D.C. Circuit challenging the validity of the November 29, 1999 memorandum. *API* v. *EPA, Docket No. 00–1069.* API, however, agreed to hold this lawsuit in abeyance until the court decided the challenge to the original hazardous waste listing determinations.

While awaiting the opinion of the court in the first API lawsuit, and while the second suit was being held in abeyance, EPA received further inquiries on the regulatory coverage of spent catalysts from dual purpose hydroprocessing reactors. In response to

these additional inquiries, EPA distributed a second memorandum on June 1, 2000 further clarifying the scope of the K171 and K172 hazardous waste listings with regard to spent catalysts removed from dual purpose reactors. EPA also responded to two letters from individual petroleum refineries that requested information on the regulatory status of spent catalysts from two specific types of hydroprocessing reactors.

On June 27, 2000, the D.C. Circuit issued an opinion in the first lawsuit that upheld EPA's hazardous waste listing determinations. *API* v. *EPA,* 216 F.3d 50. API, thereupon, reactivated its lawsuit on the November 29, 1999 memorandum.

In June 2001, API and EPA entered into an agreement settling the second lawsuit. Under the terms of the settlement agreement EPA has agreed to publish this announcement offering the opportunity for public comment. EPA will evaluate and respond to the public comments and publish a response in the **Federal Register** announcing EPA's decision whether to maintain, and possibly clarify, the positions expressed in the memoranda or to change them.

B. What Are Dual Purpose Reactors?

Petroleum refineries use hydroprocessing units to prepare residual stream feedstocks for cracking and coking units and to polish final products (*e.g.,* diesel fuels). Hydroprocessing reduces the boiling range of petroleum feedstock and removes substantial amounts of impurities from the feed.[1] During hydroprocessing, molecules are split or saturated in the presence of hydrogen. Hydroprocessing is a broad term encompassing the more specific processes of hydrotreating, hydrorefining, and hydrocracking. Hydroprocessing reactors that hydrotreat petroleum feedstock stabilize the feed and remove impurities catalytically and react the feed with hydrogen. Hydrotreating includes the removal of sulfur, nitrogen, metals and other impurities from petroleum feedstocks. Spent catalysts removed from hydrotreating reactors are listed hazardous wastes (K171). Hydrorefining also removes impurities, but uses more severe operating conditions than hydrotreating, and treats heavier molecular weight petroleum fractions (e.g., residual fuel oil and heavy gas oil). Spent catalysts removed from hydrorefining reactors also are listed hazardous wastes (K172). Hydrocracking is a process in which the primary purpose is to reduce the boiling range of petroleum feedstocks. EPA has not made a hazardous waste listing determination with regard to the status of spent catalysts removed from petroleum hydrocracking reactors.

Dual purpose hydroprocessing reactors process petroleum feedstocks by both hydrotreating (or hydrorefining) the feedstock (i.e., removing sulfur, nitrogen, metals, and/or other impurities) and hydrocracking the feedstock (i.e., reducing boiling points). Given that the catalysts in dual purpose reactors are used to promote a hydrotreating or hydrorefining function, as well as a hydrocracking function, such catalysts when spent, are listed hazardous wastes under the plain language of the regulation.

The Agency knows of three specific types of dual purpose hydroprocessing reactors currently in use at petroleum refineries. All are expanded- or ebullating-bed processes. These are the H-Oil, the LC-Fining, and the T-Star reactors. These reactors are designed to process heavy feeds and use catalysts to perform hydrotreating (*i.e.*, metals removal, desulfurization) and hydrocracking functions. Ebulatted bed hydroprocessing is a process that takes place in a reactor bed that is not fixed. In such a process, hydrocarbon feed streams enter the bottom of the reactor and flow upwards passing through the catalyst which is kept in suspension by the pressure of the fluid feed.

LC-Fining and H-Oil both use similar technologies but offer different mechanical designs. The purpose of an ebullating bed reactor is to convert the most problematic feeds, such as atmospheric residuum, vacuum residues, and heavy oils having a high content of asphaltenes, metals, sulfur, and sediments, to lighter, more valuable products while simultaneously removing contaminants. The function of the catalyst is to remove contaminants such as sulfur and nitrogen heteroatoms, which accelerate the deactivation of the catalyst, while cracking (converting) the feed to lighter products.

The H-Oil reactor is used to process residue and heavy oils to produce upgraded petroleum products such as LPG, gasoline, middle distillates, gas oil, and desulfurized fuel oil. Stable operation is achieved through a high operating pressure which ensures a sufficient reactor outlet hydrogen partial pressure. The H-Oil process can achieve conversion rates of 45 to 90 percent, desulfurization of 55 to 92 percent, and demetallization of 65 to 90 percent.[2]

The LC-Fining process serves the purposes of desulfurization, demetallization, Conradson Carbon Residue (CCR) reduction,[3] and hydrocracking of atmospheric and vacuum residuum. The LC-Fining process can be used to yield a full range of high quality distillates including residuals that may be used as fuel oil, synthetic crude or feedstock for a residuum FCC, coker, visbreaker or solvent deasphalter. The LC-Fining process can achieve conversion rates of 40 to 97 percent, desulfurization of 60 to 90 percent, and a demetallization rate of 50 to 98 percent.

The T-Star Process also is an ebullated bed hydrotreating/hydrocracking process designed to process very difficult feedstocks (*e.g.,* atmospheric residuum, vacuum residues, and heavy oils with high levels of sulfur and/or metals). T-Star units can maintain conversion rates in the range of 20 to 60 percent and hydrodesulfurization rates in the range of 93 to 99 percent.[4] Additional information on each of the dual-purpose technologies is provided in ''Background Document Clarifying the Scope of Petroleum Hazardous Waste Listings: Supplemental Information Regarding Petroleum Hydroprocessing Units'' which can be found in the docket.

II. Summary of the Agency's Views on Dual Purpose Catalysts

EPA believes that spent catalysts removed from dual purpose reactors (*i.e.*, those hydroprocessing reactors that perform both hydrotreating, or hydrorefining, and hydrocracking functions) are listed hazardous wastes. In the November 29, 1999 memorandum, the Agency clarified that these spent catalysts meet the listing descriptions for K171 and/or K172. Such materials include spent catalysts removed from expanded- or ebullated-bed reactors (*e.g.*, H-Oil, T-Star, and LC-fining processes).

As explained in the preamble to the August 6, 1998 final rule, definitions for petroleum hydrotreating, hydrorefining, and hydrocracking operations are not

[1] Gary, James H. and Handwerk, Glenn E., ''Petroleum Refining Technology and Economics,'' Third Edition, Marcel Dekker, Inc., New York, 1994, p. 174.

[2] See ''Background Document Clarifying the Scope of Petroleum Hazardous Waste Listings: Supplemental Information Regarding Petroleum Hydroprocessing Units.''

[3] Carbon residue is roughly related to the asphalt content of crude and to the quantity of lubricating oil fraction that can be recovered from it. It often is expressed in terms of weight percent carbon residue by the Conradson ASTM test procedure.

[4] Hydrocarbon Processing. ''Refining Processes 2000.'' Process descriptions of hydroprocessing units. November 2000.

universally established. After considering all relevant materials in the rulemaking record, EPA decided that the simplest way to differentiate between hydrocracking and hydrotreating or hydrorefining is to rely on definitions provided in the Department of Energy's (DOE) Petroleum Supply Annual (PSA). The PSA contains operational definitions of hydrotreating and hydrocracking for purposes of submitting form EIA–820 to DOE. In the August 1998 final rule, EPA rejected reliance on other methods of differentiation, such as specific percentages of the feed that are converted, or reduced in molecular size, for each of the operations. EPA rejected the option of relying on specific conversion rates to differentiate between hydrocracking reactors and other hydroprocessing reactors. Our reasons for rejecting the use of conversion rates included the fact that the ability to vary the operating conditions for some reactors, or changes to the manner in which feedstock conversion is calculated or accounted for, may allow refineries to re-classify particular reactors without significantly altering the amount of hydrotreatment or hydrorefining conducted in the reactor.

In addition, the Agency, in the November 1999 memorandum, clarified that the listing should not be interpreted as providing that spent catalysts from any hydrocracking process—regardless of whether or not hydrotreatment also occurs—are, by definition, outside the scope of the K171 and K172 listings (*i.e.*, if a spent catalyst otherwise meets the K171 or K172 listings because it comes from a unit that performs a hydrotreating function, the fact that the spent catalyst is removed from a unit that also hydrocracks does not exclude the spent catalyst from the hazardous waste listing). In the August 1998 final rule, we did not define hydrocracking and then provide that hydrotreating and hydrorefining are ''not hydrocracking.'' The final listing determinations were meant to include spent catalysts removed from reactors that perform hydrotreating and hydrorefining functions, even if the reactors also perform a hydrocracking function. This is consistent with EPA's decision in the final rulemaking to rely on the PSA definitions in determining the function or functions performed by a reactor. The PSA definitions of hydroprocessing take into account the function or operation performed by a reactor when distinguishing between hydroprocessing operations. We, therefore, clarified in the November 1999 memorandum that it was based upon these functions, hydrotreatment and hydrorefining, that we determine the regulatory status of the spent catalysts from dual purpose reactors. It was never our intent to allow the scope of the hazardous waste listing determination to be defined or superseded by the fact that any particular catalyst performs a hydrocracking function, when that same catalyst also facilitates a hydrotreatment or hydrorefining function in the same unit or reactor.

Further, in the November 29, 1999 memorandum, EPA explained that spent catalysts generated by refineries that self-classify spent catalyst from dual purpose hydroprocessors as hydrocracking catalyst, by identifying a unit as a hydrocracking unit when reporting to DOE, will nonetheless be K171 or K172 listed wastes if the unit performs a hydrotreatment or hydrorefining function. The final rule should not be interpreted as allowing petroleum refineries to classify dual purpose reactors as hydrocracking reactors and in doing so claim that the spent catalysts removed from these reactors are spent hydrocracking catalysts (which are not listed hazardous wastes). Rather, EPA relied on the PSA definitions because they are operational definitions. Thus, the rule does not permit refineries to avoid identifying spent catalysts from dual purpose reactors as listed hazardous wastes simply because they classified (or reclassified) the unit from which the catalyst is removed as a hydrocracking unit (this is based on the fact that the catalyst promotes hydrocracking as well as hydrotreating or hydrorefining). Catalysts removed from reactors that perform a hydrotreating or hydrorefining function, regardless of whether hydrocracking is performed in the same unit, are listed hazardous wastes, when spent.

After EPA distributed the November 29, 1999 memorandum, it was brought to the Agency's attention that the memorandum could be interpreted as indicating that spent catalysts from petroleum hydroprocessing reactors that hydrocrack are captured by the hazardous waste listings, even though such reactors may conduct minimal and incidental hydrotreatment or hydrorefining of previously treated feedstock. For example, some reactors that hydrocrack petroleum feedstock treated previously to remove sulfur, metals and other impurities, may also in practice perform incidental and minimal hydrotreating or hydrorefining due to the operating parameters employed and the nature of the pre-treated feed entering the reactor.

The Agency did not intend, when issuing the November 29, 1999 memorandum, to include within the scope of the hazardous waste listings spent catalyst from hydroprocessing reactors, if such reactors perform only a minimal and incidental amount of hydrotreatment or hydrorefining. Therefore, we issued a memorandum dated June 1, 2000, clarifying that spent catalysts removed from hydroprocessing reactors that hydrocrack petroleum feedstocks and perform no more than ''minimal and incidental'' hydrotreatment or hydrorefining are not within the scope of the hazardous waste listing descriptions for K171 or K172. This is consistent with the regulatory language, and with the intention stated in the preamble and the November 1999 memorandum, to adopt an operational approach to defining hydroprocessing catalysts. A spent catalyst removed from a unit that performs hydrotreating or hydrorefining operations is a ''spent hydrotreating catalyst'' or a ''spent hydrorefining catalyst'' within the meaning of the regulation, even if the unit also performs a hydrocracking function. However, EPA does not consider a spent catalyst removed from a reactor that performs hydrocracking operations to be a ''spent hydrotreating catalyst'' or ''spent hydrorefining catalyst'' simply because some hydrotreating or hydrorefining unavoidably occurs in the unit. A copy of the Agency's June 1, 2000 memorandum also is included in the docket. The text of the memorandum also is included as an appendix to this announcement.

EPA also received requests from members of the petroleum refining industry for clarification of the regulatory status of two specific types of spent catalysts. In response to these requests, we issued two letters to the requesting parties on June 1, 2000. We briefly summarize these letters below to provide an illustration of the application of the principles set out in the November 1999 and June 2000 memoranda.

In a letter to Motiva Enterprises LLC, we concluded that the spent catalyst from the Motiva refinery's H-Oil unit is a listed hazardous waste. Based upon our determination that the H-Oil unit is a dual purpose hydroprocessing reactor designed to both hydrotreat and hydrocrack petroleum feedstock in the same reactor using a single, ebullating bed catalyst with no guard bed [5] reactor, we found that the spent catalyst from

[5] A guard bed is used to mitigate pressure drop problems in the reactor due to contaminants in the feedstock.

the H-Oil unit meets the listing description for spent hydrotreating catalyst (K171). The H-Oil unit is precisely the type of dual purpose reactor addressed in our memorandum of November 29, 1999, in that the H-Oil unit uses a single catalyst to achieve both a high level of hydrocracking (*i.e.*, the boiling point of a high percentage of the feed is reduced) and a significant amount of hydrotreatment (*i.e.*, a high percentage of heteoratoms are removed).

In a second letter, to Chevron Research and Technology Company, we evaluated the regulatory status of spent catalysts from Chevron's two-stage ISOCRACKING hydroprocessing unit. In this letter, we stated that spent catalyst removed from the first stage of the ISOCRACKING unit, which performs a predominant treatment function, is a listed hazardous waste (K171). The inclusion of spent catalysts from the first stage reactor of this unit closely follows our determination that spent catalysts from guard bed reactors are within the scope of the listing descriptions for K171 and K172. This determination was clarified in the preamble to the August 6, 1998 final rule. Also, the final listing descriptions for K171 and K172 clearly designate spent catalysts from guard bed reactors as included within the scope of the listings (see 40 CFR 261.32). In addition, we also concluded that spent catalysts removed from the second stage reactor of Chevron's ISOCRACKING unit are not spent hydrotreating or hydrorefining catalysts and are not captured by the listing descriptions for K171 and K172. The second stage reactor within the ISOCRACKING unit receives pretreated feed and performs a predominant hydrocracking function; any hydrotreatment that occurs in the second stage of the reactor is minimal and incidental.

III. Scope of the Public's Opportunity To Comment

EPA is providing this opportunity for the public to comment on the memoranda described above to settle the lawsuit filed by API in February 2000. EPA believes that the explanation of the hazardous waste listings' applicability to spent catalysts removed from dual purpose reactors, as expressed in the memoranda, is correct both as a procedural and substantive matter. However, the Agency acknowledges that the memoranda are controversial within the regulated community and believes that providing this opportunity for public comment is in the interest of good government because it will provide interested parties with a chance to influence the Agency's thinking on this issue and avoid potentially unnecessary litigation.

EPA is soliciting comment on the regulatory interpretation presented in the November 29, 1999 and the June 1, 2000 memoranda which establish the Agency's position that spent catalysts removed from petroleum hydroprocessing reactors that perform both a hydrotreatment (or hydrorefining) function and a hydrocracking function are captured by the hazardous waste listings K171 and K172. In addition to receiving general comments on the content of the memoranda, the Agency solicits comments as to whether there are specific situations where it is not clear whether, or relatively how much, hydrotreatment or hydrorefining is either occurring or intended. If such cases exist, EPA is interested in hearing whether there is some way to provide greater clarity in general guidance for distinguishing those situations. For example, EPA is interested in comment on whether there is a better test for generally describing dual purpose units that are not H-Oil, LC-Fining, or T-Star reactors (the reactors that, as noted above, EPA knows about) but perform more than ''minimal and incidental'' hydrotreating or hydrorefining, or whether decisions regarding the regulatory status of these other reactors must be made on a case-by-case basis in all instances. EPA particularly requests that any improvements suggested by commenters be consistent with our focus on determining when a catalyst is used in a reactor that performs a hydrotreatment or hydrorefining function, regardless of whether it also is performing a hydrocracking function. Based on comments received, EPA may further clarify, or change, the approach taken in the November 1999 and June 2000 memoranda for identifying dual purpose reactors.

EPA will evaluate comments relevant to the issues discussed in the two memoranda and will publish a response to comments in the **Federal Register** announcing its intention either to reaffirm (and possibly clarify) the memoranda, or to take a different approach, based on the comments received. EPA will continue to apply the approach set forth in the memoranda during the pendency of this proceeding.

EPA is not reopening comment on any substantive or procedural issues affecting the August 6, 1998 hazardous waste listing rule. Comments are requested solely on the issues addressed within the context of the two memoranda. EPA is not soliciting comment on the hazardous waste listings themselves and does not intend to respond to such comments, if received.

Likewise, we are not soliciting comments on the applicability of the existing petroleum refining listings to the provisions of CERCLA. Wastes listed as hazardous wastes under RCRA are by definition hazardous substances under CERCLA, and are included in the list of hazardous substances in 40 CFR 302.4, along with their corresponding reportable quantities (''RQs''). Hazardous substance RQs are those quantities of the designated chemical or waste that trigger certain reporting requirements if released to the environment.

Dated: June 11, 2001.

Michael Shapiro,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

Appendix A: November 29, 1999 Memorandum on Dual Purpose Catalysts

Memorandum

Subject: Spent Catalysts From Petroleum Refining ''Dual Process'' Units.

From: Elizabeth Cotsworth, Director, Office of Solid Waste (5301W).

To: RCRA Senior Policy Advisors, Regions I–X.

On August 6, 1998, EPA listed as hazardous waste spent hydrotreating catalysts (K171) and spent hydrorefining catalysts (K172) generated in petroleum refining operations (63 FR 42110). The Agency took no action regarding a listing determination for a third type of spent petroleum hydroprocessing catalyst, spent hydrocracking catalysts.

Since promulgation of the final rule, questions have been raised with regard to the regulatory status of spent catalysts removed from ''dual purpose'' reactors. Such reactors process refinery streams by both treating the feed to remove contaminants, such as sulfur, nitrogen and metal compounds (*i.e.,* hydrotreating), in addition to converting petroleum molecules to lighter fractions (*i.e.,* hydrocracking). In addition, it has come to the Agency's attention that some affected parties may believe that the definitions provided for catalytic hydrotreating and catalytic hydrocracking processes in the final Petroleum Rule, as well as the listing descriptions for spent hydrotreating catalysts (K171) and spent hydrorefining catalysts (K172), allow petroleum refineries to self-classify spent catalysts from dual purpose hydroprocessors as hydrocracking catalysts (which are not listed hazardous wastes), even in cases where such spent catalysts are functioning, at least in part, as hydrotreating (or hydrorefining) catalysts.

As explained in the preamble to the final rule, definitions for petroleum hydrotreating, hydrorefining, and hydrocracking operations are not universally established. After considering all relevant materials in the rulemaking record, EPA decided that the simplest way to differentiate between

hydrocracking and the other two petroleum hydroprocessing operations is to rely on definitions provided in the Department of Energy's (DOE) Petroleum Supply Annual (PSA). The PSA contains operational definitions of hydrotreating and hydrocracking for purposes of submitting form EIA–820 to DOE. EPA rejected reliance on other methods of differentiation, such as specific percentages of the feed that are reduced in molecular size for each of the operations.

The Agency's interpretation of the final listing determinations for spent hydroprocessing catalysts is that spent catalysts from petroleum hydroprocessors performing hydrotreating or hydrorefining operations are captured by the listings, regardless of whether hydrocracking also occurs in a dual purpose unit. This is because the final rule, as well as the PSA, defines a spent catalyst as hydrotreating or hydrocracking on the basis of the type of hydroprocessing operation in which the catalyst was used. This is consistent with the intent of the listing to identify wastes containing the hazardous constituents that are removed by catalytic hydrotreating or hydrorefining, regardless of whether hydrocracking also is occurring.

In addition, there may be a misunderstanding involving whether refineries may self-classify spent catalyst from dual purpose hydroprocessors as hydrocracking catalyst, by merely identifying a unit as a hydrocracking unit when reporting to DOE. The final rule should not be interpreted as allowing petroleum refineries to classify ''dual purpose'' units as hydrocracking units and in doing so claim that the spent catalysts removed from these units are spent hydrocracking catalysts (which are not listed hazardous wastes). In the preamble to the final rule, EPA explained that relying on the PSA is the ''simplest'' way to differentiate among the processes and that, if a refinery has been classifying its hydroprocessor as a hydrocracker, the unit would generally not be covered by K171 or K172. Rather, as noted above, EPA relied on the PSA definitions because they are operational definitions. Thus, the rule does not permit refineries to avoid identifying spent catalysts from dual purpose units as listed hazardous wastes simply because they classified (or reclassified) the unit from which the catalyst is removed as a hydrocracking unit, based solely on the fact that some hydrocracking takes place in the presence of the catalyst. Catalysts that perform a hydrotreating function, regardless of whether hydrocracking is performed in the same unit, are listed hazardous wastes, when spent. Consequently, as explained above, the Agency's position with regard to spent catalysts removed from dual purpose reactors is that these spent catalysts are listed hazardous wastes.

As you know, in addition to correctly classifying spent catalysts as solid and/or hazardous wastes, generators also are required to determine if spent catalysts that are hazardous wastes (either because they meet the definitions of listed wastes K171 or K172 or because the spent catalyst exhibits a characteristic of hazardous waste) have to be treated to meet the land disposal restrictions standards before being land disposed. Please note that treatment of spent catalysts that are listed hazardous wastes K171 and K172 may require a combination of thermal treatment (to oxidize sulfides and vanadium), vanadium recovery, and stabilization (without improper dilution) to achieve the applicable land disposal restrictions.

Should you have any questions with regard to this issue, please feel free to contact Patricia Overmeyer of my staff at (703) 605–0708.

cc:

Mr. Ralph Colleli, American Petroleum Institute,

Mr. John W. Hilbert III, The Ferroalloys Association

Association of State and Territorial Solid Waste Management Officials

Appendix B: June 1, 2000 Memorandum on Spent Dual Purpose Catalysts

Memorandum

Subject: Spent Catalysts From Petroleum Refining ''Dual Process'' Reactors

From: Elizabeth Cotsworth, Director, Office of Solid Waste (5301W).

To: RCRA Senior Policy Advisors, Regions I–X.

On November 29, 1999, I sent you a memorandum entitled ''Spent Catalysts from Petroleum Refining 'Dual Process' Units.'' In that memorandum, I described the Agency's position on the regulatory status of certain spent hydroprocessing catalysts. I stated that, in response to questions raised regarding the regulatory status of spent catalysts removed from ''dual purpose'' reactors [1] in petroleum refineries, EPA considers spent catalysts from such units to be listed hazardous wastes (*i.e.,* K171, K172).

After this memorandum was distributed to stakeholders, the Agency received questions from interested parties regarding its potential scope. A primary concern raised was that the wording of the memorandum may be interpreted by Regional and State officials in a way that would define virtually all spent hydroprocessing catalysts generated by the petroleum refining industry as listed hazardous waste under RCRA Subtitle C. There was concern that because *some* hydrotreating may occur in all hydroprocessing reactors, regulators would conclude that *any* hydrotreating occurring in a reactor would cause the spent catalyst removed from the reactor to be considered a listed hazardous waste. This was not our intention.

I would like to clarify that we do not consider spent catalysts from a petroleum hydroprocessing reactor to be a listed hazardous waste (meeting the definitions of either K171 or K172) solely because some incidental and minimal amount of hydrotreatment of feeds occurs in such unit. These catalysts are, however, subject to evaluation against the existing hazardous characteristics. We recognize that some minimal amount of hydrotreating may occur in any hydroprocessing reactor, even reactors that hydrocrack feedstreams containing very low levels of sulfur, nitrogen, and metals. As a general rule, we consider the definitions provided in the Department of Energy's Petroleum Supply Annual (PSA) to be the best way to identify processes that hydrotreat and processes that hydrocrack. The definitions used in the PSA define hydroprocessing in terms of the function performed. A more complete description of these definitions is provided in the preamble to the petroleum refining listing determination (63 FR 42110, August 6, 1998, see Pp. 42155–42156).

Again, the November 29, 1999 memorandum was directed more at alerting Regional and State officials to the issue of the status of spent catalysts removed from reactors that both hydrotreat and hydrocrack petroleum feedstreams in a single reactor. We are alerting all interested parties that we continue to stand by the determination in the November 29 memorandum that such ''dual purpose'' reactors generate spent catalysts that are listed hazardous wastes subject to regulation under RCRA Subtitle C. At the same time, we also are clarifying that spent catalysts from hydrocracking reactors that do only minimal and incidental hydrotreating are not listed hazardous wastes. However, as noted previously, spent catalysts from hydrocracking reactors are subject to evaluation against the hazardous waste characteristics.

If you should have any questions regarding this clarification, please feel free to contact either Rick Brandes at (703) 308–8871 or Patricia Overmeyer at (703) 605–0708.

cc:

Mr. Ralph Colleli, American Petroleum Institute

Mr. John W. Hilbert III, The Ferroalloys Association

Mr. Thomas Kennedy, Association of State and Territorial Solid Waste Management Officials

[1] Note that the words ''unit'' and ''reactor'' are used interchangeably by EPA. A petroleum refinery may consider a unit to be made up of a number of reactors. Our concern is with the proper classification of a spent catalyst from or generated from a single specific vessel based on the function performed by the catalyst, regardless of the configuration or terminology used by individual refineries.

[FR Doc. 01–16685 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7003–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial direct final deletion of the Jacobs Smelter Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region VIII announces its deletion of the residential soil portions of the Jacobs Smelter Superfund Site, Utah, known as Operable Unit One (OU1), from the National Priorities List and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This partial deletion of the Jacobs Smelter Site is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (Nov. 1, 1995).

This partial deletion affects only OU1—the residential soils portion of the Jacobs Smelter Site which is within, but not all inclusive of, the town limits of Stockton, Utah. The Utah Department of Environmental Quality (UDEQ), under cooperative agreement with EPA, recently completed the remedial action for OU1. EPA bases its decision to delete OU1 on the joint determination by EPA and UDEQ that all appropriate actions under CERCLA have been implemented to protect human health, welfare, and the environment at OU1.

This partial deletion pertains only to OU1 and does not include Operable Unit 2 (OU2) or Operable Unit 3 (OU3). OU2 addresses other media and non-residential soils outside the general town limits of Stockton, Utah. OU3 addresses Union Pacific Railroad right of way within OU1. These OU's will remain on the NPL and response activities will continue.

DATES: This ''direct final'' action will be effective September 4, 2001 unless EPA receives significant adverse or critical comments by August 6, 2001. If adverse comments are 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: Comments may be mailed to: Mr. Jim Christiansen, Remedial Project Manager, U.S. EPA Region VIII, EPR–SR, 999 18th Street, Suite 300, Denver, CO 80202, (303) 312–6748. Email: christiansen.jim@epa.gov

INFORMATION REPOSITORIES: Comprehensive information on the Jacobs Smelter Site as well as information specific to this proposed partial deletion is available for review at EPA's Region VIII office in Denver, Colorado. The Administrative Record for OU1 and the Deletion Docket for this partial deletion are maintained at the following information repositories:U.S. EPA Region VIII, Superfund Records Center, 5th Floor, 999 18th Street, Denver, Colorado, 80202, (303) 312–6473, Hours of Operation: M–F 8:00 a.m. to 4:30 p.m.Tooele County Library, 100 West Vine Street, Tooele, Utah, 84074

FOR FURTHER INFORMATION CONTACT: Mr. Jim Christiansen, Remedial Project Manager, U.S. EPA Region VIII, EPR–SR, 999 18th Street, Suite 300, Denver, CO 80202, (303) 312–6748. Email: christiansen.jim@epa.gov

SUPPLEMENTARY INFORMATION:

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IV. Basis for Intended Partial Deletion

I. Introduction

The United States Environmental Protection Agency (EPA) Region VIII announces its deletion of the residential soil portion of the Jacobs Smelter Superfund Site, known as Operable Unit One (OU1), from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests public comment on this action.

The Jacobs Smelter Site is located in Tooele County, Utah. OU1 is within, but not all inclusive of, the town limits of Stockton, Utah, and consists of privately owned residential properties and vacant lots. Also included are several vacant lots, dirt roads, and dirt alleys. The OU is generally bounded by the extent of single-family residential lots centered on Stockton.

In July 1999, EPA issued a Record of Decision (ROD) for OU1 that called for remediation of approximately 130 residential properties within the town of Stockton. Based on the ROD, the Utah Department of Environmental Quality (UDEQ), under cooperative agreement with EPA, completed a remedial action for OU1 in March 2001. EPA bases its proposal to delete OU1 on the joint determination by EPA and UDEQ that all appropriate actions under CERCLA have been implemented to protect human health, welfare, and the environment at OU1. Response activities at OU Nos. 2 and 3 will continue and these OU's will remain on the NPL.

The NPL is a list maintained by EPA of sites that EPA has determined present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning this partial deletion for thirty (30) days following publication of this notice in the **Federal Register** and a newspaper of record.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate to protect public health or the environment. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment, and, therefore, taking of remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

The following procedures were used for the deletion of OU1 of the Jacobs Smelter Site:

(1) EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The State of Utah, through the Utah Department of Environmental Quality, concurred in a letter dated May 10, 2001, with this partial deletion.

(3) Concurrent with this national Notice of Intent for Partial Deletion, a notice has been published in a newspaper of record and has been distributed to appropriate Federal, State, and local officials, and other interested parties. These notices announce a thirty (30) day public comment period on the deletion package, which commences on the date of publication of this notice in the **Federal Register** and a newspaper of record.

(4) EPA has made all relevant documents available at the information repositories listed previously.

This **Federal Register** document, and a concurrent notice in a newspaper of record, announce the initiation of a thirty (30) day public comment period and the availability of the Notice of Partial Direct Deletion. The public is asked to comment on EPA's decision to delete OU1 from the NPL. All critical documents needed to evaluate EPA's decision are included in the Deletion Docket and are available for review at the EPA Region VIII information repositories. EPA is requesting only dissenting comments on the Direct Final Action to Delete. EPA Region VIII will accept and evaluate public comments on this action before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary for comments received during the public comment period and will address concerns presented in the comments. The Responsiveness Summary will be made available to the public at the information repositories listed previously.

IV. Basis for Intended Partial Site Deletion

The following provides EPA's rationale for deletion of OU1 from the NPL and EPA's finding that the criteria in 40 CFR 300.425(e) are satisfied:

Background

The Jacobs Smelter Site is located in and around Stockton, Utah. Contamination at the site originated from historic smelting and milling activities that occurred primarily in the 1870s and 1880s. Several former smelter locations have been found, including the Jacobs, the Waterman, the Chicago, and the Carson-Buzzo. Soil contamination from these sources is often intermingled and difficult to attribute to a particular smelter operation. The Jacobs Smelter was the largest of these operations and was located within the current town limits of Stockton. Waste from the Jacobs Smelter contaminated the surrounding soils of Stockton. The primary contaminants at the site are heavy metals, with lead and arsenic the primary contaminants of concern regarding human health.

In order to expedite Superfund response action at the site, EPA divided the site into three operable units:

OU1—Residential soils
OU2—Non-residential Soils, other media
OU3—Union Pacific Railroad right of way

EPA has been investigating, conducting human health risk assessments, and making CERCLA response action decisions for each OU separately.

OU1 comprises residential properties within, but not all inclusive of, the town limits of Stockton, Utah. Also included are several vacant lots, dirt roads, and dirt alleys. The OU is generally bounded by the extent of single-family residential lots centered on Stockton.

The Jacobs Smelter, formerly located in the northeast corner of Stockton, operated for a short period in the late 1800s and intermittently for several decades after. The smelter and an associated milling operation sat on a topographic high relative to Stockton. Waste material, such as slag, was deposited around the smelter during normal operations. Rainfall and snow melt transported the waste downhill through the town toward Rush Lake, approximately ½ mile to the west of OU1. A large portion of the residential properties in Stockton were eventually contaminated. A responsible party search conducted by EPA found no remaining viable parties associated with the operation or ownership of the Jacobs Smelter.

In 1997–98, UDEQ performed a preliminary assessment/site inspection of the area. Elevated levels of heavy metals were found in soils around the site and in the sediments of Rush Lake. The potential for significant exposure to area residents was established. Based on this information and subsequent information collected by EPA Region VIII, the site was proposed to the NPL on July 22, 1999 (64 FR 39886). The final listing was published in the **Federal Register** on February 4, 2000 (65 FR 5435).

OU1 Response Actions

Sampling performed by EPA Region VIII in 1998 established the general extent of contamination in the vicinity of Stockton. This sampling also identified approximately 29 residential properties that contained levels of lead in soils (greater than 3000 parts per million) deemed to present an acute threat to human health. In 1999, Region VIII conducted a Fund-financed time critical removal action for OU1. Soils from the 29 properties were excavated to a depth of 18 inches and disposed of at an off-site landfill, and clean backfill was placed on the excavated properties. Additionally, the source area of the former Jacobs Smelter was excavated to ensure contamination would not migrate in the future.

During the removal action, UDEQ conducted a remedial investigation/feasibility study (RI/FS) for the remaining areas of OU1. A ROD was published in July 1999 which defined the boundary of OU1 and called for similar excavation and backfill of approximately 130 additional residential properties, vacant lots, dirt roads, and alleys with surface soil lead concentrations greater than 500 parts per million, subsurface soil lead concentrations greater than 800 parts per million, or surface arsenic concentration greater than 100 parts per million. Institutional controls designed to preserve the remedy and prevent exposure to soils not excavated during remedial action were also called for.

In February 2000, immediately after final listing of the site on the NPL, UDEQ began the Fund-financed remedial action for OU1. The remedial action was completed in March 2001, and all remedial action objectives and performance standards set forth in the ROD were met. The Town of Stockton passed a local ordinance implementing the institutional controls requirement in the ROD on May 8, 2000. A remedial action completion report was signed in March 2001, indicating that no further CERCLA action is necessary to protect human health and the environment at OU1.

Community Involvement

Public participation requirements for OU1 have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k), and Section 117, 42 U.S.C. 9617. The Remedial Investigation Reports, Baseline Human Health Risk Assessment Report, and the Proposed Plan for OU1 were formally released to the public on May 27, 1999. The notice of availability of the Proposed Plan was published in the Tooele Transcript-Bulletin on May 27, 1999. The public comment period for the proposed plan ran from May 27, 1999 to July 15, 1999. A public meeting was held on June 9, 1999 to receive public comments from

the community. Responses to all comments received during the public comment period were included in the Responsiveness Summary included in the ROD for OU1. Additionally, the administrative record for OU1 was made available at the Tooele Public Library throughout the OU1 investigation process. Monthly town forums were held to receive feedback and disseminate information throughout the OU1 investigation and cleanup process.

Current Status

Based on the successful completion of EPA's removal action and UDEQ's remedial action, there are no further response actions planned or scheduled for OU1. Pursuant to the NCP, a five-year review will be performed at OU1.

While EPA and UDEQ do not believe that any future response actions at OU1 will be needed, if future conditions warrant such action, the proposed deletion area remain eligible for future Fund-financed response actions. Furthermore, this partial deletion does alter the status of OU2 or OU3 which are not proposed for deletion and remain on the NPL.

EPA, with concurrence from the State of Utah, has determined that all appropriate CERCLA response actions have been completed at OU1 and protection of human health and the environment has been achieved. Therefore, EPA is deleting OU1 of the Jacobs Smelter Superfund Site from the NPL. This action will be effective July 31, 2001. However, if EPA receives dissenting comments within thirty (30) days following publication of this notice in the **Federal Register**, EPA will publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 15, 2001.

Patricia D. Hull,

Acting Regional Administrator,U.S. Environmental Protection Agency, Region VIII.

Title 40, chapter 1 of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351, E.O. 12580, 52 FR 2923, 3 CFR 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended under UT by revising the entry for ''Jacobs Smelter'' to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes (a)
*	*		*
*	*		
UT	Jacobs Smelter.	Stockton/ Tooele.	P
*	*		*
*	*		

(a) * * *
P = Sites with partial deletion(s)

[FR Doc. 01–16434 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 1

[CC Docket No. 96–238; FCC 01–78]

Procedures To Be Followed When Formal Complaints Are Filed Against Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of certain changes in rules and procedures to be followed when formal complaints are filed against common carriers that were adopted in the Order on Reconsideration. The Order on Reconsideration was published in the **Federal Register** on March 27, 2001.

DATES: The amendments to 47 CFR Part 1 published in at 66 FR 16611 (March 27, 2001) become effective on July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Alexander Starr, Division Chief, Market Disputes Resolution Division, Enforcement Bureau, 418–7330.

SUPPLEMENTARY INFORMATION: In the Order on Reconsideration, released March 7, 2001, the Federal Communications Commission revised its rules for filing formal complaint against common carriers. The Office of Management and Budget (OMB) approved the information collections contained in sections 1.721, 1.722, 1.724, 1.726, 1.735 on June 7, 2001. OMB.Control No.3060–0411.

List of Subjects in 47 CFR Part 1

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16790 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1479; MM Docket No. 01–70, RM–10082; MM Docket No. 01–71, RM–10083].

Radio Broadcasting Services; Quartzsite, AZ; Leesville, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants two proposals that allot new FM channels to Quartzsite, Arizona, and Leesville, Louisiana. Filing windows for Channel 275C3 at Quartzsite, Arizona, and Channel 252A at Leesville, Louisiana, will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

DATES: Effective August 6, 2001.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 01–70 and MM Docket No. 01–71, adopted June 13, 2001, and released June 22, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

The Commission, at the request of McMullen Valley Broadcasting Company, allots Channel 275C3 at Quartzsite, Arizona, as the community's second local FM transmission service. *See* 66 FR 17843 (April 4, 2001).

Channel 275C3 can be allotted at Quartzsite in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 275C3 at Quartzsite are 33–39–50 North Latitude and 114–13–45 West Longitude.

The Commission, at the request of Stargazer Broadcasting of Western Louisiana, allots Channel 252A at Leesville, Louisiana, as the community's fourth local aural transmission service. *See* 66 FR 17843 (April 4, 2001). Channel 252A can be allotted to Leesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.7 kilometers (1 mile) west of Leesville. The coordinates for Channel 252A at Leesville are 31–08–30 North Latitude and 93–16–41 West Longitude.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Quartzsite, Channel 275C3.

3. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Leesville, Channel 252A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–16796 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1480; MM Docket No. 99–2157; RM–9337, RM–9892]

Radio Broadcasting Services; Alamo Community, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Alamo Navajo School Board, Inc., this document allots Channel 298A* Alamo Community, New Mexico. As proposed, this allotment is reserved for noncommercial educational use. The reference coordinates for the Channel 298A* allotment at Alamo Community, New Mexico, are 34–25–01 and 107–30–04. *See* 65 FR 55930, published September 15, 2000.

DATES: Effective August 7, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418–2177

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 00–158, adopted June 20, 2000, and released June 22, 2001. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Alamo Community, Channel 298A*.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–16794 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 001226367–0367–01; I.D. 062601A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments

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

ACTION: Trip limit adjustments; fishing restrictions for the Pacific Coast groundfish fishery; request for comments.

SUMMARY: NMFS announces changes in the following trip limits for the Pacific Coast groundfish fisheries: Limited entry trawl and fixed gear for minor slope rockfish north and south; limited entry trawl and fixed gear for splitnose rockfish south; limited entry trawl and fixed gear for Pacific Ocean perch (POP); limited entry trawl and fixed gear for Dover sole north and south; limited entry trawl and fixed gear for flatfish north; limited entry trawl for yellowtail rockfish north; limited entry trawl for widow rockfish taken with mid-water trawl gear; and limited entry fixed gear and open access for sablefish north. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to help the fisheries achieve optimum yield (OY) while protecting overfished and depleted stocks.

DATES: Changes to management measures are effective 0001 hours (local time) July 1, 2001, unless modified, superseded, or rescinded. These changes are effective until the effective date of the 2002 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments on this rule will be accepted through July 20, 2001.

ADDRESSES: Submit comments to Donna Darm, Acting Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070; or Rebecca Lent, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko, Northwest Region, NMFS, 206–526–6140.

SUPPLEMENTARY INFORMATION: The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council,) in consultation with the States of Washington, Oregon, and California, at its June 11–15, 2001, meeting in San Francisco, CA. Pacific Coast groundfish landings will be monitored throughout the year, and further adjustments to the trip limits will be made as necessary to stay within the OYs and allocations announced in the annual specifications and management measures for the groundfish fishery, published in the **Federal Register** at 66 FR 2338 (January 11, 2001), as amended at 66 FR 10208 (February 14, 2001), at 66 FR 18409 (April 9, 2001), at 66 FR 22467 (May 4, 2001), and at 66 FR 286767 (May 24, 2001).

Limited Entry Trawl and Fixed Gear for Minor Slope Rockfish North and South of 40°10′ N. Lat.

Landings of minor slope rockfish in the limited entry fisheries south and north of 40°10′ N. lat. have been slow during the first half of 2001. The best available information indicates that the southern limited entry fishery had landed 18.9 percent and the northern fishery had landed 7.1 percent of the minor slope rockfish set-asides for those fisheries, through the end of April. Given the low landings rates, the Council recommended increasing the limited entry minor slope rockfish cumulative landing limits for both the trawl and fixed gear fisheries. The cumulative landing limits for the fishery south of 40°10′ N. lat. will be increased from 14,000 lb (6350 kg) to 25,000 lb (11,340 kg) per 2 months, and the cumulative landing limits for the northern fishery will increase from 1,500 lb (68 kg) to 2,000 lb (907 kg) per 2 months. These increased cumulative landing limits will allow for higher landings without exceeding the OYs for overfished and depleted stocks.

On January 11, 2001 (66 FR 2338), NMFS announced that darkblotched rockfish was overfished. Although only 7.1 percent of the northern slope rockfish had been landed through April, concerns about darkblotched rockfish catch resulted in only minor increases in the limits for the fisheries north of 40°10′ N. lat rather than the larger cumulative landing limits that could have been allowed. Because darkblotched rockfish is not a major component of the slope rockfish assemblage south of 40°10′ N. lat., larger increases were recommended for the southern area.

Limited Entry Trawl and Fixed Gear for Splitnose Rockfish South of 40°10′ N. Lat.

As with minor slope rockfish, landings of splitnose rockfish in the limited entry fishery south of 40°10' N. lat. have been slow during the first half of 2001. The best available information indicated that limited entry trawl and fixed gear fisheries had landed 3.1 percent of splitnose rockfish set-aside for those fisheries, through the end of April. Given the low landing rates, the Council recommended increasing cumulative landing limits to levels that would allow higher landings without exceeding the OYs for overfished and depleted stocks. The Council recommended increasing the limited entry splitnose slope rockfish cumulative landing limits for both trawl and fixed gear south of 40°10′ N. lat. from 14,000 lb (6,350 kg) to 25,000 lb (11,340 kg) per 2 months.

Limited Entry Trawl and Fixed Gear for POP

Previously published trip limits for POP were intended to accommodate the increased incidental catch of POP during the summer months by increasing the monthly cumulative landing limits for the May through October periods. Because landings of POP in the limited entry trawl and fixed gear fisheries have been slower than expected, with only 18.4 percent of the allowance landed through the end of April 2001, the Council recommended increasing cumulative landing limits for the remainder of the year. The limited entry POP cumulative landing limits for both trawl and fixed gear will be increased from 2,500 lb (1,134 kg) to 3,500 lb (1,588 kg) per month for the July through October periods, then decreased, as previously announced to 1,500 lb (680 kg) per month for the November and December periods. The increased cumulative landing limits will allow higher landings without exceeding the POP OY or the OYs established for other overfished or depleted stocks.

Limited Entry Trawl and Fixed Gear for Dover Sole North and South of 40°10′ N. Lat.

During the first 4 months of 2001, the limited entry trawl and fixed gear Dover sole cumulative landing limits north of 40°10' N. lat. were set at 65,000 lb (2,948 kg) per 2 months and the cumulative landing limits south of 40°10′ N. lat. were set at 35,000 lb (15,876 kg) per 2 months. The cumulative landing limits were set higher in the northern area to allow for the harvest of winter concentrations of Dover sole at a time when they are not closely associated with depleted or overfished rockfish species. Under these cumulative landing limits, 1,700 mt were landed during the first 2 months and 2,500 mt were landed during the second 2 months. The best available information indicated that the limited entry fisheries had landed 57.5 percent of the Dover sole allowance through the end of April 2001. In May, the northern limit was reduced to 20,000 lb (9,072 kg) per 2 months, while the southern limit remained at 35,000 lb (15,876 kg) per 2months. Despite the reduced limits in the northern area, the coastwide landings of Dover sole remained higher than expected. In response to the rapid pace of Dover sole landings, the Council recommended reducing the trawl and fixed gear limits in both areas by 5,000 lb (2,268 kg) per 2 months, resulting in a Dover sole limit of 15,000 lb (6,804 kg) per 2 months for the area north of 40°10′ N. lat. and a Dover sole limit of 30,000 lb (13,608 kg) per 2 months for the area south of 40°10′ N. lat. For the September through December periods, the 2 month limits will be converted to monthly limits.

Limited Entry Trawl and Fixed Gear for Flatfish North of 40°10′ N. Lat.

In April, the Council adopted an interim change in the trip limits for the limited entry trawl fishery for flatfish north of 40°10′ N. lat. This limit allowed up to 50,000 lb (22,680 kg) per month of non-Dover flatfish, caught with a small footrope, to be landed providing that no more than 15,000 lb (6,804 kg) of petrale sole and 10,000 lb (4,536 kg) of arrowtooth flounder are landed. The sub-limits were established as a measure to restrict harvest of canary rockfish, which was designated as overfished on January 4, 2000 (65 FR 221). To reduce the discard of incidentally caught arrowtooth flounder, without encouraging targeting, the Council recommended changing the structure of northern flatfish trawl and fixed gear limits from July through October. The small footrope trawl limit is decreased from 50,000 lb (22,680 kg) to 45,000 lb (20,412 kg) per month; the sub-limit for petrale sole remains at 15,000 lb (6,804 kg) per month. In addition, the arrowtooth flounder limit is no longer a sub-limit and is changed from a per month limit of 10,000 lb (4,536 kg) to a per trip limit of no more than 7,500 lb (3,402 kg), not to exceed 30,000 lb (13,608 kg) per month. The large footrope limit for arrowtooth flounder remains at 5,000 lb (2,268 kg) per trip, not to exceed 30,000 lb (13,608 kg) per month; petrale sole which has been

prohibited, is increased to 100 lb (45 kg per trip and all other flatfish remains at 1,000 lb (454 kg) per trip. Although flatfish are rarely taken with fixed gear, the Limited Entry Fixed gear limits for flatfish will be the same as the small footrope trawl limits.

Limited Entry Trawl for Yellowtail Rockfish North of 40°10′ N. lat. and Widow Rockfish

The best available information indicates that 59.0 percent of the limited entry widow rockfish coastwide and 52.3 percent of the yellowtail rockfish north of 40°10' N. lat. had been landed through the end of April. To reduce the likelihood of reaching the widow rockfish OY early, the mid-water trawl option for widow rockfish and yellowtail rockfish north will be restricted to the small footrope limit for the July through September periods. At its September meeting, the Council intends to review the October yellowtail limits of 15,000 lb (6,804 kg) per month, and the widow rockfish limits of 10,000 lb (4,536 kg) per month. If necessary, the Council will adjust these limits to keep landings within the OYs. The small footrope limits for both species will remain unchanged at 1,000 lb (454 kg) per month for widow rockfish and 1,500 (680 kg) per month for yellowtail rockfish that is not taken as flatfish bycatch.

To allow for incidental catch of widow rockfish and yellowtail rockfish taken during the primary whiting fishery, whiting fishers will be allowed to land cumulative landing limits that are twice the amount of the small footrope limits, providing that at least 10,000 lb (4,536 kg) of whiting are landed in the same trip. In addition, a per trip limit of 500 lb (227 kg) for widow and yellowtail rockfish combined will apply. Widow and yellowtail rockfish in excess of these amounts will be forfeited to the states by fishers operating under an exempted fishing permit.

Limited Entry Fixed Gear and Open Access for Sablefish North of 36° N. Lat.

Daily trip limit sablefish landings in both the limited entry fixed gear and open access fisheries were relatively low through the spring months. The best available information at the June Council meeting indicated that 24.5 percent of the limited entry fixed gear and open access sablefish allocations combined had been landed through May 2001. Since January, both fisheries have operated under landing limits of 300 lb (136 kg) per day, not to exceed 2,700 lb (1,225 kg) per 2 months. To allow fisheries access to sablefish allocations during the more active summer fishing months, when more small vessels participate in the fishery, the Council recommended re-instating a once per week delivery option. The landing limits for the limited entry fisheries north of 36° N. lat. for the July to August periods will be 300 lb (136 kg) per day or one landing per week up to 900 lb (408 kg), not to exceed 3,600 lb (1,633 kg) per 2 months. Beginning on September 1, a monthly limit of 1,800 lb (816 kg) per month will become effective. The landing limits for the open access fisheries north of 36° N. lat. for the July through periods will be 300 lb (136 kg) per day or one landing per week up to 800 lb (363 kg), not to exceed 4,800 lb (2,177 kg) per 2 months. Beginning on September 1, 2001, a monthly limit of 2,400 lb (1,089 kg) per month will become effective.

NMFS Actions

For the reasons stated here, NMFS concurs with the Council's recommendations and announces the following changes to the 2001 annual management measures at 66 FR 2338, January 11, 2001, as amended at 66 FR 10208, February 14, 2001; 66 FR 18409, April 9, 2001; 66 FR 22467, May 4, 2001, and 66 FR 28676, May 24, 2001, to read as follows:

(1) In Section IV, under B. *Limited Entry Fishery* Tables 3 and 4 are revised; in Section IV, under C. *Trip Limits in the Open Access Fishery*, Table 5 is revised.

IV. NMFS Actions

B. Limited Entry Fishery

* * * * *

BILLING CODE 3510–22–S

Table 3. 2001 Trip Limits [1/] and Gear Requirements [2/] for Limited Entry Trawl Gear
Read Section IV.A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	1,500 lb/ 2 months			2,000 lb/ 2 months		
3	South	14,000 lb/ 2 months			25,000 lb/ 2 months		
4	**Splitnose - South**	8,500 lb/ 2 months		14,000 lb/ 2 months	25,000 lb/ 2 months		
5	**Pacific ocean perch[6/]**	1,500 lb/ month		2,500 lb/ month	3,500 lb/ month		1,500 lb/ month
6	**DTS complex - North**						
7	Sablefish	5,000 lb/ 2 months		14,000 lb/ 2 months			5,000 lb/ 2 months
8	Longspine thornyhead	6,000 lb/ 2 months		6,000 lb/ 2 months			6,000 lb/ 2 months
9	Shortspine thornyhead	1,500 lb/ 2 months		1,500 lb/ 2 months			1,500 lb/ 2 months
10	Dover sole	65,000 lb/ 2 months		20,000 lb/ 2 months	15,000 lb/ 2 months	7,500 lb/ month	
11	**DTS complex - South**						
12	Sablefish	8,000 lb/ 2 months		11,000 lb/ 2 months			8,000 lb/ 2 months
13	Longspine thornyhead	6,000 lb/ 2 months		6,000 lb/ 2 months			6,000 lb/ 2 months
14	Shortspine thornyhead	1,500 lb/ 2 months		1,500 lb/ 2 months			1,500 lb/ 2 months
15	Dover sole	35,000 lb/ 2 months			30,000 lb/ 2 months	15,000 lb/ month	
16	**Flatfish - North**						
17	Arrowtooth flounder	20,000 lb/ trip		Small footrope: 50,000 lb/month, of which no more than 15,000 lb may be petrale sole and 10,000 lb may be arrowtooth; Large footrope: arrowtooth, 15,000 lb/trip for May and 5,000 lb/trip for June; petrale sole, prohibited; all other flatfish, 1,000 lb/trip.	Small footrope: 45,000 lb/month, of which no more than 15,000 lb may be petrale sole; arrowtooth 7,500 lb/trip not to exceed 30,000 lb/month. Large footrope: arrowtooth, 5,000 lb/trip not to exceed 30,000 lb/month; petrale sole 100 lb/trip; all other flatfish, 1,000 lb/trip.		20,000 lb/ trip
18	Petrale sole	No restriction					No restriction
19	Rex sole	No limit					No limit
20	All other flatfish [3/]	Small footrope, no limit; large footrope, 1,000 lb/ trip					Small footrope, no limit; large footrope, 1,000 lb/ trip
21	**Flatfish - South**						
22	Arrowtooth flounder	20,000 lb/ trip		small footrope, no limit; large footrope, 5,000 lb/ trip			20,000 lb/ trip
23	Petrale sole	No restriction		No limit (small footrope required)			No restriction
24	Rex sole	No limit					
25	All other flatfish [3/]	small footrope, no limit; large footrope, 1,000 lb/ trip					
26	**Whiting shoreside [4/]**	20,000 lb/ trip		Primary Season			20,000 lb/ trip
27	**Use of small footrope bottom trawl[5/] or midwater trawl required for landing all of the following species:**						
28	**Minor shelf rockfish**						
29	North	300 lb/ month		1,000 lb/ month			300 lb/ month
30	South	500 lb/ month		1,000 lb/ month			500 lb/ month
31	**Canary rockfish**	100 lb/ month		300 lb/ month			100 lb/ month
32	**Widow rockfish**						
33	mid-water trawl	20,000 lb/ 2 months		10,000 lb/ 2 months	July thru September, In trips where 10,000 lb or more of whiting are landed, 2,000 lb/ month, with a combined widow/yellowtail limit of 500 lb per trip, otherwise 1,000 lb/month; October 10,000 lb/month		10,000 lb/ 2 months
34	small footrope trawl	1,000 lb/ month					
35	**Yellowtail - North[6/]**						
36	mid-water trawl	30,000 lb/ 2 months		15,000 lb/ 2 months	July thru September, In trips where 10,000 lb or more of whiting are landed, 3,000 lb/ month with a combined widow/yellowtail limit of 500 lb/trip, otherwise 1,500 lb/month; October 15,000 lb/month		20,000 lb/ 2 months
37	small footrope trawl	Without flatfish, 1,500 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 2,500 lb/ trip and 30,000 lb/ 2 months.		Without flatfish, 1,500 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 7,500 lb/ trip and not to exceed 15,000 lb/ 2 months.			Without flatfish, 1,500 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 2,500 lb/ trip and 20,000 lb/ 2 months
38	**Bocaccio - South[6/]**	300 lb/ month		500 lb/ month			300 lb/ month
39	**Chilipepper - South[6/]**						
40	mid-water trawl	25,000 lb/ 2 months					
41	small footrope trawl	7,500 lb/ 2 months					
42	**Cowcod**	**Retention is Prohibited**					
43	**Minor nearshore rockfish**						
44	North	200 lb/ month					
45	South	200 lb/ month					
46	**Lingcod[7/]**	No retention		400 lb/ month			No retention

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border.
"South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ Gear requirements and prohibitions are explained at paragraph IV.A.(14)
3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.
4/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. See IV.B.(3)(c).
The 20,000 lb/ trip limit applies before and after the primary season.
5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.
Midwater gear also may be used; the footrope must be bare. See paragraph IV.A. (14).
6/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are
included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).
7/ The size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. 2001 Trip Limits[1/] for Limited Entry Fixed Gear
Read Section IV.A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	1,500 lb/ 2 months			2,000 lb/ 2 months		
3	South	14,000 lb/ 2 months			25,000 lb/ 2 months		
4	**Splitnose - South**	8,500 lb/ 2months		14,000 lb/ 2 months	25,000 lb/ 2 months		
5	**Pacific ocean perch 5/**	1,500 lb/ month		2,500 lb/ month	3,500 lb/ month		1,500 lb/ month
6	**Sablefish**						
7	North of 36° N. lat.	300 lb/ day, 2,700 lb/ 2 months			300 lb/ day or 1 landing per week up to 900 lb, not to exceed 3,600 lb/ 2 months	300 lb/ day or 1 landing per week up to 900 lb, not to exceed 1,800 lb / month	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
9	**Longspine thornyhead**	6,000 lb/ 2 months		6,000 lb/ 2 months			6,000 lb/ 2 months
10	**Shortspine thornyhead**	1,500 lb/ 2 months		1,500 lb/ 2 months			1,500 lb/ 2 months
11	**Dover sole**						
12	North	65,000 lb/ 2 months		20,000 lb/ 2 months	15,000 lb/2 months	7,500 lb/ month	
13	South	35,000 lb/ 2 months		35,000 lb/ 2 months	30,000 lb/2 months	15,000 lb/ month	
14	**Flatfish - North**						
15	Arrowtooth flounder	20,000 lb/ trip		30,000 lb/ month for all flatfish except Dover sole	45,000 lb/month, of which no more than 15,000 lb may be petrale sole; arrowtooth no more than 7,500 lb/trip of not to exceed 30,000 lb/month.		20,000 lb/ trip
16	Petrale sole	No restriction					No restriction
17	Rex sole	No limit					No limit
18	All other flatfish 2/	No limit					No limit
19	**Flatfish - South**						
20	Arrowtooth flounder	20,000 lb/ trip		No limit			20,000 lb/ trip
21	Petrale sole	No limit					
22	Rex sole	No limit					
23	All other flatfish 2/	No limit					
24	**Whiting 3/**	20,000 lb/ trip		Primary Season			20,000 lb/ trip
25	**Minor shelf rockfish**						
26	North	300 lb/ month		1,000 lb/ month			300 lb/ month
27	South						
28	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED 4/		1,000 lb/ month		500 lb/ month
29	South of 34°27' N. lat.	CLOSED 4/	500 lb/ month				
30	**Canary rockfish**						
31	North	100 lb/ month		300 lb/ month			100 lb/ month
32	South						
33	40°10' - 34°27' N. lat.	100 lb/ month	CLOSED 4/		300 lb/ month		100 lb/ month
34	South of 34°27' N. lat.	CLOSED 4/	100 lb/ month				
35	**Widow rockfish**						
36	North	3,000 lb/ month					
37	South						
38	40°10' - 34°27' N. lat.	3,000 lb/ month	CLOSED 4/		3,000 lb/ month		
39	South of 34°27' N. lat.	CLOSED 4/	3,000 lb/ month				
40	**Yellowtail - North 5/**	1,500 lb/ month					
41	**Bocaccio - South 5/**						
42	40°10' - 34°27' N. lat.	300 lb/ month	CLOSED 4/		500 lb/ month		300 lb/ month
43	South of 34°27' N. lat.	CLOSED 4/	300 lb/ month				
44	**Chilipepper - South 5/**						
45	40°10' - 34°27' N. lat.	2,500 lb/ month	CLOSED 4/		2,500 lb/ month		
46	South of 34°27' N. lat.	CLOSED 4/	2,500 lb/ month				
47	**Cowcod**	**CLOSED 4/ -- All Retention Is Prohibited**					
48	**Minor nearshore rockfish**						
49	North	10,000 lb/ 2 months, no more than 4,000 lb of which may be species other than black or blue rockfish 6/		7,000 lb/ 2 months, no more than 4,000 lb of which may be species other than black or blue rockfish 6/			
50	South						
51	40°10' - 34°27' N. lat.	2,000 lb/ 2 months	CLOSED 4/	Shoreward of 20 ftm depth: 2,000 lb/ 2 months, otherwise CLOSED 4/	2,000 lb/ 2 months		
52	South of 34°27' N. lat.	Shoreward of 20 ftm depth: 2,000 lb/ 2 months, otherwise CLOSED 4/	2,000 lb/ 2 months				
53	**Lingcod 7/**						
54	North	CLOSED 4/		400 lb/ month			CLOSED 4/
55	South						
56	40°10' - 34°27' N. lat.	CLOSED 4/			400 lb/ month		CLOSED 4/
57	South of 34°27' N. lat.	CLOSED 4/		400 lb/ month			CLOSED 4/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border. "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.
3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. See IV.B.(3)(c).
4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated. See IV.A.(7).
5/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).
6/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).
7/ The size limit for lingcod is 24 inches (61 cm) in the north, and 26 inches (66 cm) in the south, total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

* * * * *

C. Trip limits in the Open Access Fishery

* * * * *

Table 5. 2001 Trip Limits[1/] for Open Access Gears
Read Section IV.A. NMFS Actions before using this table. (Exceptions for exempted gears at Section IV.C.)

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	500 lb/ 2 months					
3	South	5,000 lb/ 2 months					
4	**Splitnose - South**	200 lb/ month					
5	**Pacific ocean perch 4/**	100 lb/ month					
6	**Sablefish**						
7	North of 36° N. lat.	300 lb/ day, 2,700 lb/ 2 months			300 lb/ day or 1 landing per week up to 800 lb, not to exceed 4,800 lb/ 2 months	300 lb/ day or 1 landing per week up to 800 lb, not to exceed 2,400 lb/ month	
8	South of 36° N. lat.	350 lb/ day					
9	**Thornyheads (longspine and shortspine combined)**						
10	North of 34°27' N. lat.	CLOSED 3/ -- Retention is Prohibited					
11	South of 34°27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months					
12	**Arrowtooth**	200 lb/ month					
13	**Dover sole**	(included in "other" flatfish limit)					
14	**Petrale sole**	(included in "other" flatfish limit)					
15	**Nearshore flatfish**	(included in "other" flatfish limit)					
16	**"Other" flatfish 2/**	300 lb/ month					
17	**Whiting**	300 lb/ month					
18	**Minor shelf rockfish**						
19	North	100 lb/ month					
20	South						
21	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 3/		200 lb/ month		
22	South of 34°27' N. lat.	CLOSED 3/	200 lb/ month				
23	**Canary rockfish**						
24	North	50 lb/ month					
25	South						
26	40°10' - 34°27' N. lat.	50 lb/ month	CLOSED 3/		50 lb/ month		
27	South of 34°27' N. lat.	CLOSED 3/	50 lb/ month				
28	**Widow rockfish**						
29	North	3,000 lb/ month					
30	South						
31	40°10' - 34°27' N. lat.	3,000 lb/ month	CLOSED 3/		3,000 lb/month		
32	South of 34°27' N. lat.	CLOSED 3/	3,000 lb/ month				
33	**Yellowtail - North 4/ 8/**	100 lb/ month					
34	**Bocaccio - South 4/**						
35	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 3/		200 lb/ month		
36	South of 34°27' N. lat.	CLOSED 3/	200 lb/ month				
37	**Chilipepper - South 4/**						
38	40°10' - 34°27' N. lat.	2,500 lb/ month	CLOSED 3/		2,500 lb/ month		
39	South of 34°27' N. lat.	CLOSED 3/	2,500 lb/ month				
40	**Cowcod**	**Closed 3/ -- Retention is Prohibited**					
41	**Minor nearshore rockfish**						
42	North 6/	3,000 lb/ 2 months, no more than 900 lb of which may be species other than black or blue rockfish 5/		7,000 lb/ 2 months, no more than 900 lb of which may be species other than black or blue rockfish 5/			
43	South						
44	40°10' - 34°27' N. lat.	1,800 lb/ 2 months	CLOSED 3/	Shoreward of 20 ftm depth: 1,200 lb/ 2 months, otherwise CLOSED 3/	1,200 lb/ 2 months		
45	South of 34°27' N. lat.	Shoreward of 20 ftm depth: 1,800 lb/ 2 months, otherwise CLOSED 3/	1,800 lb/ 2 months	1,200 lb/ 2 months			
46	**Lingcod 7/**						
47	North	CLOSED 3/		400 lb/ month			CLOSED 3/
48	South						
49	40°10' - 34°27' N. lat.	CLOSED 3/			400 lb/ month		CLOSED 3/
50	South of 34°27' N. lat.	CLOSED 3/		400 lb/ month			CLOSED 3/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N lat to the U.S. - Canada border
"South" means 40°10' N lat to the U.S.-Mexico border. 40°10' N lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.
3/ Closed means that it is prohibited to take, retain, possess, or land the designated species in the time or area indicated. (See IV.A. (7).)
4/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).
5/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).
6/ See IV.C.(4) for limits specific to Pacific City, Oregon.
7/ The size limit for lingcod is 24 inches (61 cm) in the north, and 26 inches (66 cm) in the south, total length.
8/ See IV.C.(5) for limits specific to the salmon troll fishery.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

BILLING CODE 3510–22–C

Classification

These actions are authorized by the regulations implementing the FMP and the annual specifications and management measures published at 66 FR 2338 (January 11, 2001), as amended at 66 FR 10208 (February 14, 2001), at 66 FR 18409 (April 9, 2001), at 66 FR 22467 (May 4, 2001), and at 66 FR 286767 (May 24, 2001), and are based on the most recent data available.

The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and comment on this action pursuant to 5 U.S.C. 553 (b)(3)(B), providing prior notice and opportunity for comment would be impracticable. It would be impracticable because the groundfish cumulative landing limit period begins on July 1, 2001, and affording additional notice and opportunity for public comment would impede the agency's responsibility under the FMP for managing fisheries to achieve OY. Increases to trip limits relieve restrictions on the public and decreases to trip limits must be implemented in a timely manner to stretch the season out as long as possible through the year, which is a major goal of the FMP. If the changes were delayed, a fisher may not be able to achieve the higher limit allowed during this cumulative landing limit period; thereby unnecessarily restricting the fisher. For species where cumulative landing limits have been lowered, a fisher may be able to achieve the pre-existing higher limits, and thus frustrate the conservation objectives of the cumulative landing limit changes, or force further reductions for the entire fleet later in the season. In short, the benefits to be obtained by making new limits effective during this cumulative landing limit period (either additional fish available to the fisher, or reduced limits to protect a species) would not be available during this cumulative landing limit period.

In addition, the affected public had the opportunity to comment on these actions at the June 2001 Council meeting. For these reasons, good cause also exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553(d)

These actions are taken under the authority of 50 CFR 660.323 (b)(1), and are exempt from review under Executive Order 12866.

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

Dated: June 29, 2001.

Richard W. Surdi,

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

[FR Doc. 01–16801 Filed 6–29–01; 2:26 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 129
Thursday, July 5, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7003–5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) Region VIII proposes to delete the residential soil portions of the Jacobs Smelter Superfund Site, Utah, known as Operable Unit One (OU1), from the National Priorities List and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This action is being taken because EPA, with concurrence from the Utah Department of Environmental Quality (UDEQ), has determined that all appropriate response actions have been taken and that no further response at OU1 is appropriate.

A detailed rationale for this Proposal to Delete is set forth in the direct final rule which can be found in the Rules and Regulations section of this **Federal Register**. The direct final rule is being published because EPA views this deletion action as a noncontroversial revision and anticipates no significant adverse or critical comments. If no significant adverse or critical comments are received, no further activity is contemplated. If EPA receives significant adverse or critical comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments concerning this action must be received by EPA on or before August 6, 2001.

ADDRESSES: Comments may be mailed to: Mr. Jim Christiansen, Remedial Project Manager, U.S. EPA Region VIII, EPR–SR, 999 18th Street, Suite 300, Denver, CO 80202, (303) 312–6748. Email: christiansen.jim@epa.gov.

Information Repositories: Comprehensive information on the Jacobs Smelter Site as well as information specific to this proposed partial deletion is available for review at EPA's Region VIII office in Denver, Colorado. The Administrative Record for OU1 and the Deletion Docket for this partial deletion are maintained at the following information repositories:U.S. EPA Region VIII, Superfund Records Center, 5th Floor, 999 18th Street, Denver, Colorado, 80202, (303) 312–6473, Hours of Operation: M–F 8:00 a.m. to 4:30 p.m. Tooele County Library, 100 West Vine Street, Tooele, Utah, 84074.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Christiansen, Remedial Project Manager, U.S. EPA Region VIII, EPR–SR, 999 18th Street, Suite 300, Denver, CO 80202, (303) 312–6748. Email: christiansen.jim@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules and Regulations section of this **Federal Register**.

Authority: 33 U.S.C. 1312(c)(2); 42 U.S.C. 9601–9657, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351, E.O. 12580, 52 FR 2923; 3 CFR 1987 Comp., p. 193.

Dated: June 15, 2001.

Patricia D. Hull,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 01–16435 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 416, 482, and 485

[HCFA–3070–P]

RIN 0938–AK95

Medicare and Medicaid Programs; Hospital Conditions of Participation: Anesthesia Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the physician supervision requirement for certified registered nurse anesthetists furnishing anesthesia services in hospitals, critical access hospitals, and ambulatory surgical centers that participate in the Medicare and Medicaid programs. Under this proposed rule, the current physician supervision requirement would be maintained, unless the Governor of a State, in consultation with the State's Boards of Medicine and Nursing, exercises the option of exemption from this requirement, consistent with State law.

These proposed changes are an integral part of our efforts to improve the quality of care furnished through Federal programs, while at the same time recognizing a State's traditional domain in establishing professional licensure and scope-of-practice laws. It will give States the flexibility to improve access and address safety issues.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on September 4, 2001.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address only: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–3070–P, P.O. Box 8013, Baltimore, MD 21207–8013.

To ensure that mailed comments are received in time for us to consider them, please allow for possible delays in delivering them.

If you prefer, you may deliver (by hand or courier) your written comments (1 original and 3 copies) to one of the

following addresses: Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–3070–P. For information on viewing public comments see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Stephanie Dyson, RN (410) 786–9226. Jeannie Miller, RN (410) 786–3164.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at 7500 Security Blvd, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. by calling (410) 786–7197.

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I. Background

A. Statutory Provisions

Sections 1861(e)(1) through (e)(8) of the Social Security Act (the Act) provide that a hospital participating in the Medicare program must meet certain specified requirements. Section 1861(e)(9) of the Act specifies that a hospital also must meet other requirements that we find necessary in the interest of the health and safety of the hospital's patients. Section 1820 of the Act contains criteria that a critical access hospital (CAH) must meet in order to be designated as a CAH by a State. Sections 1832(a)(2)(F)(i) and 1833(i) of the Act provide coverage requirements for ambulatory surgical centers (ASCs). Section 1861(bb) of the Act defines ''certified registered nurse anesthetists'' (CRNAs) and their services.

B. General

On December 19, 1997, we published a proposed rule entitled, ''Hospital Conditions of Participation, Provider Agreements and Supplier Approval'', (62 FR 66726) in the **Federal Register**.

The final rule was published January 18, 2001 (66 FR 4674) and was to have been effective March 19, 2001. This rule eliminated the federal physician supervision requirement for CRNAs furnishing anesthesia services in participating hospitals, ASCs, and CAHs. Instead, under the January 2001 rule, the level of supervision of CRNAs in participating Medicare facilities would be determined according to state law. On March 19, 2001, the effective date was delayed 60 days in accordance with the memorandum to the President from the Chief of Staff, dated January 20, 2001, and published in the **Federal Register** (see 66 FR 15352). On May 18, the rule was further delayed for 180 days in order to explore alternatives for implementation (see 66 FR 27598). Upon review of the January 2001 final rule, we identified two important questions that were not raised and thus not addressed previously.

- One question concerned the States' reliance on Medicare physician supervision requirements in establishing State scope-of-practice laws and monitoring practices. In some cases, State laws and regulations may have been written with the assumption that Medicare would continue its longstanding policy requiring physician supervision of the anesthesia care provided by CRNAs. Eliminating the federal CRNA supervision requirements for participating Medicare facilities could mean that some States would change their supervision practices without considering its potential safety impact. In the absence of federal regulations, we were concerned that States might have promulgated different laws or different monitoring practices.
- The second question was whether a prospective study or monitoring should be undertaken to assess the impact in those States where CRNAs practice without physician supervision, or where physicians practice without the assistance of CRNAs. To date, no study has definitively addressed these issues, although the literature we reviewed indicated that the anesthesia-related death rate is extremely low, and that the administration of anesthesia in the United States is safe relative to surgical risk. However, in the absence of clear research evidence it is impossible to definitively document outcomes related to these practices.

We have concluded that we must resolve these implementation questions before we will consider eliminating entirely the federal CRNA supervision requirement. At the same time, however, we wish to give States the flexibility they need to ensure that their citizens have appropriate access to quality anesthesia services. Accordingly, we again have delayed the effective date of the final rule and are proposing an alternative method in lieu of proposing an immediate removal of the federal supervision requirement. Our alternative proposed method would be to—

(1) Establish an exemption from the physician supervision requirement by recognizing a Governor's written request to us attesting that, after consultation with the State's Boards of Medicine and Nursing on issues related to access to and the quality of anesthesia services, and consistent with state law, he or she is aware of the State's right to an exemption from the requirement and has determined that it is in the best interests of the State's citizens to exercise this exemption, and

(2) Have the Agency for Health Research and Quality (AHRQ), with input from HCFA and that of other stakeholders, including anesthesiologists and CRNAs, design and conduct a prospective study or monitoring effort to assess outcomes of care issues relating to CRNA practice and involvement. One approach that we are seeking comment on would be to create a voluntary registry that could prospectively monitor these practices. We are interested in comments on other approaches, as well.

The Secretary is specifically seeking comments on both aspects of our alternative implementation approach.

II. Provisions of the Proposed Regulations

A. Overview

Under the proposal, we would continue to require CRNA supervision by a physician in hospitals, CAHs, and ASCs that participate in the Medicare program. However, we would add a new standard, entitled ''State Exemptions.''

This new standard would allow State Governors, following consultation with the State's Boards of Medicine and Nursing on issues related to access to and the quality of anesthesia services, and consistent with state law, to exercise their option of exemption from the physician supervision requirement in anesthesia administration through a letter of attestation. The Governor seeking such an exemption would be required to submit a letter to us, attesting that it is in the best interests of the State's citizens to opt-out of the requirement of physician supervision, and that such an opt-out is consistent with State law. We are developing a model letter of attestation that a Governor may send to the HCFA Administrator to signify that the State is exempt from the physician supervision requirement. The request to opt-out, and any withdrawal of a request to opt-out, would both be automatic and effective upon submission to HCFA. As with the current conditions of participation, the exemption would apply to all patients receiving anesthesia services in Medicare participating hospitals, CAHs, and ASCs, assuring that Medicare patients would not receive a different level of care from non-Medicare patients.

B. Discussion

We continue to believe that States are best positioned to regulate practitioners' scope-of-practice and that our proposal will allow Governors, in consultation with the State's Boards of Medicine and Nursing, to make important safety-related determinations when electing to exercise authority over anesthesia services. It will effectively provide greater discretion to State authorities that are experienced at regulating the licensing, education, training, and performance of the professionals practicing under their purview, without the burden associated with duplicative regulatory oversight. Allowing States to make determinations about health care professional standards of practice, and hospitals, CAHs, and ASCs to make decisions regarding the delivery of care, assures that those closest to, and who know the most about, the health care delivery system are accountable for the outcomes of that care. Since the January 2001 rule is not yet effective, the regulatory changes we are proposing here are drafted as revisions to the 2000 CFR.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

IV. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

V. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually). This rule is not considered to have a significant economic impact on hospitals and, therefore, is not considered a major rule. There are no requirements for hospitals, CAHs, and ASCs to initiate new processes of care, reporting, or to increase the amount of time spent on providing or documenting patient care services. This proposed rule would provide hospitals, CAHs, and ASCs with more flexibility in how they provide quality anesthesia services, and encourage implementation of the best practice protocols.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $25 million to $25 million or less annually (65 FR 69432). For purposes of the RFA, all non-profit hospitals, CAHs, and other hospitals with revenues of $25 million or less annually are considered to be small entities. Ambulatory surgical centers with revenues of $7.5 million or less annually are also considered to be small entities. Individuals and States are not included in the definition of small entities. In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds.

We are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, that exceeds the inflation-adjusted threshold of $110 million. This rule places no additional costs for implementation on the governments mentioned. It will allow the Governor through a letter to us, to opt-out of the physician supervision requirement for CRNAs and allow the CRNAs to practice independently where State law permits. This change is consistent with our policy of respecting State control and oversight of health care professions by deferring to State laws to regulate professional practice.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have examined this proposed rule and have determined that this rule will not have a negative impact on the rights, rules, and responsibilities of State, local, or tribal governments.

In accordance with the provisions of Executive Order 12866, this proposed rule was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 416

Health facilities, Kidney diseases, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 482

Grant programs-health, Health facilities, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 485

Grant programs-health, Health facilities, Medicaid, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Health Care Financing Administration proposes to amend 42 CFR chapter IV as follows:

PART 416—AMBULATORY SURGICAL SERVICES

1. The authority citation for part 416 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

2. In § 416.42, revise paragraph (b), and add a new paragraph (d) to read as follows:

§ 416.42 Condition for coverage—Surgical services.

* * * * *

(b) *Standard: Administration of anesthesia.* Anesthetics must be administered by only—

(1) A qualified anesthesiologist; or

(2) A physician qualified to administer anesthesia, a certified registered nurse anesthetist (CRNA) or an anesthesiologist's assistant as defined in § 410.68(b) of this chapter, or a supervised trainee in an approved educational program. In those cases in which a non-physician administers the anesthesia, unless exempted in accordance with paragraph (d) of this section, the anesthetist must be under the supervision of the operating physician, and in the case of an anesthesiologist's assistant, under the supervision of an anesthesiologist.

* * * * *

(d) *Standard: State exemption.* (1) An ASC may be exempted from the requirement for physician supervision of CRNAs as described in paragraph (b)(2) of this section, if the State in which the ASC is located submits a letter to HCFA signed by the Governor, following consultation with the State's Boards of Medicine and Nursing, requesting exemption from physician supervision of CRNAs. The letter from the Governor must attest that he or she has consulted with State Boards of Medicine and Nursing about issues related to access to and the quality of anesthesia services in the State and has concluded that it is in the best interests of the State's citizens to opt-out of the current physician supervision requirement, and that the opt-out is consistent with State law.

(2) The request for exemption and recognition of State laws, and the withdrawal of the request may be submitted at any time, and are effective upon submission.

PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

1. The authority citation for part 482 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh), unless otherwise noted.

2. In § 482.52, revise paragraph (a), and add a new paragraph (c) to read as follows:

§ 482.52 Condition of participation: Anesthesia services

* * * * *

(a) *Standard: Organization and staffing.* The organization of anesthesia services must be appropriate to the scope of the services offered. Anesthesia must be administered only by—

(1) A qualified anesthesiologist;

(2) A doctor of medicine or osteopathy (other than an anesthesiologist);

(3) A dentist, oral surgeon, or podiatrist who is qualified to administer anesthesia under State law;

(4) A certified registered nurse anesthetist (CRNA), as defined in § 410.69(b) of this chapter, who, unless exempted in accordance with paragraph (c) of this section, is under the supervision of the operating practitioner or of an anesthesiologist who is immediately available if needed; or

(5) An anesthesiologist's assistant, as defined in § 410.69(b) of this chapter, who is under the supervision of an anesthesiologist who is immediately available if needed.

* * * * *

(c) *Standard: State exemption.* (1) A hospital may be exempted from the requirement for physician supervision of CRNAs as described in paragraph (a)(4) of this section, if the State in which the hospital is located submits a letter to HCFA signed by the Governor, following consultation with the State's Boards of Medicine and Nursing, requesting exemption from physician supervision of CRNAs. The letter from the Governor must attest that he or she has consulted with State Boards of Medicine and Nursing about issues related to access to and the quality of anesthesia services in the State and has concluded that it is in the best interests of the State's citizens to opt-out of the current physician supervision requirement, and that the opt-out is consistent with State law.

(2) The request for exemption and recognition of State laws, and the withdrawal of the request may be submitted at any time, and are effective upon submission.

PART 485—CONDITIONS OF PARTICIPATION: SPECIALIZED PROVIDERS

1. The authority citation for part 485 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395 (hh)).

2. In § 485.639, paragraph (c) is revised and new paragraph (e) is added to read as follows:

§ 485.639 Condition of participation: Surgical services.

* * * * *

(c) *Administration of anesthesia.* The CAH designates the person who is allowed to administer anesthesia to CAH patients in accordance with its approved policies and procedures and with State scope-of-practice laws.

(1) Anesthesia must be administered by only—

(i) A qualified anesthesiologist;

(ii) A doctor of medicine or osteopathy other than an anesthesiologist; including an osteopathic practitioner recognized under section 1101(a)(7) of the Act;

(iii) A doctor of dental surgery or dental medicine;

(iv) A doctor of podiatric medicine;

(v) A certified registered nurse anesthetist (CRNA), as defined in § 410.69(b) of this chapter;

(vi) An anesthesiologist's assistant, as defined in § 410.69(b) of this chapter; or

(vii) A supervised trainee in an approved educational program, as described in §§ 413.85 or 413.86 of this chapter.

(2) In those cases in which a CRNA administers the anesthesia, the anesthetist must be under the supervision of the operating practitioner except as provided in paragraph (e) of this section. An anesthesiologist's assistant who administers anesthesia must be under the supervision of an anesthesiologist.

* * * * *

(e) *Standard: State exemption.* (1) A CAH may be exempted from the requirement for physician supervision of CRNAs as described in paragraph (c)(2) of this section, if the State in which the CAH is located submits a letter to HCFA signed by the Governor, following consultation with the State's

Boards of Medicine and Nursing, requesting exemption from physician supervision for CRNAs. The letter from the Governor must attest that he or she has consulted with State Boards of Medicine and Nursing about issues related to access to and the quality of anesthesia services in the State and has concluded that it is in the best interests of the State's citizens to opt-out of the current physician supervision requirement, and that the opt-out is consistent with State law.

(2) The request for exemption and recognition of State laws and the withdrawal of the request may be submitted at any time, and are effective upon submission.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)
(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 6, 2001.

Thomas A. Scully,

Administrator, Health Care Financing Administration.

Approved: July 2, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–16964 Filed 7–3–01; 8:45 am]

BILLING CODE 4210–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 25, 101

[IB Docket No. 97–95; FCC 01–182]

Allocation and Designation of Spectrum in the 36.0–43.5 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: This document proposes rule changes to the domestic frequency spectrum plan to provide satellite and terrestrial operators greater certainty about the scope of operations in the 36.0–43.5 GHz band. This document also proposes to adopt specific power flux-density limits on satellite operations in portions of this band. The proposed rules reflect decisions reached at the 2000 World Radiocommunication Conference (WRC–2000) in Istanbul, Turkey.

DATES: Submit comments on or before September 4, 2001. Submit reply comments on or before October 3, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Trey Hanbury, Planning and Negotiations Division, International Bureau (202) 418–0766 or via electronic mail: *ghanbury@fcc.gov,* or Charles Breig, Planning and Negotiations Division, International Bureau (202) 418–2156 or via electronic mail: *cbreig@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document is a summary of the Commission's Further Notice of Proposed Rulemaking in IB Docket No. 97–95, RM–8811, adopted May 24, 2001 and released May 31, 2001. The Report and Order in IB Docket 97–95, RM–8811, was adopted December 17, 1998 and released December 23, 1998. 64 FR 2585, January 15, 1999. The full text of this Commission further notice of proposed rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) 445 12th Street, S.W., Washington, DC and may also be purchased from the Commission copy contractor, International Transcription Services (ITS), Inc., (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036. The full text of this Commission further notice of proposed rulemaking is also available online at *http://www.fcc.gov/ib/docs/finalcir.doc.*

Summary of the Further Notice of Proposed Rulemaking

This document seeks comment on proposed modifications to the 36.0–43.5 GHz portion of the band plan that would harmonize the domestic band plan with the international sharing arrangement established at WRC–2000 and promote spectrum efficiency. In general, the Commission proposes to designate the 37.0–40.0 GHz band and the 42.0–42.5 GHz band for wireless services and to designate the 40.0–42.0 GHz band for satellite services. Specifically, the Commission proposes: (1) To re-designate the 41.0–42.0 GHz band for satellite services and the 37.6–38.6 GHz band for wireless services; and (2) to add a designation to the 40.5–41.0 GHz band for MSS. The Commission also proposes to adopt or to consider several changes to the table of frequency allocations, including the following: (1) Adding a Fixed-Satellite Service (FSS) allocation in the 37.5–37.6 GHz band; (2) shifting the Mobile-Satellite Service (MSS) allocation from the 39.5–40.0 GHz band to the 40.5–41.0 GHz band; (3) adding a primary Government FSS allocation to the 40.5–41.0 GHz band; (4) adding a primary FSS allocation in the 41.0–42.0 GHz band; (5) considering the addition of fixed and mobile for non-Government use to the 42.5–43.5 GHz band; and (6) providing additional protection to Radio Astronomy in the 42.5–43.5 GHz band. Finally, the Commission proposes to better define the spectrum designations that the Commission chose for the 36.0–51.4 GHz band. The Commission seeks comment on the general approach to the proposed domestic implementation of the U.S. achievements at WRC–2000 and on each of the proposals individually. While the proposed band plan alters the layout of satellite and terrestrial service designations in the band to recognize the U.S. achievements at WRC–2000, the proposed band plan would not change the total spectrum currently designated for use by satellite and terrestrial wireless services.

Paperwork Reduction Act Analysis

Because there are no new or modified paperwork requirements in the proposed rules, there is no increase in paperwork burden associated with this rulemaking.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Further Notice of Proposed Rulemaking. The Commission will send a copy of the Further Notice of Proposed Rulemaking, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a).

A. Need for and Objectives of the Proposed Rules

In this Further Notice of Proposed Rulemaking, the Commission proposes to modify the band segmentation plan governing operations in the 36.0–43.5 GHz band to reflect decisions reached at the 2000 World Radiocommunication Conference (WRC–2000). To provide satellite and terrestrial operators with greater certainty about the scope of operations in this band, the Commission also proposes specific power flux density (PFD) limits on satellite operations in portions of this band. In the Further Notice of Proposed Rulemaking, the Commission proposes to re-designate the 41.0–42.0 GHz band

for satellite services and the 37.6–38.6 GHz band for wireless services and to add a designation to the 40.5–41.0 GHz band for MSS. The Commission also proposes to adopt or consider adopting several changes to the table of frequency allocations, including: Adding an FSS allocation in the 37.5–37.6 GHz band that would give FSS gateways more flexibility by allowing access to an additional 100 megahertz of spectrum; shifting the MSS allocation from the 39.5–40.0 GHz band to the 40.5–41.0 GHz band to meet specific U.S. government requirements, including NATO treaty obligations; adding a primary government FSS allocation to the 40.5–41.0 GHz band to offset the proposal to designate the 37.0–40.0 GHz band for wireless services that would eliminate a portion of the one gigahertz of spectrum that the U.S. government has sought for its use; adding a primary FSS allocation in the 41.0–42.0 GHz band to shift FSS to above 40 GHz, while maintaining the 2 gigahertz of spectrum the Commission has designated for its use; adding non-government fixed and mobile services to the 42.5–43.5 GHz band that is currently available only for U.S. government use; and providing additional protection to Radio Astronomy in the 42.5–43.5 GHz band.

B. Legal Basis

The proposed action is taken pursuant to sections 1, 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. 151, 154(i), 301, 302, 303(e), 303(f), 303(g), 303(r), 304, and 307.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, the Commission estimates that 81,600 (96 percent) are small entities.

Regarding future satellite use of the bands that are the subject of this rulemaking, the Commission has not developed a definition of small entities applicable to geostationary or non-geostationary orbit fixed-satellite service applicants or licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to Communications Services, Not Elsewhere Classified. This definition provides that a small entity is one with $11.0 million or less in annual receipts. According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified, which could potentially fall into the geostationary or non-geostationary orbit fixed-satellite service category. Of those, approximately 775 reported annual receipts of $11 million or less and qualify as small entities. Generally, these NGSO and GSO FSS systems cost several millions of dollars to construct and operate. Therefore the NGSO and GSO FSS companies, or their parent companies, rarely qualify under this definition as a small entity. In addition, the proposed rules may affect allocations for the space research (passive) and radio astronomy services. There are no small entities affected by this action because only Federal agencies currently make use of these services.

The Commission notes that the rules proposed in this order provide spectrum for future wireless and satellite licensees and the proposal would not affect any current non-Federal Government users. Regarding future terrestrial fixed and mobile use of the subject bands, the definition of small entity under the SBA rules for the radiotelephone industry provides that a small entity is a radiotelephone company employing no more than 1,500 persons. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available, shows that only 12 radiotelephone firms out of a total of 1,178 such firms that operated during 1992 had 1,000 or more employees. While the Commission cannot at this time know precisely which entities will ultimately be utilizing all the subject spectrum, the following services are possibilities:

1. *Fixed Microwave Services.* Microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. At present, there are approximately 22,015 common carrier fixed licensees and 61,670 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. The Commission has not yet defined a small business with respect to microwave services. For purposes of this IRFA, the Commission will use the SBA's definition applicable to radiotelephone companies—*i.e.,* an entity with no more than 1,500 persons. The Commission estimate that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone companies.

2. *39 GHz Service.* The Commission defined ''small entity'' for 39 GHz licenses as an entity that has average gross revenues of less than $40 million in the three previous calendar years. An additional classification for ''very small business'' was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining ''small entity'' in the context of 39 GHz auctions have been approved by the SBA. The auction of the 2,173 39 GHz licenses began on April 12, 2000 and closed on May 8, 2000. The 18 bidders who claimed small business status won 849 licenses.

3. *Local Multipoint Distribution Service.* The auction of the 1,030 Local Multipoint Distribution Service (LMDS) licenses began on February 18, 1998 and closed on March 25, 1998. The Commission defined ''small entity'' for LMDS licenses as an entity that has average gross revenues of less than $40 million in the three previous calendar year. An additional classification for ''very small business'' was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining ''small entity'' in the context of LMDS auctions

have been approved by the SBA. There were 93 winning bidders that qualified as small entities in the LMDS auctions. A total of 93 small and very small business bidders won approximately 277 A Block licenses and 387 B Block licenses. On March 27, 1999, the Commission re-auctioned 161 licenses; there were 40 winning bidders. Based on this information, the Commission concludes that the number of small LMDS licenses will include the 93 winning bidders in the first auction and the 40 winning bidders in the re-auction, for a total of 133 small entity LMDS providers as defined by the SBA and the Commission's auction rules.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

None. No incumbents are effected by this proposed action. The only service rule changes proposed concern power flux density limits and frequency tolerance and emission limitations, which do not have associated compliance burdens.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

In this Further Notice of Proposed Rulemaking, the Commission proposes to modify the band segmentation plan governing operations in the 36.0–43.5 GHz band to reflect decisions reached at WRC–2000. The Commission also proposes specific power flux density (PFD) limits on satellite operations in portions of this band.

The Commission is initiating this proceeding to solicit comment on how best to domestically accommodate the changes to the international Radio Regulations adopted at WRC–000. The proposed changes to the domestic allocations seek to maximize efficient use of the radio spectrum by both satellite and terrestrial uses, with minimal changes to the existing Table of Allocations. These changes will provide satellite and terrestrial operators, including small entity operators, with greater certainty about the scope of operations in this band.

Currently, with a proposal primarily attempting to settle spectrum allocation and segmentation issues, there are few alternatives being considered other than frequency parameters. Nevertheless, the Commission notes that, with respect to power flux density limits, the Commission considered the alternative of delaying the implementation of such limits until after the outcome of WRC–2003 to take into account further studies regarding the issue taking place at the International Telecommunication Union. However, the Commission rejected this proposal, concluding that U.S. terrestrial licensees, including small entities, would benefit greatly in the designing and deployment of their systems by knowing with certainty the limits that would apply in the United States. Similarly, the Commission considered and rejected alternative band sharing and hard segmentation plans because those alternatives might be overly burdensome to licensees, including small entity operators, or might overly restrict flexible future uses of the bands.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects

47 CFR Part 2

Radio, Telecommunications.

47 CFR Part 25

Communications common carriers, Radio, Satellites, Telecommunications.

47 CFR Part 101

Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 2, 25, and 101 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. Revise pages 76, 77, and 78.

b. Add, under International Footnotes, I. New ''S'' Numbering Scheme, footnotes S5.551AA and S5.551G in numerical order and remove footnotes S5.551.B, S551.C, S551.D, and S551.E.

c. Add United States footnotes USXXX and USYYY in numerical order.

d. Revise Federal Government footnote G117.

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

36-37 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) S5.149	36-37 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) US263 US342		
37-37.5 FIXED MOBILE SPACE RESEARCH (space-to-Earth) S5.547	37-38 FIXED MOBILE SPACE RESEARCH (space-to-Earth)	37-37.5 FIXED MOBILE	
37.5-38 FIXED FIXED-SATELLITE (space-to-Earth) S5.551AA MOBILE SPACE RESEARCH (space-to-Earth) Earth exploration-satellite (space-to-Earth) S5.547		37.5-38.6 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE	Satellite Communications (25)
38-39.5 FIXED FIXED-SATELLITE (space-to-Earth) S5.551AA MOBILE Earth exploration-satellite (space-to-Earth) S5.547	38-38.6 FIXED MOBILE		
	38.6-39.5 US291	38.6-39.5 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE US291	Auxiliary Broadcasting (74) Fixed Microwave (101) Satellite Communications (25)
39.5-40 FIXED FIXED-SATELLITE (space-to-Earth) S5.551AA MOBILE MOBILE-SATELLITE (space-to-Earth) Earth exploration-satellite (space-to-Earth) S5.547	39.5-40 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) US291 USYYY G117	39.5-40 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE US291 USYYY	

40-50.2 GHz (EHF) Page 77

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
40-40.5 EARTH EXPLORATION-SATELLITE (Earth-to-space) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth) SPACE RESEARCH (Earth-to-space) Earth exploration-satellite (space-to-Earth)			40-40.5 EARTH EXPLORATION-SATELLITE (Earth-to-space) FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) SPACE RESEARCH (Earth-to-space) Earth exploration-satellite (space-to-Earth) G117	40-40.5 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth)	Satellite Communications (25)
40.5-41 FIXED FIXED-SATELLITE (space-to-Earth) BROADCASTING BROADCASTING-SATELLITE Mobile S5.547	40.5-41 FIXED FIXED-SATELLITE (space-to-Earth) BROADCASTING BROADCASTING-SATELLITE Mobile Mobile-satellite (space-to-Earth) S5.547	40.5-41 FIXED FIXED-SATELLITE (space-to-Earth) BROADCASTING BROADCASTING-SATELLITE Mobile S5.547	40.5-41 FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) US211 G117	40.5-41 FIXED-SATELLITE (space-to-Earth) BROADCASTING BROADCASTING-SATELLITE Mobile Mobile-satellite (space-to-Earth) Fixed US211	
41-42.5 FIXED FIXED-SATELLITE (space-to-Earth) S5.551AA BROADCASTING BROADCASTING-SATELLITE Mobile S5.547 S5.551F S5.551G			41-42.5 US211 USXXX	41-42 FIXED FIXED-SATELLITE (space-to-Earth) BROADCASTING BROADCASTING-SATELLITE MOBILE US211 USXXX 42-42.5 FIXED BROADCASTING BROADCASTING-SATELLITE MOBILE US211 USXXX	

42.5-43.5 FIXED FIXED-SATELLITE (Earth-to-space) S5.552 MOBILE except aeronautical mobile RADIO ASTRONOMY S5.149 S5.547	42.5-43.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE except aeronautical mobile RADIO ASTRONOMY US342	42.5-43.5 RADIO ASTRONOMY US342	
43.5-47 MOBILE S5.553 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE	43.5-45.5 MOBILE-SATELLITE (Earth-to-space) FIXED-SATELLITE (Earth-to-space) G117	43.5-45.5	
	45.5-46.9 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION-SATELLITE S5.554		RF Devices (15)
S5.554	46.9-47 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION-SATELLITE S5.554	46.9-47 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION-SATELLITE FIXED S5.554	
47-47.2 AMATEUR AMATEUR-SATELLITE	47-48.2	47-47.2 AMATEUR AMATEUR-SATELLITE	Amateur (97)
47.2-50.2 FIXED FIXED-SATELLITE (Earth-to-space) S5.552 MOBILE		47.2-48.2 FIXED FIXED-SATELLITE (Earth-to-space) US297 MOBILE US264	
S5.149 S5.340 S5.552A S5.555	48.2-50.2 FIXED FIXED-SATELLITE (Earth-to-space) US297 MOBILE US264 S5.555 US342		Satellite Communications (25)

* * * * *

International Footnotes

* * * * *

I. New ''S'' Numbering Scheme

* * * * *

S5.551AA In the bands 37.5–40 GHz and 42–42.5 GHz, non-geostationary-satellite systems in the fixed-satellite service should employ power control or other methods of downlink fade compensation of the order of 10 dB, such that the satellite transmissions are at power levels required to meet the desired link performance while reducing the level of interference to the fixed service. The use of downlink fade compensation methods are under study by ITU–R (see Resolution 84 (WRC–2000)).

* * * * *

S5.551G In order to protect the radio astronomy service in the band 42.5–43.5 GHz, the aggregate power flux-density in the 42.5–43.5 GHz band produced by all the space stations in any non-geostationary-satellite system in the fixed-satellite service (space-to-Earth) or in the broadcasting-satellite service (space-to-Earth) system operating in the 41.5–42.5 GHz band shall not exceed -167 dB(W/m^2) in any 1 MHz band at the site of a radio astronomy station for more that 2% of the time. The power flux-density in the band 42.5–43.5 GHz produced by any geostationary station in the fixed-satellite service (space-to-Earth) or in the broadcasting-satellite service (space-to-Earth) operating in the band 42–42.5 GHz shall not exceed -167 dB(W/m^2) in any 1 MHz band at the site of a radio astronomy station. These limits are provisional and will be reviewed in accordance with Resolution 128 (Rev.WRC–2000).

* * * * *

United States (US) Footnotes

* * * * *

USXXX To protect the radio astronomy service in the band 42.5–43.5 GHz, the aggregate power flux-density in the 42.5–43.5 GHz band produced by all the space stations in any non-geostationary-satellite system in the fixed-satellite service (space-to-Earth) operating in the 41.5–42.0 GHz band or in the broadcasting-satellite service (space-to-Earth) system operating in the 41.5–42.5 GHz band shall not exceed -167 dB(W/m^2) in any 1 MHz band at the site of a radio astronomy station for more that 2% of the time. The power flux-density in the band 42.5–43.5 GHz produced by any geostationary station in the broadcasting-satellite service (space-to-Earth) operating in the band 42–42.5 GHz shall not exceed -167 dB(W/m^2) in any 1 MHz band at the site of a radio astronomy station.

USYYY In the band 39.5–40 GHz, Government earth stations in the mobile-satellite service (space-to-Earth) shall not claim protection from non-Government stations in the fixed and mobile services. S5.43A does not apply.

* * * * *

Federal Government (G) Footnotes

* * * * *

G117 In the bands 7.25–7.75 GHz, 7.9–8.4 GHz, 17.8–21.2 GHz, 30–31 GHz, 33–36 GHz, 39.5–41 GHz, 43.5–45.5 GHz and 50.4–51.4 GHz, the Government fixed-satellite and mobile-satellite services are limited to military systems.

* * * * *

PART 25—SATELLITE COMMUNICATIONS

3. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309 and 332 of the Communications Act, as amended, 47 U.S.C. Sections 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

4. Section 25.202(a)(1) is revised as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a)(1) *Frequency band.* The following frequencies are available for use by the fixed-satellite service. Precise frequencies and bandwidths of emission shall be assigned on a case-by-case basis. The table follows:

Space-to-earth (GHz)
3.7–4.2[1]
10.7–10.95[1 12]
10.95–11.2[1 2 12]
11.2–11.45[1 12]
11.45–11.7[1 2 12]
11.7–12.2[3]
12.2–12.7[13]
18.3–18.58[1 10]
18.58–18.8[6 10 11]
18.8–19.3[7 10]
19.3–19.7[8 10]
19.7–20.2[10]
37.5–40[14]
40–42

Earth-to-space (GHz)
5.925–6.425[1]
12.75–13.15[1 12]
13.2125–13.25[1 12]
13.75–14[4 12]
14–14.2[5]
14.2–14.5
17.3–17.8[9]
27.5–29.5[1]
29.5–30
48.2–50.2

[1] This band is shared coequally with terrestrial radiocommunication services.

[2] Use of this band by geostationary satellite orbit satellite systems in the fixed-satellite service is limited to international systems; *i.e.,* other than domestic systems.

[3] Fixed-satellite transponders may be used additionally for transmissions in the broadcasting-satellite service.

[4] This band is shared on an equal basis with the Government radiolocation service and grandfathered space stations in the Tracking and Data Relay Satellite System.

[5] In this band, stations in the radionavigation service shall operate on a secondary basis to the fixed-satellite service.

[6] The band 18.58–18.8 GHz is shared co-equally with existing terrestrial radiocommunication systems until June 8, 2010.

[7] The band 18.8–19.3 GHz is shared co-equally with terrestrial radiocommunication services, until June 8, 2010. After this date, the sub-band 19.26–19.3 GHz is shared co-equally with existing terrestrial radiocommunication systems.

[8] The use of the band 19.3–19.7 GHz by the fixed-satellite service (space-to-Earth) is limited to feeder links for the mobile-satellite service.

[9] The use of the band 17.3–17.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for broadcasting-satellite service, and the sub-band 17.7–17.8 GHz is shared co-equally with terrestrial fixed services.

[10] This band is shared co-equally with the Federal Government fixed-satellite service.

[11] The band 18.6–18.8 GHz is shared co-equally with the non-Federal Government and Federal Government Earth exploration-satellite (passive) and space research (passive) services.

[12] Use of this band by non-geostationary satellite orbit systems in the fixed-satellite service is limited to gateway earth station operations.

[13] Use of this band by the fixed-satellite service is limited to non-geostationary satellite orbit systems.

[14] Use of this band by the fixed-satellite service is limited to ''gateway'' earth station operations, provided the licensee under this part obtains a license under part 101 of this chapter or an agreement from a part 101 licensee for the area in which an earth station is to be located. Satellite earth station facilities in this band may not be ubiquitously deployed and may not be used to serve individual consumers.

* * * * *

5. Section 25.208 is amended by adding new paragraphs (n), (o), (p), (q) and (r) to read as follows:

§ 25.208 Power flux density limits.

* * * * *

(n)(1) In the band 37.5–40.0 GHz, the power flux-density at the Earth's surface produced by emissions from a non-geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) -132 dB(W/m^2) in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-132 + 0.75\ (\delta - 5)$ dB(W/m^2) in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane; and

(iii) -117 dB(W/m^2) in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions. These PFD limits may be exceeded by up to 12 dB under fade conditions.

(o)(1) In the band 37.5–40.0 GHz, the power flux-density at the Earth's surface produced by emissions from a geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) -139 dB(W/m^2) in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-139 + 4/3\ (\delta - 5)$ dB(W/m^2) in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 20 degrees above the horizontal plane;

(iii) $-119 + 0.4\ (\delta - 20)$ dB(W/m^2) in any 1 MHz band for angles of arrival δ (in degrees) between 20 and 25 degrees above the horizontal plane; and

(iv) -117 dB(W/m^2) in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions. These PFD limits may be exceeded by up to 12 dB under fade conditions.

(p)(1) In the band 40.0–40.5 GHz, the power flux-density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) -115 dB(W/m^2) in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-115 + 0.5\ (\delta - 5)$ dB(W/m^2) in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane; and

(iii) -105 dB(W/m^2) in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions.

(q)(1) In the band 40.5–42.0 GHz, the power flux density at the Earth's surface produced by emissions from a non-geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) -115 dB(W/m^2) in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-115 + 0.5\ (\delta - 5)$ dB(W/m^2) in any 1 MHz band for angles of arrival (in degrees) between 5 and 25 degrees above the horizontal plane; and

(iii) -105 dB(W/m^2) in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux density that would be obtained under assumed free-space propagation conditions.

(r)(1) In the band 40.5–42.0 GHz, the power flux-density at the Earth's surface produced by emissions from a geostationary space station for all conditions and for all methods of modulation shall not exceed the following values:

(i) -120 dB(W/m^2) in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

(ii) $-120 + (\delta - 5)$ dB(W/m^2) in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 15 degrees above the horizontal plane;

(iii) $-110 + 0.5(\delta - 15)$ dB(W/m^2) in any 1 MHz band for angles of arrival δ (in degrees) between 15 and 25 degrees above the horizontal plane; and

(iv) -105 dB(W/m^2) in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

(2) These limits relate to the power flux-density that would be obtained under assumed free-space propagation conditions.

PART 101—FIXED MICROWAVE SERVICES

6. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

7. Section 101.147 is amended in paragraph (a) by revising the entry for 38,600–40,000 MHz in the listing of assignments and adding a new note (31) to read as follows:

§ 101.147 Frequency assignments.

(a) * * *

38,600–40,000 MHz (4)(31)

* * * * *

Notes

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(31) Frequencies in this band are shared with stations in the fixed-satellite service, subject to the conditions specified in footnote 14 in 47 CFR 25.202(a)(1).

* * * * *

[FR Doc. 01–15972 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1482; MM Docket No. 01–130, RM–10147; MM Docket No. 01–131, RM–10148; MM Docket No. 01–132, RM–10149]

Radio Broadcasting Services; Batesville, TX; Benjamin, TX; and Junction, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes new allotments to Batesville, TX; Benjamin, TX; and Junction, TX. The Commission requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 250A at Batesville, Texas, as the community's first local aural transmission service. Channel 250A can be allotted to Batesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.9 kilometers (8.0 miles) northeast of Batesville. The coordinates for Channel 250A at Batesville are 29–01–34 North Latitude and 99–30–59 West Longitude. Since Batesville is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be filed on or before August 13, 2001, and reply comments on or before August 28, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Charles Crawford, 4553 Bordeaux Ave., Dallas, Texas 75205.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–130; MM Docket No. 01–131; and MM Docket No. 01–132, adopted June 13, 2001, and released June 22, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

The Commission requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 257C2 at Benjamin, Texas, as the community's first local aural transmission service. Channel 257C2 can be allotted to Benjamin in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.4 kilometers (2.7 miles) northwest of Benjamin. The coordinates for Channel 257C2 at Benjamin are 33–36–04 North Latitude and 99–50–04 West Longitude.

The Commission requests comments on a petition filed by Charles Crawford proposing the allotment of Channel 297A at Junction, Texas, as the community's second local aural FM transmission service. Channel 297A can be allotted to Junction in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.5 kilometers (2.2 miles) southeast of Junction. The coordinates for Channel 297A at Junction are 30–27–37 North Latitude and 99–45–22 West Longitude.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Batesville, Channel 250A; Benjamin, Channel 257C2; and Channel 297A at Junction.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–16795 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1388; MM Docket No.01–121, RM–10125]

Radio Broadcasting Services; Manning, Moncks Corner, South Carolina

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Cumulus Licensing Corp., requesting the reallotment of Channel 223C from Manning to Moncks Corner, South Carolina, as the community's first local aural transmission service. Petitioner is asked to provide additional information in support of the requested reallotment, specifically the short spacing to Station WMYB(FM), Myrtle Beach, South Carolina, due to Section 73.215 processing. No change of transmitter site is proposed. Channel 223C can be allotted at Moncks Corner at petitioner's site 37.7 kilometers (23.4 miles) north of the community. Coordinates for Channel 223C at Monck's Corner are 33–32–05 NL and 79–59–15 WL.

DATES: Comments must be filed on or before July 30, 2001, and reply comments on or before August 14, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: David D. Burns, Kathrine L. Calderazzi, Paul, Hastings, Janofsky & Walter, 1299 Pennsylvania Ave., NW., Tenth Floor, Washington, DC 20004–2400 .

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–121 adopted May 30, 2001 and released June 8, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Channel 223C at Manning, and adding Moncks Corner, Channel 223C.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–16793 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[I.D. 062701A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of final determination and discussion of underlying biological analysis.

SUMMARY: NMFS has evaluated the Tribal Resource Management Plan (Tribal Plan) submitted by the Northwest Indian Fisheries Commission (NWIFC), presented by the Bureau of Indian Affairs, Portland, OR on behalf of the Northwest Indian Tribes for tribal research and assessment activities pursuant to the protective regulations promulgated for Puget Sound chinook salmon under the Endangered Species Act (ESA). The Tribal Plan specifies the future scientific research and assessment activities in the Puget Sound region that potentially affect listed Puget Sound chinook salmon.

This document serves to notify the public that NMFS, by delegated authority from the Secretary of Commerce, has determined that implementing and enforcing the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon Evolutionarily Significant Unit (ESU). This document also includes a summary of the underlying biological analysis used in the determination (Evaluation).

DATES: The determination of the take limit was made on June 14, 2001.

ADDRESSES: Protected Resources Division, National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737.

FOR FURTHER INFORMATION CONTACT: Leslie Schaeffer at: 503/230–5433, or e-mail: *leslie.schaeffer@noaa.gov* regarding the Tribal Plan.

SUPPLEMENTARY INFORMATION: This document is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) ESU

Background

The NWIFC submitted a Tribal Plan, presented by the Bureau of Indian Affairs on behalf of the Northwest Indian Tribes for scientific research and assessment activities in the Puget Sound region affecting the Puget Sound chinook salmon ESU. The activities are intended to provide the technical basis for fisheries management and for the conservation and restoration of salmon stocks and their habitat. The Tribal Plan also includes implementation, monitoring, evaluation, enforcement, and reporting procedures designed to ensure the research is consistent with these objectives. The research activities described in the Tribal Plan span a 5–year period beginning on January 1, 2001.

On April 12, 2001, at 66 FR 18904, NMFS published a notice of availability for public review and comment on its Evaluation of how the Tribal Plan addressed the factors in § 223.209 (65 FR 42481, July 10, 2000) of the ESA Tribal Plan Limit.

As required by § 223.209 of the ESA Tribal Plan Limit, NMFS must determine whether the Tribal Plan would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon and other affected threatened ESUs. NMFS must take comments on how the Tribal Plan addresses the factors in § 223.209 in making that determination.

Discussion of the Biological Analysis Underlying the Determination

The Tribal Plan describes tribal research and assessment activities in the Puget Sound region that provide the technical basis for fisheries management and for the conservation and restoration of salmon stocks and their habitat. The need for improved and more quantitative understanding of salmonid freshwater and marine survival motivates much of the current research. Many of the activities are also intended to provide information for the planning, implementation, and monitoring of habitat protection and restoration efforts. Tribal resource management entities cooperate with the Washington Department of Fish and Wildlife and other state and local agencies in many research activities. The Tribal Plan describes only those activities that are principally funded through, and managed by, tribal agencies.

The Tribal Plan is organized into three sections: (1) Spawning escapement surveys, (2) smolt production studies, and (3) habitat utilization and life history studies. Each section further describes the significance of the research and assessment activities and the sampling methods proposed.

It is NMFS' determination that the research and assessment activities included in the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the ESU in the wild based on the current status of this ESU. This research-related take is not expected to reach a level that will significantly affect any single chinook population in the ESU.

The Tribal Plan contains a section describing a protocol for assuring that the level and extent of take associated with the activities do not reduce the likelihood of survival and recovery of this ESU. The Tribal Plan states that monitoring of take during the course of each activity will determine whether take and mortality are occurring at a level greater than the expected level. The Tribal Plan contains procedures whereby the overall impact of research and assessment activities can be regularly evaluated. Sampling methods and schedules will be altered as necessary to minimize take. Annual reports will include the actual take associated with each activity. NMFS will be informed when take exceeds the projected level for any activity and will be consulted regarding subsequent changes in methodology.

NMFS Evaluation contains general and specific conditions and operating requirements the tribes will follow to have the Tribal Plan Limit apply. Further, the Evaluation contains reporting requirements, a modification process should the tribes propose new or modified research, and a reevaluation process. This information will be used by NMFS and the tribes at least annually or as needed to assess whether impacts to listed fish are as expected, and to revise the Tribal Plan as necessary.

Summary of Comments Received in Response to the Proposed Evaluation and Recommended Determination

NMFS published notification of its evaluation and pending determination on the Tribal Plan for public review and comment on April 12, 2001 (66 FR 18904). The public comment period closed on May 14, 2001. NMFS received no comments concerning this document.

Based on its Evaluation and the fact that no public comments were received, NMFS issued its final determination on the Tribal Plan on June 14, 2001.

Authority

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as it deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal Plan Limit (65 FR 42481, July 10, 2000) states that the ESA section 9 take prohibitions will not apply to any activity undertaken by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in compliance with a Tribal Plan determined by NMFS to not appreciably reduce the likelihood of survival and recovery of the listed salmonids.

Dated: June 28, 2001.

Phil Williams,

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

[FR Doc. 01–16843 Filed 7–3–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 129

Thursday, July 5, 2001

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Solicitation for Membership to the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces solicitation for nominations to fill 11 vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board.

DATES: Deadline for Advisory Board member nominations is August 15, 2001.

SUPPLEMENTARY INFORMATION: Section 802 of the Federal Agricultural Improvement and Reform Act of 1966 (The Farm Bill) authorized the creation of the National Agricultural Research, Extension, Education, and Economics Advisory Board. The Board is comprised of 30 members, each representing a specific category related to farming or ranching, food production and processing, forestry research, crop and animal science, land-grant institutions, food retailing and marketing, rural economic development, and natural resource and consumer interest groups, among many others. The Board was first appointed in September 1996 and one-third of the 30 members were appointed for a 1, 2, and 3 year term, respectively.

As a result of the staggered appointments, the terms for 10 of the 30 members who represent 10 specific categories will expire September 30, 2001. Nominations for a 3-year appointment for all 10 of the vacant categories are sought.

In addition, the current member of the category P, Hispanic Serving Institutions, will not be serving out the remainder of his term. Therefore, this slot will be vacant as well and available for a 2-year term nomination. Nominees will be carefully reviewed for their broad expertise, leadership, and relevancy to a category. The full 11 slots to be filled are:

5. National Animal Commodity Organizations
8. National Food Animal Science Societies
1. National Crop, Soil, Agronomy, Horticulture or Weed Sciences Societies
14. Land-Grant Colleges and Universities—1890; including Tuskegee University
15. 1994 Equity in Education Land-Grant Institutions
16. Hispanic-Serving Institutions (2-year term)

T. Food Retailing and Marketing
V. Rural Economic Development
23. National Consumer Interest Groups
24. National Forestry Groups
25. National Conservation or Natural Resource Groups

Nominations are being solicited from organizations, associations, societies, councils, federations, groups, and companies that represent a wide variety of food and agricultural interests. Nominations for one individual who fits several of the categories listed above, or for more than one person who fits one category will be accepted. Please indicate the specific membership category for each nominee. Each nominee must fill out a form AD–755, ''Advisory Committee Membership Background Information'' (which can be obtained from the contact person below) and will be vetted before selection. Send nominee's name, resume, and their completed AD–755 to the Office of the Advisory Board, Research, Education, and Economics, 1400 Independence Avenue, SW., Room 344–A, JL Whitten Building, Washington, DC 20250–2255, no later than August 15, 2001.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, 1400 Independence Avenue, SW., Room 344–A, JL Whitten Building, Washington, DC 20250–2255. Telephone 202–720–3684. Fax: 202–720–6199, or e-mail, *dhanfman@reeusda.gov.*

Done at Washington, DC this 27th day of June 2001.

Dawn R. Riley,

Acting Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 01–16783 Filed 7–3–01; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lolo National Forest Post Burn EIS, Lolo National Forest, Missoula, Mineral, and Sanders Counties, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; Intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to implement post fire forest management and watershed rehabilitation activities.

DATES: Comments concerning the scope of the analysis should be received in writing by July 30, 2001.

ADDRESSES: Send written comments to: Team Leader, Lolo National Forest Post Burn EIS, Plains/Thompson Falls Ranger District, P.O. Box 429, Plains, MT, 59859.

FOR FURTHER INFORMATION CONTACT: Chris Partyka, Interdisciplinary Team Leader, (406) 826–4355. E-Mail: cpartyka@fs.fed.us.

SUPPLEMENTARY INFORMATION: An exceptional number of wildland fires burned on the Lolo National Forest in the summer of 2000. The direct effects of the fires, along with resource conditions caused by previous land uses, drive the need to conduct vegetation management and watershed rehabilitation activities in and near some of the burned areas.

The Proposed Action includes a variety of management activities on and near the Upper Ninemile Complex (19,900 acres), Alpine Divide (3,600 acres), Thompson-Flat Complex (9,500 acres), and Landowner (5,700 acres) fires. These activities include: (1) Salvaging approximately 5,000 acres of timber burned by moderate to high fire severities, (2) commercially thinning approximately 10,000 acres of unburned

timber and timber burned by low severity fires, (3) salvaging approximately 100 acres of insect killer timber adjacent to the fire perimeters, (4) conducting prescribed burns (following salvage and commercial thinning activities) on approximately 1,600 acres, (5) conducting ecosystem-management prescribed burns on approximately 1,300 acres, (6) planting approximately 12,000 acres of areas burned by moderately-high to high fire severities where natural regeneration is absent or insufficient, (7) constructing approximately 3 miles of temporary road to access harvest areas, (8) reconstructing approximately 185 miles of deteriorating road, (9) decommissioning approximately 140 miles of unneeded roads, (10) removing or replacing up to 350 undersized or improperly positioned culverts (priority on structures that are fish passage barriers or that pose greatest potential for causing stream sedimentation), (11) evaluating need for and implementing stabilization and rehabilitation activities on approximately 30 miles of stream, (12) evaluating need for and implementing soil erosion control measures on approximately 14,000 acres burned by moderately-high to high fire severities, (13) completing fire line stabilization activities on approximately 14 miles of fire line near streams, and (14) providing interpretive information for 3 historical sites.

The purpose and need for the actions are to: (1) Provide wood fiber to support local communities that continue to be associated with commodity outputs from the National Forest, (2) provide for healthy stands and optimize timber growing potential in areas allocated for timber management within the Forest Plan, (3) improve vegetation structure in order to: (a) reduce future fire intensity, (b) reduce the potential for epidemic bark beetle infestations in ''at-risk'' stands, (c) improve habitat for flammulated owls, and (d) enhance the potential for old growth forest conditions in low elevation, drier, forest habitats, (4) reestablish or promote ''at risk'' ponderosa pine, western larch and whitebark pine tree species and other sensitive plant species, (5) reduce the potential for runoff, accelerated erosion, and sediment delivery to stream channels from roads, (6) reduce economic burdens associated with maintaining unneeded roads, (7) remove fish passage barriers at road/stream interfaces and improve fish habitat, (8) protect soil quality and stability, and (9) protect cultural and historical resources.

Overall guidance for land management activities in the project area is provided by the Lolo National Forest Plan (U.S. Department of Agriculture, 1986).

Several preliminary issues of concern have been identified regarding the Proposed Action. These issues include:

(1) *Black Backed Woodpecker:* Burned trees provide a food source and nesting habitat for Black Backed woodpecker. There is a concern that the removal of burned trees may affect population viability for this sensitive species.

(2) *Lynx Habitat:* The fires impacted suitable habitat for Canada Lynx. Course woody debris is an important component of denning habitat, and if a reburn does not occur, the fire areas are expected to produce denning and foraging habitat. There is a concern that post fire recovery of timber products would reduce or remove important denning habitat.

(3) *Aquatic Habitat:* Inappropriately sized or placed culverts at stream crossings can prevent upstream fish passage, thus reducing the ability of fish populations to persist in a healthy state or to recover from landscape disturbances such as wildfire. There is a concern that delays in eliminating migration barriers may impair function and recovery of fish populations, as well as increase the risk of sediment production and delivery to instream habitat.

(4) *Water Quality:* Streams in or downstream of the fire areas have been impacted by past management and by the wildfires of 2000. Two streams (Ninemile and Trout Creeks) are listed by the State of Montana as ''Water Quality Impaired or Threatened'' under section 303(d) of the Clean Water Act. Although the Proposed Action is intended to provide long-term benefits, there is a concern that the cumulative effects of past land use, the fires, and the Proposed Action may have short-term negative impacts to some watersheds.

(5) *Forest Access:* Some Forest roads have provided public access for decades. There is a concern that decommissioning these roads to improve water quality may conflict with long established public use patterns.

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative in which none of the proposed activities will be implemented. Additional alternatives will examine varying levels and locations of activities that could meet the purpose and need, as well as to respond to identified issues and other resource values.

The DEIS (Draft Environmental Impact Statement) will analyze the direct, indirect, and cumulative environmental effects of the proposed action and alternatives, including ongoing and reasonably foreseeable activities on National Forest System Lands and adjacent land ownerships within the project area. The DEIS will also disclose the analysis of site-specific mitigation measures and their effectiveness. The DEIS is expected to be filed with the EPA (Environmental Protection Agency) and made available for public review by October 2001.

The public is encouraged to take part in the process and to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, Indian tribes, individuals, and organizations that may be interested in, or affected by, the Proposed Action. This input will be used to identify issues which will drive the analysis and determine alternatives to the Proposed Action.

The comment period on the DEIS (Draft Environmental Impact Statement) will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

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

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and

discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

As the Forest Supervisor of the Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59804, I am the responsible official. As the responsible official I will decide if the proposed project will be implemented. I will document the decision and reasons for the decision in the Record of Decision.

Dated: June 15, 2001.

Deborah L.R. Austin,

Forest Supervisor.

[FR Doc. 01–16817 Filed 7–3–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Stainless Steel Flanges From India; Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, AD/CVD Enforcement, Office 8, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–5222, or (202) 482–0649, respectively.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act) requires the Department of Commerce (the Department) to make a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Tariff Act allows the Department to extend the time limit for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Background

On March 9, 2001, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on certain stainless steel flanges from India, covering the period February 1, 1999 through January 31, 2000 (Certain Forged Stainless Steel Flanges From India; Preliminary Results of Antidumping Duty Administrative Review, 66 FR 14127). The final results are currently due no later than July 7, 2001. The respondents are Echjay Forgings Ltd. (with affiliate Pushpaman), Isibars, Ltd., Panchmahal Steel Ltd., Patheja Forgings & Auto Parts, Ltd., and Viraj Forgings, Ltd. The Department has determined that it is not practicable to complete the final results of review within the original time limit mandated by section 751(a)(3)(A) of the Tariff Act and section 351.213(h)(1) of the Department's regulations. *See* Memorandum from Richard A. Weible to Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III, dated June 25, 2001. Accordingly, the Department is extending the time limit for completion of the final results until September 5, 2001, in accordance with section 351.213(h)(2).

Dated: June 25, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–16855 Filed 7–3–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Notice of Extension of Time Limit for New Shipper Reviews

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

ACTION: Notice of extension of time limit.

EFFECTIVE DATE: July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Jarrod Goldfeder or S. Anthony Grasso, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0189 or (202) 482–3853, respectively.

Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and a final determination within 90 days after the date on which the preliminary results were issued. However, if the Department concludes that the case is extraordinarily complicated, section 751(a)(2)(B)(iv) of the Act allows the Department to extend these deadlines to a maximum of 300 days and 150 days, respectively.

Background

On January 24, 2001, the Department published a notice of initiation of new shipper antidumping duty reviews of TRBs from the PRC, covering the period June 1, 2000 through November 30, 2000 (66 FR 8385) for Yantai Timken Company Limited and Peer Bearing Company—Changshan (''CPZ''). On May 9, 2001, the Department expanded CPZ's period of review to January 31, 2001. The preliminary results for the new shipper reviews of TRBs from the PRC are currently due no later than July 23, 2001.

Extension of Time Limits for Preliminary Results

Due to the complexity of the issues, the Department concludes that these reviews are extraordinarily complicated. *See* Memorandum from Team to Richard W. Moreland, ''Extension of Time Limit for Preliminary Results,'' dated, June 27, 2001. Therefore, the Department is extending the time limit for completion of these preliminary results to not later than November 20, 2001, in accordance with section 751(a)(2)(B)(iv) of the Act.

This extension is in accordance with section 751(a)(2)(B) of the Act.

June 28, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 01–16856 Filed 7–3–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Intent To Prepare an Environmental Impact Statement on the Proposed Indiana Coastal Zone Management Program

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

ACTION: Notice of change of date for close of comment period.

SUMMARY: On June 11, 2001, the National Oceanic and Atmospheric Administration announced its intent to prepare an environmental impact statement on the Proposed Indiana Coastal Zone Management Program (66 FR 31215). The public scoping period began with the publication of that notice in the **Federal Register**. Notice is hereby given of a new closing date for submission of written comments of August 6, 2001.

FOR FURTHER INFORMATION CONTACT: John King, Acting Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, tel. 301–713–3155, extension 195, e-mail *john.king@noaa.gov*.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: July 2, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

[FR Doc. 01–16952 Filed 7–2–01; 3:21 pm]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061501D]

Marine Mammals; File No. 358–1564–00

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that the Alaska Department of Fish and Game, 1255 W. 8th Street, P.O. Box 25526, Juneau, Alaska 99802–5526 [P.I. Thomas Gelatt], has requested an amendment to scientific research Permit Number 358–1564–00.

DATES: Written or telefaxed comments must be received on or before August 6, 2001.

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

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Alaska Region, NMFS, P.O. 21668, Juneau, AK 99802–1668 (907/586–7248).

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

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

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 358–1564–00, issued on June 28, 2000 (65 FR 39878) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 358–1564–00 authorizes the permit holder to: take Steller sea lions (Eumetopias jubatus) of all ages and both sexes over a five-year period in Alaska and British Columbia by aerial/boat surveys, capturing, handling, tagging, blood/biopsy sampling, and branding (of pups). The permit holder requests authorization to: administer Evans blue dye, collect additional blood and tissue samples from, and attachment of instruments to Steller sea lions already authorized to be captured and handled, and increase the frequency of aerial surveys and recaptures for purposes of scientific research.

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

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

Dated: June 27, 2001.

Ann Terbush,

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

[FR Doc. 01–16842 Filed 7–3–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Prospective Grant of Exclusive Patent License

AGENCY: U.S. Army Soldier and Biological Chemical Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with the provisions of 35 U.S.C. 209 (c)(1) and 37 CFR Part 404.7 (a)(1)(i), SBCCOM hereby gives notice that it is contemplating the grant of an exclusive license in the United States to practice the invention embodied in U.S. Patent Application 09/662,787, ''Method and Apparatus for Counting Submicron Sized Particles'', 09/662,788, ''Method and System for Detecting and Recording Submicron Sized Particles'', and U.S. Patent 6,051,189, ''System and Method for Detection, Identification and Monitoring of Submicron-Sized Particles'' to Virus Detection System Co, LLC, 245 C. Street, Suite 01, P.O. Box 378, Solomons, MD 20688.

This technology relates to a system and method for detection, identification, and monitoring of submicron sized particles, the method includes the steps of collecting a sample, extracting existing submicron particles from the collected sample based on density, purifying the extracted submicron particles by concentrating the extracted submicron particles based on size and, detecting and identifying the purified extracted submicron particles based on size and density thereby determining submicron particles present in the collected sample. The submicron particles detected and identified include viruses and virus-like agents such as prions. Thus, virus and virus-like agents can be detected and identified based only on their physical properties without the use of biochemical reagents or assays. A system for carrying out the method of detection and identification of these particles is also disclosed.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey L. Hinte, Technology Transfer Office, U.S. Army SBCCOM, ATTN: AMSSB–RAS, 5183 Blackhawk Road (Bldg E3330), APG, MD 21010–5423,

Phone: (410) 436–2901 or E-mail: *jlhinte@sbccom.apgea.army.mil*

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted, unless within fifteen days from the date of this published Notice, SBCCOM receives written evidence and argument to establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–16835 Filed 7–3–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Coastal Engineering Research Board (CERB)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: July 31—August 1, 2001.

Place: U.S. Army Engineer District, Galveston, Galveston, Texas.

Time: 8:00 a.m. to 6:00 p.m. (July 31, 2001); 8:00 a.m. to 1:30 p.m. (August 1, 2001).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Mr. Thomas W. Richardson, Acting Director, Coastal and Hydraulics Laboratory, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* On Tuesday, July 31, the morning session will consist of presentations concerning Muddy Coast Problems, Feasibility Study on Upper Third of the Texas Coast, and status reports on Section 227 Demonstration Projects. A field trip is planned for the afternoon of July 31. On Wednesday, August 1, there will be presentations on the following: Regional Sediment Management Status Report; Regional Sediment Management Research and Development Initiative; System-Wide Modeling, Assessment, and Restoration Technology (SMART) Research and Development Initiative; Navigation Trends Work Unit; and Civil Works Strategic Planning Process, followed by an Executive Working Session.

These meetings are open to the public; participation by the public is scheduled for 11:30 a.m. on July 31.

The entire meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Thomas W. Richardson,

Acting Director, Coastal and Hydraulics Laboratory.

[FR Doc. 01–16834 Filed 7–3–01; 8:45 am]

BILLING CODE 3710–61–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for domestic and foreign licensing by the Department of the Navy. U.S. Patent No. 5,889,871 entitled ''Surface-Laminated Piezoelectric Film Sound Transducer'' and U.S. Patent No. 6,104,816 entitled ''High Noise Communication System''.

ADDRESSES: Requests for copies of the patents cited should be directed to Coastal Systems Station, Dahlgren Division, NSWC, 6703 W. HWY 98, Code CP20L, Panama City, FL 32407–7001.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey A. Gilbert, Counsel, Coastal Systems Station, 6703 W. HWY 98, Code CP20L, Panama City, FL 32407–7001, telephone (850) 234–4646.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: June 22, 2001.

T.J. Welsh,

Lieutenant Commander, Judge Advocate General's Corps,U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–16818 Filed 7–3–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–525–001, FERC–525]

Information Collection Submitted for Review and Request for Comments

June 28, 2001.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of April 4, 2001 (66 FR 17870–71) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, Room 10202 NEOB, 725 17th Street, NW., Washington, DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at *mike.miller@ferc.fed.us.*

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. Collection of Information: FERC–525 ''Financial Audits.''

2. Sponsor: Federal Energy Regulatory Commission.

3. Control No.: OMB No. 1902–0092. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no change to the existing collection. There is a decrease in the reporting burden due to the Commission's shift in emphasis from periodic audits that ensure companies' financial records conform to FERC's accounting and reporting requirements to audits that assess and evaluate the regulatory implication of industry practices and standards. These are mandatory information collection requirements.

4. Necessity of Collection of Information: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (EPA), the Natural Gas Act (NGA) and the Interstate Commerce Act (ICA). These statutes provide the Commission with the authority and responsibility for ensuring compliance by jurisdictional companies with the Acts' requirements. The information gathered under Commission identifier FERC–525 is obtained during financial/compliance audits of jurisdictional companies forming the basis of the audit staff's opinion regarding (1) the reliability of financial data filed with the FERC by companies, (2) the extent of conformance by the companies with the Uniform System of Accounts and other regulations of the FERC, and (3) compliance with the FERC's regulation for open access transportation of natural gas and electric energy including standards of conduct and electronic bulletin board postings of transportation/transmission availability and pricing.

5. Respondent Description: The respondent universe currently comprises on average, 50 companies subject to a Commission audit annually.

6. Estimated Burden: 5,000 total burden hours, 50 respondents, 1 response annually, 100 hours per response (average).

7. Estimated Cost Burden to Respondents: 5,000 hours ÷ 2,080 hours per year × $117,041 per year = $281,349 total costs and average cost per respondent = $5,627.

Authority: Sec. 4(b), 208, 301(b), 302, 307 and 308 of the Federal Power Act, U.S.C. 792–828g; sec. 6, 8(b), 9 and 10 of the Natural Gas Act, 15 U.S.C. 717–717w; and sec. 19 and 20 of the Interstate Commerce Act, 49 U.S.C. 19–20.

David P. Boergers,

Secretary.

[FR Doc. 01–16747 Filed 7–03–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–546–001, FERC–546]

Information Collection Submitted for Review and Request for Comments

June 28, 2001.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under the provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission did not receive any comments in response to an earlier **Federal Register** notice of December 26, 2000 (65 FR 81517–18) and has made a notation in this submission.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before August 6, 2001.

ADDRESSES: Address comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer, Room 10202 NEOB, 725 17th Street, NW., Washington DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Michael Miller, CI–1, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–1415, and by e-mail at *mike.miller@ferc.fed.us.*

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC–546 ''Certificated Rate Filings: Gas Pipeline Rates''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* 1902–0155. The Commission is requesting reinstatement, without change, of the previously approved data collection for which approval expired January 31, 2001, and a three-year approval of the collection of data. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to implement the statutory provisions of Title IV of the Natural Gas Policy Act (NGPA), 15 U.S.C. 3301–3432, Pub. L. 95–621) and sections 4, 5, and 16, of the Natural Gas Act (NGA) (15 U.S.C. 717–717o, Pub. L. 75–688). These statutory provisions require natural gas pipeline companies to obtain Commission authorization for all rates and charges made, demanded, or in connection with the transportation or sale of natural gas in interstate commerce. The Commission is authorized to investigate the rates charged by natural gas pipeline companies subject to its investigation. The data filed in certificated rate filings are used to implement new or revised service proposals for the transportation or sale of natural gas and for compliance with subsequent Commission orders. The distinction between FERC–546 and other rate/tariff data collections is that data collected under FERC–546 involve initial service and tariff revisions due to changes in service rather changes in existing rates. The Commission implements these filings requirements in the Code of Federal Regulations (CFR) under 18 CFR 154.4; 154.7; 154.202; 154.204–.209; 154.602–.603.

5. *Respondent Description:* The respondent universe currently comprises approximately 77 natural gas pipeline companies.

6. *Estimated Burden:* 12,320 hours, 77 respondents, 308 responses, 40 hours per response. This estimate is a decrease from OMB's previous inventory. The decrease is an adjustment and reflects a reduction in the average number of annual filings from 100 to 77.

Authority: Sect. 4, 5 and 16 of the Natural Gas Act (15 U.S.C. 717–717w) and sect. 403

of the Natural Gas Policy Act (NGPA) (15 U.S. 3393).

David P. Boergers,

Secretary.

[FR Doc. 01–16748 Filed 7–3–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1949–000]

Power Provider LLC; Notice of Issuance of Order

June 28, 2001.

Power Provider LLC (Power Provider), an affiliate of Baltimore Gas & Electric Company and a newly created electric power marketer, filed with the Commission in the above-docketed proceeding, a proposed tariff under which Power Provider will engage in the sale of electric energy and capacity at market-based rates with affiliated and non-affiliated entities. Power Provider's filing also requested certain waivers and authorizations. In particular, Power Provider requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Power Provider. On June 27, 2001, the Commission issued an order that accepted the tariff for sales of capacity and energy at market-based rates (Order), in the above-docketed proceeding.

The Commission's June 27, 2001 Order granted Power Provider's request for blanket approval under Part 34, subject to the conditions found in Appendix A in Ordering Paragraphs (2), (3), and (5):

(2) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Power Provider 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.

(3) Absent a request to be heard within the period set forth in Ordering Paragraph (2) above, Power Provider is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Power Provider, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(5) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Power Provider's issuances of securities or assumptions of liabilities.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 27, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–16789 Filed 7–3–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2318–000]

San Diego & Electric Co., Errata Notice; Notice of Filing

June 18, 2001.

Take notice that in the above referenced notice (66 FR 33958, pub. June 26, 2001) the caption was inadvertently named Idaho Power Company. The correct name is San Diego Gas & Electric Company.

The following paragraphs replaces the first paragraph issued on the Notice of Filing June 18, 2001:

Take notice that on June 13, 2001, San Diego Gas & Electric Company (SDG&E) tendered for filing as service agreements to its Federal Energy Regulatory Commission Electric Tariff, First Revised Volume No. 6, two interconnection agreements. Both agreements related to the interconnection of a new generation plant to be owned by Wildflower Energy, LP (Wildflower). The plant, with a capacity of approximately 92 megawatts, is being constructed on an expedited basis to meet potential shortfalls this summer in the Wester states' electricity supplies. It will be located in the City of San Diego, County of San Diego, California and is expected to being service on or about July 1, 2001.

Service Agreement No. 7 is an Expedited Interconnection Facilities Agreement dated June 13, 2001, between SDG&E and Wildflower, dated June 13, 2001, under which SDG&E will construct, operate, and maintain the proposed interconnection facilities. Service Agreement No. 8, the Interconnection Agreement between SDG&E and Wildflower dated June 13, 2001, establishes interconnection and operating responsibilities and associated communications procedures between the parties. SDG&E states that copies of the filing have been served on Wildflower and on the California Public Utilities Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 9, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, 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/doorbeell.htm

David P. Boergers,

Secretary.

[FR Doc. 01–16749 Filed 7–3–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–240–000, et al.]

Odessa-Ector Power Partners, L.P., et al. Electric Rate and Corporate Regulation Filings

June 27, 2001.

Take notice that the following filings have been made with the Commission:

1. Odessa-Ector Power Partners, L.P.

[Docket No. EG01–240–000]

Take notice that on June 21, 2001, Odessa-Ector Power Partners, L.P. (OEPP), filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

OEPP is a Delaware limited partnership which will own and/or operate a natural gas-fired electric generating facility with an expected generating capacity of 1,000 MW to be located in Ector County, Texas within the region governed by the Electric Reliability Council of Texas (ERCOT) and sell electricity at wholesale.

Comment date: July 18, 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.

2. Electric City Energy Producers, LLC

[Docket No. EG01–241–000]

Take notice that on June 21, 2001, Electric City Energy Producers, LLC (ECEP), a Montana limited liability company, 1900 10th St. NE, Great Falls, MT, 59404 filed with the Federal Energy Regulatory Commission as application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

ECEP is engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities and selling electric energy and capacity at wholesale. ECEP intends to produce electricity using diesel generators. ECEP is owned by the Montana Refining Company of Great Falls, MT and the Warren Administration Company or Midland, TX.

Comment date: July 18, 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.

3. GNA Energy, LLC

[Docket No. EG01–242–000]

Take notice that on June 22, 2001, GNA Energy, LLC, 2727 NW Westover, Portland, Oregon 97210, 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.

The Applicant proposes to develop and own a natural gas-fired electric generation plant. The facility will have a maximum capacity of 225 megawatts. The facility will be located in Klickitat County, Washington. The facility is scheduled to be completed in February 2002.

Comment date: July 18, 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. LLP Power Generation L.L.C.

[Docket No. EG01–244–000]

Take notice that on June 22, 2001, LLP Power Generation L.L.C. (Applicant) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to section 32 of the Public Utility Holding Company Act of 1935 and part 365 of the Commission's regulations.

Applicant, a Delaware limited liability company with its principal place of business at Four Embarcadero Center, Suite 2200, San Francisco, CA 94111, is a wholly-owned subsidiary of Locomotive Leasing Partners, L.L.C., which, in turn, is jointly owned by GATX Capital Corp. and the Electro-Motive Division of General Motors Corporation. Applicant proposes to acquire and own certain diesel locomotives and lease those locomotives to various parties, who will operate the facilities and make sales of electric energy.

Comment date: July 18, 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. Consumers Union of U.S. Inc.

[Docket No. EL01–90–000]

Take notice that on June 15, 2001, Consumers Union of U.S. Inc. (Consumers Union) tendered for filing a request for the Federal Energy Regulatory Commission to take immediate action to protect consumers against unjust and unreasonable charges for electricity in the Western United States pursuant to Section 205 and 206 of the Federal Power Act. Consumers Union request that the Commission adopt certain remedial measures for all states in the Western States Coordinating Council for a period of three years.

Comment date: July 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. The Detroit Edison Company

[Docket No. ER01–2002–001]

Take notice that on June 22, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements (Service Agreements) for Short-term Firm and Non-Firm Point -to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1. These Service Agreements are between Detroit Edison and Mirant Americas Energy Marketing, LP, dated as of March 29, 2001. The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of July 21, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. The Detroit Edison Company

[Docket No. ER01–2003–001]

Take notice that on June 22, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements (Service Agreements) for Short-term Firm and Non-Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1. These Service Agreements are between Detroit Edison and Allegheny Energy Supply Company, LLC dated as of April 20, 2001. The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of July 20, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. The Detroit Edison Company

[Docket No. ER01–2004–001]

Take notice that on June 22, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing a Service Agreement (Service Agreement) for

Long Term Firm Point-to-Point Transmission Service under the Open Access Transmission Tariff of Detroit Edison, FERC Electric Tariff No. 1. This Service Agreement is between Detroit Edison and Detroit Edison Merchants, dated as of February 12, 2001. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of July 21, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. The Detroit Edison Company

[Docket No. ER01–2005–001]

Take notice that on June 22, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements (Service Agreements) for Short-term Firm and Non-Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1. These Service Agreements are between Detroit Edison and Consumers Energy d/b/a Consumers Energy Traders dated as of February 13, 2001. The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of July 21, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. UGI Development Company

[Docket No. ER01–2370–000]

Take notice that on June 22, 2001, UGI Development Company (UGID) tendered for filing a Service Agreement for wholesale power sales transactions under UGID's Wholesale Power Sales Tariff, FERC Electric Tariff First Revised Volume No. 1, by and between UGID and UGI Utilities, Inc. UGID requests an effective date of July 1, 2001 for the Service Agreement.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Southern Indiana Gas & Electric Company

[Docket No. ER01–2371–000]

Take notice that, on June 22, 2001, Southern Indiana Gas & Electric Company doing business as Vectren Energy Delivery of Indiana, Inc. (the Company) filed a Service Agreement with the City of Huntingburg, Indiana (Huntingburg) under the Company's market-based tariff. The Company requests that the Commission allow the Service Agreement to become effective on June 1, 2001. The Service Agreement, which is intended to be effective from June 1, 2001 through December 31, 2004, replaces the pre-existing contract (Rate Schedule FERC No. 40) under which the Company had provided all requirements service to Huntingburg. The Service Agreement provides for a change in the rate paid by Huntingburg and also gives Huntingburg the option of purchasing a portion of its electric requirement during the four peak summer months from alternative suppliers. A copy of the filing was served upon Huntingburg and on the Public Service Commission of Indiana.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LL

[Docket No. ER01–2376–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 134 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of April 13, 2001 for Sacramento Municipal Utility District.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2377–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 133 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of May 14, 2001 for Tucson Electric Power Company.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2378–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 131 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of April 19, 2001 for Salt River Project Agricultural Improvement.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2379–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 132 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of April 5, 2001 for Morgan Stanley Capital Group Inc.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2380–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 130 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of April 16, 2001 for Wisconsin Electric Power Marketing.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2381–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 129 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of June 5, 2001 for Public Service Company of New Mexico.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2382–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 127 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of April 26, 2001 for Pinnacle West Capital Corporation.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2383–000]

Take notice that on June 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 128 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of June 1, 2001 for Nevada Power Company.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Southern Company Services, Inc.

[Docket No. ER01–2385–000]

Take notice that on June 22, 2001, Southern Company Services, Inc., as agent for Georgia Power Company (Georgia Power), tendered for filing the Interconnection Agreement between Georgia Power and Southern Power Company (Southern Power) for Goat Rock CC Unit 1 (the Agreement), as a service agreement under Southern Operating Companies' Open Access Transmission Tariff (FERC Electric Tariff, Fourth Revised Volume No. 5) and is designated as Service Agreement No. 381. The Agreement provides the general terms and conditions for the interconnection and parallel operation of Southern Power's electric generating facility located in Lee County, Alabama. The Agreement terminates forty (40) years from the effective date unless terminated earlier by mutual written agreement.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Southern Company Services, Inc.

[Docket No. ER01–2386–000]

Take notice that on June 22, 2001, Southern Company Services, Inc., as agent for Georgia Power Company (Georgia Power), tendered for filing the Interconnection Agreement between Georgia Power and Southern Power Company (Southern Power) for Wansley CC Units 6 & 7 (the Agreement), as a service agreement under Southern Operating Companies' Open Access Transmission Tariff (FERC Electric Tariff, Fourth Revised Volume No. 5) and is designated as Service Agreement No. 380. The Agreement provides the general terms and conditions for the interconnection and parallel operation of Southern Power's electric generating facility located in Heard County, Georgia. The Agreement terminates forty (40) years from the effective date unless terminated earlier by mutual written agreement.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Commonwealth Edison Company

[Docket No. ER01–2387–000]

Take notice that on June 22, 2001, Commonwealth Edison Company (ComEd) submitted for filing an Interconnection Agreement with LSP-Nelson Energy LLC (LSP-Nelson). ComEd requests an effective date of June 23, 2001 and accordingly seeks waiver of the Commission's notice requirements. Copies of the filing were served on LSP-Nelson and the Illinois Commerce Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Commonwealth Edison Company

[Docket No. ER01–2388–000]

Take notice that on June 22, 2001, Commonwealth Edison Company (ComEd) submitted for filing an Interconnection Agreement with Granite Power Partners II, L.P.(Granite). ComEd requests an effective date of June 23, 2001 and accordingly seeks waiver of the Commission's notice requirements. Copies of the filing were served on Granite and the Illinois Commerce Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Commonwealth Edison Company

[Docket No. ER01–2389–000]

Take notice that on June 22, 2001, Commonwealth Edison Company (ComEd) submitted for filing an Interconnection Agreement with Lockport Power Generation, LLC (Lockport). ComEd requests an effective date of June 23, 2001 and accordingly seeks waiver of the Commission's notice requirements. Copies of the filing were served on Lockport and the Illinois Commerce Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Huntington Beach Development, L.L.C.

[Docket No. ER01–2390–000]

Take notice that on June 20, 2001, Huntington Beach Development, L.L.C. (Huntington Beach) tendered for filing an application for an order accepting its FERC Electric Rate Schedule No. 1, granting certain blanket approvals, including the authority to sell electricity at market-based rates, and waiving certain regulations of the Commission. Huntington Beach requested expedited Commission consideration. Huntington Beach requested that its Rate Schedule No. 1 become effective upon the earlier of the date the Commission authorizes market-based rate authority, or the date Huntington Beach is operationally able to generate, but no later than July 15, 2001. Huntington Beach also filed its Rate Schedule FERC No. 1 and a Supplemental Code of Conduct thereto.

Huntington Beach intends to sell energy and capacity from its facility in the wholesale power market at market-based rates, and on such terms and conditions to be mutually agreed to with the purchasing party.

Comment date: July 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Progress Energy on Behalf of Florida Power Corporation

[Docket No. ER01–2391–000]

Take notice that on June 20, 2001, Florida Power Corporation (FPC) tendered for filing Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Cinergy Services, Inc. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of FPC. A copy of the filing was served upon the Florida Public Service Commission.

FPC is requesting an effective date of June 20, 2001 for the Service Agreements.

Comment date: July 11, 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. 01–16746 Filed 7–3–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application to Amend License and Soliciting Comments, Motions To Intervene, and Protests

June 28, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity amendment of license.

b. *Project No.:* 1494–232.

c. *Date Filed:* June 19, 2001.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Dam.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mary E. Von Drehle, Assistant General Counsel, Grand River Dam Authority, PO Box 409, Vinita, OK 74301.

i. *FERC Contact:* Steve Naugle, *steven.naugle@ferc.fed.us.* 202–219–2805.

j. *Deadline for filing comments and or motions:* August 10, 2001.

All document (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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.*

Please reference the following number, P–1494–232, on any comments or motions filed.

k. *Description of the Application:* The applicant requests Commission approval to grant a permit to Arrowhead Investment & Development Company to replace and relocate certain boat docks and to add two new docks at an existing commercial facility known as Arrowhead Marina. The marina, which is located on the Duck Creek arm of Grand Lake O' the Cherokees, currently consists of nine docks with 111 boat slips. After completing the proposed improvements, the marina would consist of 11 docks with 175 boat slips. The expanded docking facilities would be used by patrons of the marina.

l. *Locations of the Applications:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling 202–208–1371. The application may be viewed on-line at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the

Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all Capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Mail Stop PJ–12.1, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–16750 Filed 7–3–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–3]

Adequacy Status of Submitted State Implementation Plan for Transportation Conformity Purposes; Houston-Galveston Area (HGA) Ozone Attainment Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy determination.

SUMMARY: The EPA is notifying the public that we have found the motor vehicle emissions budgets (the budgets), in the HGA Ozone Attainment Demonstration State Implementation Plan (SIP) submitted on November 12, 1999, inadequate for transportation conformity purposes. The EPA's determination of inadequacy is based on the fact that it is clear that the budgets in the November 12, 1999, SIP submission can no longer be considered adequate and consistent with attainment requirements. As explained in detail in the Office of Transportation and Air Quality (OTAQ) guidance memorandum entitled ''Application of 40 CFR 93.104(e) to Houston Attainment SIP'', dated May 9, 2001, the 1999 Rate-Of-Progress budgets are considered the applicable budgets until replaced by subsequent budgets in accordance with 40 CFR 93.118. In addition, this determination that the budgets are not adequate does not have any adverse implications on the conformity process or the current conforming transportation Plan or program.

DATES: This inadequacy determination is effective on May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E., The U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that EPA has already made. The EPA sent a letter to the Texas Natural Resource Conservation Commission (TNRCC) on May 9, 2001, finding that the budgets submitted on November 12, 1999, are not adequate.

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). The EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes criteria and procedures for making conformity determinations. 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 EPA described the process for determining adequacy of the submitted SIP budgets in a guidance memorandum entitled Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision, dated May 14, 1999. This guidance is used in making the adequacy determination on the budgets contained in the control strategy SIPs. The criteria by which EPA determines whether a SIP's budgets are adequate for conformity purpose are specified in 40 CFR 93.118(e)(4). An adequacy review is a separate process from EPA's SIP completeness review, and also it should not be used to prejudge EPA's ultimate action to approve or disapprove the SIP.

The Governor of Texas submitted the HGA Ozone Attainment Demonstration SIP on November 12, 1999. The HGA Ozone Attainment Demonstration SIP contained the year 2007 budgets of 79.00 tons/day for Volatile Organic Compounds (VOC) and 195.00 tons/day for Nitrogen Oxides (NO_X) for the ozone nonattainment area. On May 31, 2000, the EPA sent a letter to the TNRCC stating that the budgets for VOC and NO_X in the November 12, 1999, HGA Ozone Attainment Demonstration SIP were adequate for transportation conformity purposes. The EPA published a notice in the **Federal Register** on June 14, 2000, (65 FR 37368) announcing that we had made an adequacy determination for the budgets submitted in HGA Ozone Attainment Demonstration SIP. This finding was also announced on EPA's conformity web site, http://www.epa.gov/oms/traq.

On December 20, 2000, the Governor of Texas submitted another revision to the HGA Attainment Demonstration SIP which contained a set of revised year 2007 budgets for the on-road mobile sources. These budgets were 79.51 tons/day and 151.6 tons/day for VOC and NO_X, respectively. Subsequently, the EPA posted these budgets on its web site for public review. However, the EPA has not made any adequacy determination on these budgets. On May 30, 2001, the TNRCC proposed additional revisions to the HGA Attainment Demonstration SIP that will further change the budgets for the on-road mobile sources.

The EPA has now determined that the budgets contained in the HGA Ozone Attainment Demonstration SIP submitted on November 12, 1999, are inadequate for transportation conformity purposes. We cannot support adequacy of these budgets because they do not accurately reflect the HGA on-road mobile source emissions and are not consistent with HGA reaching attainment of the ozone air quality standard. One of the criteria for budget adequacy is that the budgets, when considered together with all other emissions sources, are consistent with applicable requirements for the given implementation plan submission, in this case attainment of the ozone standard by the applicable CAA attainment date. We have determined, by following our rule and guidance, that the HGA Ozone Attainment Demonstration SIP budgets submitted on November 12, 1999, are not consistent with attainment of the ozone standard and therefore are not adequate.

As explained in detail in the OTAQ's memorandum referenced earlier, the 1999 Rate-Of-Progress budgets are

considered the applicable budgets until replaced by subsequent budgets in accordance with 40 CFR 93.118. In addition, this determination that the budgets are not adequate does not have any adverse implications on the conformity process or the current conforming transportation Plan or program.

The effective date of this determination is May 9, 2001, the date of the EPA's letter that notified the TNRCC of our inadequacy determination. Even though adequacy determinations are not considered rulemaking subject to procedural requirements of the Administrative Procedures Act, the EPA's policy is to provide a notice and comment period on adequacy determinations through its conformity web site. However, we are not providing opportunity for comment on this inadequacy determination because adequacy determinations are not considered rulemaking subject to the procedural requirements of the Administrative Procedures Act. In addition, the EPA does not believe that it was necessary to provide an opportunity for advance notice or comment on this inadequacy determination because we believe it is clear that the budgets can no longer be considered adequate and consistent with attainment. There was also good cause to act expeditiously in order to protect the public interest, given the potential May 12, 2001, conformity lapse date under 40 CFR 93.104(e)(2) and its associated restrictions. Making this action effective on May 9, 2001, would relieve these restrictions. The substance of the revised attainment budgets will be further reviewed by EPA as part of its final decision to approve or disapprove the HGA Ozone Attainment Demonstration SIP for the Houston nonattainment area. The EPA will consider all of these submissions as well as all public comments in our evaluation whether to approve or disapprove the HGA Ozone Attainment Demonstration SIP.

The EPA will also announce this inadequacy determination on its conformity web site at http://www.epa.gov/oms/traq.

Dated: June 19, 2001.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 01–16810 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7006–8]

Adequacy Status of Motor Vehicle Budgets in Submitted State Implementation Plans for Transportation Conformity Purposes; Maryland; Revisions to the Phase II Plan for the Baltimore Ozone Nonattainment Area: Revised To Reflect the Benefits of the Tier 2/Sulfur-in-Fuel Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy status.

SUMMARY: EPA is announcing that the revised motor vehicle emissions budgets (budgets) contained in the revised Phase II Plan for the Baltimore Ozone Nonattainment Area (the Baltimore area) submitted by the Maryland Department of the Environment (MDE) as a State Implementation Plan (SIP) revision are adequate for transportation conformity purposes. The revised Phase II Plan was submitted to EPA on December 28, 2001. These amendments to Maryland's Phase II Plan for the Baltimore area include revisions to its budgets to reflect the emission reduction benefits associated with the Tier 2 Vehicle Standards/Sulfur-in Fuel rule. EPA has found the budgets in Maryland's revised Phase II Plan for the Baltimore area adequate for transportation conformity purposes.

DATES: The findings that the budgets are adequate were made in a letter dated June 19, 2001, from EPA Region III to the Maryland Department of the Environment. These adequacy findings are effective on July 20, 2001.

FOR FURTHER INFORMATION CONTACT: Paul T. Wentworth, P.E., U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103 at (215) 814–2183 or by e-mail at: wentworth.paul@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. The word ''budgets'' refers to the motor vehicle emission budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO_X). The word ''SIP'' in this document refers to the revised Phase II Plan for the Baltimore area submitted by MDE to EPA on December 28, 2000. The revised Phase II Plan includes the 2005 attainment demonstration motor vehicle emissions budgets for the Baltimore nonattainment area.

On March 2, 1999, the D.C. Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. By a transmittal letter dated December 28, 2000, the MDE formally submitted revisions to the Phase II Plan for the Baltimore area. On January 17, 2001, we posted the availability of the revised Phase II Plan and the budgets on our conformity website for the purpose of soliciting public comment on the adequacy of the budgets. The comment period closed on February 16, 2001.

On June 19, 2001, EPA Region III sent a letter to the Maryland Department of the Environment which constitutes final Agency action on the adequacy of the budgets contained in the revised Phase II SIP. Those actions were EPA's findings that the budgets of the revised Phase II plan submitted by MDE for the Baltimore area are adequate for transportation conformity purposes. As a result of our June 19, 2001 findings, the attainment budgets for 2005 contained in Maryland's December 28, 2000 revised Phase II SIP for the Baltimore nonattainment area may be used for future conformity determinations.

This is an announcement of adequacy findings that we have already made on June 19, 2001. The effective date of these findings is July 20, 2001. These findings will also be announced on EPA's website: http://www.epa.gov/oms/traq (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of Submissions for Conformity''). The website will also contain a detailed analysis of our adequacy findings and our responses to the comments submitted during our January 17, 2001–February 16, 2001 public comment period.

Transportation conformity is required by section 176 of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards. The criteria by which EPA determines whether a SIP's budgets are adequate for conformity purposes are found 40 CFR 93.118(e)(4).

Please note that an adequacy finding for budgets contained in a SIP is separate from EPA's completeness determination of the SIP submission, and separate from EPA's action to approve or describe our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled

''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''. We followed this guidance in making these adequacy findings of the budgets in Maryland's revised Phase II plan. You may obtain a copy of this guidance from EPA's conformity web site: http://www.epa.gov/oms/traq (once there, click on the ''Conformity'' button) or by calling the contact name listed in ''For Further Information Contact'' section of this notice.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 22, 2001.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 01–16811 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7006–6]

Final Information Products Bulletin Framework Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Information Products Bulletin (IPB) is a new joint effort between the U.S. Environmental Protection Agency (EPA) and The Environmental Council of the States (ECOS). The purpose of this framework plan is to outline the basis and scope of the IPB. The IPB will be launched in Summer 2001 and will be updated every four months, both in hard copy and on the World Wide Web. It will inform stakeholders and the public about upcoming significant information products being produced by EPA and some of the states. This will include, in some cases, the identification of opportunities for stakeholder and public involvement in the development of such products.

ADDRESSES: U.S. Environmental Protection Agency, Office of Environmental Information/Office of Information Analysis and Access, Mail Code: 2843, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For further information about the Information Products Bulletin (IPB), please contact the EPA's Office of Information Analysis and Access/Information Access Division at (202) 260–2846, Fax: 202–401–1315.

SUPPLEMENTARY INFORMATION:

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I. What Is the Information Products Bulletin?

The Information Products Bulletin (IPB) is a joint effort between the U.S. Environmental Protection Agency (EPA) and the Environmental Council of the States (ECOS) to inform stakeholders and the public about upcoming significant information products being produced by EPA and states. ECOS is the national nonprofit, nonpartisan association of state and territorial environmental commissioners. EPA and the states are committed to ensuring that the significant information products we produce are accurate and useful, and that we clearly characterize the data incorporated into these products.

The Information Products Bulletin will:

- Notify interested parties about significant information products under development or major modification by EPA and some states.
- Alert stakeholders and the public about opportunities to provide input regarding the development of some significant information products.
- Be launched in Summer 2001 and will be updated every four months.
- Be available on the Web, as well as in hard copy for those who do not have access to the Internet.

The IPB is NOT intended to provide a comprehensive list of the information products that EPA or states have already completed and released to the public.

EPA has already developed an interim IPB Web site. It is not as detailed as the full IPB will be and does not include information about stakeholder or public involvement opportunities for individual products. You can view the interim IPB Web site at [*www.epa.gov/ipbpages*].

II. Changes Since Draft Framework Plan

A draft IPB Framework Plan was published in the **Federal Register** on November 30, 2000 (65 FR 71314). EPA received comments from five organizations and individuals. This final Framework Plan reflects changes made in response to the comments submitted, as well as editorial changes made to clarify the purpose and scope of the IPB. A Response to Comments document is included at the end of this Framework Plan.

III. Background on Creation of the IPB

Each year, EPA and the states produce information products for the general public that are derived from federal, state, local, tribal or other organizations' data. These products may include analyses and/or draw conclusions about primary data in order to describe environmental conditions, trends, potential risks, and/or the performance of companies, facilities and communities.

In November 1999, EPA and the Environmental Council of the States (ECOS) met with representatives from states, tribes, industry, environmental and public interest groups to discuss issues regarding public access to information products. The IPB was initiated as an outgrowth of discussions that took place at that meeting. It is one of several efforts by EPA and the states to advance the creation and use of data to enhance public health and environmental protection, inform decision-making, and improve the public's access to information about environmental conditions and trends. Informing the public and providing access to sound environmental information, in formats that meet the needs of major stakeholders and the public, are essential components of a comprehensive environmental protection program. The IPB is intended to notify the public of ''significant information products'' under development, and identify opportunities for stakeholder and public involvement during the development of certain products. The IPB is not intended to be the initial or primary notification device for informing state co-regulators about significant new products.

IV. Criteria for Including and Excluding Products

The IPB includes a description of the upcoming significant information products being produced by EPA and some states. Only those products currently under development that meet the following definition of a ''significant information product'' will be included in the IPB:

A ''significant information product'' uses national or regional data to describe environmental conditions, trends, and/or the performance of companies, facilities and communities.

In addition, the following criteria have been developed for determining

which products developed by EPA and the states will be included in the IPB:

- Products that analyze and/or compare data collected by, acquired by, or directly reported to EPA or states from various agencies and organizations, including industry, as well as various federal, state, tribal and local agencies;
- Significant data collected by, acquired by, or directly reported to EPA or states from various agencies and organizations that EPA or the states have not interpreted or analyzed;
- Products produced by one or more state environmental agencies that are regional or national in scope and aggregate data from more than one state;
- Products that apply to a large segment of the population or large geographic area;
- Models used by the public to perform environmental analyses based upon data from various agencies and organizations; and
- Annual reports and other products released on a regular basis that use national or regional data to describe environmental conditions, trends, and/or the performance of companies, facilities and communities.

The following are examples of the kind of products that meet the definition of ''significant information product'' and would be listed in the IPB while under development or major modification:

Sector Facility Indexing Project (SFIP)—a community-right-to-know and data integration project that provides environmental performance data for facilities within several industry sectors.

National-Scale Air Toxics Assessment (NATA)—characterizes the potential health risks associated with inhalation exposures for 33 priority toxic air pollutants.

Water Quality Standards Database (WQSDB)—an integration of Geographical Information Systems (GIS) and relational database technologies employed to deliver information on specific water bodies in 20 states (to be expanded to all U.S. states and territories in the future).

The following are the kinds of products that will not be included in the IPB, because they either: (1) Do not meet the definition of a significant information product, (2) are used for internal purposes only, and/or (3) must be released immediately to protect human health:

- Action plans
- Analytic tools used exclusively for internal purposes by EPA
- Announcements
- Annual reports that provide only broad, general information, program descriptions and/or accomplishments
- Brochures
- Chemical alerts
- Citizen guides
- Compliance guides
- Conference summaries
- Fact sheets
- Information describing environmental threats that must be released immediately in order to protect public health
- Journal articles
- Policy statements
- Press releases
- Products produced by organizations or agencies other than EPA that are funded through EPA grants or cooperative agreements
- Rulemakings and supporting documents (including guidance, directives, studies, etc.)
- Strategies, strategic plans
- Training materials

The criteria and types of products listed above regarding which products will and will not be included in the IPB are not exhaustive.

V. State Products

The IPB will include some significant information products produced by the states and territories. Such products will be regional or national in scope, including aggregated data from more than one state. EPA might include products about one state, if the product is a prototype or concerns national issues, or the data reflect national or regional environmental conditions, risks, and/or trends.

VI. Stakeholder and Public Involvement Opportunities

For purposes of the IPB, ''stakeholders'' refers to individuals who represent groups or specific segments of the public with a vested interest in the development and use of a significant information product. In many cases, stakeholders may be directly affected by the use of such a product. ''Public involvement'' refers to soliciting input and feedback from members of the public in the development of EPA and state products and policies. ''Stakeholder involvement'' refers to soliciting input and feedback from stakeholders, as described above. Stakeholder involvement primarily includes representatives of industry sectors, communities, government agencies and non-governmental organizations (NGOs).

For further information on EPA policies regarding stakeholder and public involvement, please refer to the EPA report released in December 2000, entitled: Engaging the American People: A review of EPA's Public Participation Policy and Regulations with Recommendations for Action. The report can be viewed at www.epa.gov/stakeholders/policy.htm. EPA is also revising its 1981 Public Participation Policy for release in 2001.

How Will the IPB Affect EPA's and States' Current Stakeholder and Public Involvement Processes?

The IPB will provide pre-publication notification of significant information products being developed by the EPA, as well as some states. The IPB also identifies opportunities for stakeholders and the public to provide input into the development of some of these products. Procedures have already been established for obtaining stakeholder and public input for significant information products. The IPB will not replace or duplicate existing stakeholder or public involvement processes associated with the development of EPA or state products. What the IPB does is identify existing stakeholder and public involvement processes that are currently underway or are planned for certain products.

It should be noted that it may not be useful or appropriate to provide an opportunity for stakeholder or public input for some products on the IPB list. Examples of such products are those produced on a routine or annual basis, or those that are technical, science-based documents that undergo a rigorous peer review process.

How Does the Stakeholder and Public Involvement Process Work?

Stakeholders and the public can become involved in the development of significant information products in different ways, depending upon the individual product. Various methods are described in Table 1 and 2 below. In considering which method(s) to use for any given product, EPA and states must consider the purpose of producing the product and the target audience, as well as available resources, time frame, and other possible limitations. For example, it might be more suitable to obtain stakeholder and public input through face-to-face meetings. In other cases, one or more electronic communication methods may reach a wider interested audience, and thus be a more effective means of getting feedback. EPA and the states often use a combination of stakeholder and public involvement methods.

Table 1 below shows methods that EPA and the states use to present information on upcoming significant

information products to stakeholders and the public. Table 2 below describes methods that EPA and many states use to collect comments on a specific product under development. Many of the methods described in both tables have been used routinely by EPA and many states for years. Electronic communication mechanisms may not be used routinely but their use is growing.

TABLE 1.—STAKEHOLDER AND PUBLIC INVOLVEMENT METHODS USED BY EPA AND THE STATES FOR DEVELOPING SIGNIFICANT INFORMATION PRODUCTS

[These may vary from state to state]

Stakeholder/public involvement method	Description
A. Public meeting	Presentation by EPA or states before a public gathering, often with a question and answer session.
B. Stakeholder meeting	Brief discussion with representatives of various government agencies and/or organizations, including industry, trade associations, environmental organizations, local elected officials, community activists, etc. with a vested interest in the development and use of a significant information product.
C. Forum/workshop	Discussion with stakeholders and/or the public that generally allows for more in-depth discussion than a public or stakeholder meeting.
D. Focus group	Discussion with potential users about the usefulness of one or more specific products, in which participants generally offer suggestions for improvements.
E. Stakeholder or expert consultation	Extended communication with representatives of various government agencies and/or organizations as subject experts, regarding specific technical issues or data related to the product.
F. Survey/questionnaire	Quantitative and/or qualitative input sought in writing from the public and/or stakeholders about a product from which key comments can be extrapolated.
G. **Federal Register** notice	Official method of notifying the public about a particular product, which often includes a formal comment process. Printed daily by the U.S. Government.
H. E-mail/Listserv	E-mail = electronic messages distributed through a computer network or the Internet. Listserv = e-mail-based mailing list for a group of people with a common interest. E-mail and listservs can be used for distributing information about products, and seeking input from stakeholders and potential product users.
I. Electronic bulletin board	Electronic means of publically posting questions and comments submitted by stakeholders and/or the public.
J. Web site/Web page	Web site = groups of Web pages. Web page = electronic means of disseminating information about one or more topics and/or products globally on the World Wide Web. Also can be used to collect user comments.
K. Hotline/Public Information Line	Telephone number supplied by EPA/states that allows for direct answering of caller questions.
L. Media advertisement	Announcement distributed through various media outlets that features a few key points about the product to spark interest in it.
M. Information fact sheet and other similar materials	Brief description of the product (generally one page), sometimes inviting public comments.
N. Mailing to stakeholders	Information about the product targeted to specific stakeholders and/or potential product users.

TABLE 2.—RESPONSE MECHANISMS USED BY EPA AND THE STATES

[These may vary from state to state]

A. Verbal comment(s) recorded during a public meeting, forum, workshop, focus group session or stakeholder meeting.
B. Telephone hotline.
C. Telephone survey/questionnaire.
D. Written comment(s) submitted for a public meeting, forum, workshop, focus group session or stakeholder meeting.
E. Formal written comment(s) sent to EPA in response to a **Federal Register** Notice.
F. Written comment(s) sent to EPA by Fax, e-mail, listserv e-mail, or through e-mail to an electronic bulletin board.
G. Feedback form located on EPA or state Web site.
H. Survey and/or questionnaire distributed by mail, e-mail or Fax.

The IPB will list the stakeholder and public involvement method(s) expected to be used for each of the products offering stakeholder and/or public involvement opportunities. Table 3 below provides a template that EPA and the states plan to use for each of the significant information products listed in the IPB.

TABLE 3.—INFORMATION THAT WILL BE INCLUDED IN THE IPB ABOUT SIGNIFICANT INFORMATION PRODUCTS THAT PROVIDE AN OPPORTUNITY FOR STAKEHOLDER AND/OR PUBLIC INVOLVEMENT

Title	[The name of the significant information product. Please note that titles may be subject to change for some products under development.]
Description	[A brief explanation that provides a basic understanding of the purpose and content of the significant information product.]
Contact	[Phone number to use to get further information about the product and/or the stakeholder/public involvement process. When practical, a specific contact name will be listed and/or an e-mail address.]
Expected Release Date	[When the product is expected to be made available to the public. Please note that such dates are the best estimates available to date; schedules are subject to change.]
Comment Period	[The start and end date of the public comment period if applicable; OR the date that the comment period ends if the comment period has already begun. Please note that the public comment period may differ from the time frames provided for other types of stakeholder/public involvement.]
Stakeholder/Public Involvement Methods	[The method(s) that EPA or the states plans to use to obtain stakeholder/public input and/or feedback on a specific significant information product—see examples of Stakeholder and Public Involvement Methods in Table 1 above.]
How to Access the Draft Product (if available)	[The various electronic and non-electronic ways that stakeholders and the public can use to access a draft copy and/or prototype of the product.]

At What Stage in the Development of a Product Can I Get Involved?

The time frame for the development of each significant information product varies. Thus the time frame for stakeholder and/or public involvement varies as well. Some software models, for example, require early and close collaboration with one or more groups of stakeholders in order to produce an initial version of the product. In some cases, various methods of stakeholder and/or public involvement may be used during different stages of a product's development. Some input may be sought early in the development of a product to determine how best to meet the needs of the product's expected primary users. Then at a later stage in the product's development, the product developer may obtain additional feedback on a draft copy or product prototype.

As explained above, EPA and the states will provide general information in the IPB about the timing of the product's development, along with the time frame for submitting public comments. *Specific* information regarding dates for public meetings, workshops, forums, etc. may be obtained about individual products by contacting the number listed under each product description.

Can I View a Draft Copy or Prototype of Products Under Development?

Where possible, efforts will be made on the IPB Web site to include Web site links to draft copies and/or prototypes of EPA and some state products under development. Those without access to the Internet may be able to obtain hard copies of draft products listed in the IPB by contacting the number listed for obtaining further information. Please note that there will not always be a draft copy or prototype available for every significant information product under development.

Stakeholder and Public Involvement Opportunities for State Significant Information Products

The states generally use the same type of stakeholder and public involvement methods as EPA, which are described in Tables 1 and 2. While states may provide a range of opportunities for stakeholder and public involvement, not all opportunities listed in Tables 1 and 2 may be available in all states. As with EPA products, specific information regarding dates for public meetings, workshops, forums, and other public/stakeholder involvement activities may be obtained through the contact information listed under appropriate product descriptions.

VII. IPB Archive and Notification of Product Releases

The IPB will develop an archival database that will include previous IPB publications. The archive will be searchable by product title and date. In addition, each IPB publication will list those products that were completed and released since the last update.

VIII. Legal Status

The inclusion of a particular significant information product in the IPB, in and of itself, does not confer any special legal status on the product. The IPB is not intended to be used to publish regulatory matters requiring publication in the **Federal Register**.

IX. IPB Publication Schedule

The IPB will be available on the Web [www.epa.gov/ipbpages] and in hard copy format. Both the Web site and the hard copy version will be published every four months. Hard copies will be made available through U.S. mail and/or Fax-on-Demand (202–651–2084) upon request. Contact numbers will be supplied in each IPB publication.

X. Evaluation of IPB

EPA and ECOS recognize the importance of, and are committed to, evaluating the effectiveness of the IPB. Within two years of the publication of the first full IPB volume this summer, we will evaluate whether the IPB is improving the public's access to information products under development. The resulting documentation will be publicly available.

XI. Response to Comments on the Draft IPB Framework Plan

The following Response to Comments section provides EPA's responses to the concerns raised by commenters regarding the draft IPB Framework Plan, published in the **Federal Register** on November 30, 2000 (65 FR 71314). EPA received comments from five organizations and individuals on the draft IPB Framework Plan. Copies of the original comments can be viewed on the Interim IPB Web site at [www.epa.gov/ipbpages].

1. Support for IPB

A. One commenter stated that the value of the IPB had already been established since it enabled them to identify several information products under development on the Interim IPB Web site that they would not have known about otherwise. Another comment expressed support for the IPB as a new public access tool for accessing, analyzing and using information collected by EPA.

Response: Thank you for your comment.

2. Products Defined as ''Significant Information Products''

A. One commenter requested that we add the following to the definition of ''significant information product'': ''Products that characterize the performance of particular companies, facilities or products, or that characterize environmental conditions in particular communities.''

Response: The definition of ''significant information product'' has been revised as follows: ''A significant information product uses national or regional data to describe environmental conditions, trends, and/or the performance of companies, facilities and communities.'' While a significant information product may contain data about individual facilities, the data are presented on a national or regional scale, and the product does not solely characterize a particular company, facility or community.

B. One commenter requested that we include compliance guides in the IPB, particularly since the July 1999 Aiming for Excellence report announced a new commitment to develop compliance guides for new, ''economically significant'' regulations, and to seek input from States, the regulated community and other stakeholders. The commenter further noted that compliance guides should be interpreted broadly to include products like the Sector Facility Indexing Project. Two commenters requested that we include citizen guides, training materials and annual reports in the IPB. They argued that these type of products should be evaluated on their individual merits. One comment stated that the Risk Screening Environmental Indicators project might be considered a citizen guide.

Response: Neither compliance guides, citizen guides or training materials use national or regional data to describe environmental conditions, trends, and/or the performance of companies, facilities and communities. Thus, none of these information products fall within the definition of ''significant information products.'' Compliance guides help the regulated community understand and comply with their obligations under EPA regulations. Citizen guides are generally used to explain EPA's regulations and programs, and training materials are generally used to train people about such regulations and programs. The Sector Facility Indexing Project meets the definition of a significant information product; it is not a compliance guide. The Risk Screening Environmental Indicators project also meets the definition; it is not a citizen guide.

The framework plan explains which types of annual reports will and will not be listed in the IPB.

C. Two commenters recommended that we exclude from the definition of significant information products, analytic tools used by EPA to create analyses and comparisons.

Response: The IPB includes significant information products that are developed for use by the public. It is not intended to include products used for internal EPA or state purposes only.

D. Two commenters recommended that we exclude from the definition of significant information products, ''raw'' underlying data, such as data collected under TRI or the Biennial Reporting System.

Response: ''Raw'' data are not expected to be published separately in the IPB, and even if they were, they would be subject to quality assurance and error correction procedures, but not stakeholder or public review. Often, however, raw data are incorporated into the kind of information products that will be listed in the IPB. Stakeholder and/or public involvement opportunities are often provided during the development of these products.

E. Two commenters recommended that we exclude from the definition of significant information products, data elements whose specific purpose is to identify and locate specific facilities or entities that provide environmental reports to EPA and the states.

Response: Facility identification data and other data elements are not expected to be included in the IPB per se. However, the products that will be listed in the IPB may contain data elements for facility identification. EPA and the States may receive comments about these data elements during the product development process.

F. Two commenters recommended that we exclude from the definition of significant information products, information describing imminent public health or environmental threats.

Response: This language has been added to the list of items excluded from the IPB.

G. One commenter stated that the definition of a significant information product was unclear, especially with the long list of excluded products.

Response: The definition of ''significant information product'' has been revised to make it clearer (see IV. Criteria for Including Products in the IPB above). The lists were intended to provide useful examples of the types of products that will and will not be included in the IPB, and to help provide context for the definition. We have thus retained them in the final framework plan. However, the lists are not all-inclusive. The major factor that will be used to determine whether or not an item is included in the IPB is whether or not it meets the definition of ''significant information product.''

H. One commenter requested that we include some examples of products that meet the definition of ''significant information product.''

Response: The final framework plan includes several examples of the types of products that are considered to be significant information products. A longer list of significant information products is available for viewing on the Interim IPB Web site at www.epa.gov/ipbpages.

3. Delay of Product Completion

A. Two commenters requested that the framework plan include a statement that the IPB will not delay the release of any information product. One commenter stated that it might be necessary to release a product upon short notice, before it can be listed in the IPB. Another commenter asked if EPA would delay a product's release, if for some reason the product was not listed in the IPB prior to completion. If not, how could the IPB be a ''comprehensive vehicle?''

Response: The IPB is not expected to delay release of a product that has gone through the appropriate product development process. Neither is there a legal requirement that products be listed in the IPB prior to release. EPA will make case-by-case determinations regarding whether to delay releasing a significant information product not yet listed in the IPB. Significant information products released since the last IPB publication will be listed in the following IPB publication (see comment 9. C. below).

4. Stakeholder/Public Involvement

A. One commenter recommended that EPA clarify that the IPB is not intended to replace or amend formal notification and public participation procedures. The comment further stated that all questions of participation should be dealt with under other EPA initiatives.

Response: The primary purpose of the IPB is to provide pre-publication notification of products under development. While some information is provided in the IPB about the public and stakeholder involvement processes used by EPA and some states, the IPB is not intended to replace any of EPA's or the states' formal notification and public involvement processes.

B. One commenter stated that the IPB should include, at minimum, the following options related to public participation for all products listed in the IPB: (1) A contact for each product and an opportunity for stakeholders to submit written or oral comments, and (2) an electronic bulletin board so that comments can be viewed by everyone. Furthermore, the commenter stated that IPB Web site should be the home for electronic comments about individual products, placed in a format that encourages stakeholder input and ''cyber-discussions.''

Response: As stated above, the primary purpose of the IPB is to provide pre-publication notification of products under

development. The IPB is not intended to be the vehicle that stakeholders and the public use to provide comments about individual products. Contact information will be provided so that readers can contact the originating EPA or state program office about a particular product. We believe that such an approach provides the fastest, most direct and comprehensive way for stakeholders and the public to provide input into the development of significant information products, and allows the IPB to be an efficient entry point for the process.

C. One commenter asked if a product undergoing modification would be subject to stakeholder and/or public involvement procedures. Two examples were included: (1) adding a GIS front end to OTIS from OECA, and (2) adding a new TRI report to Envirofacts.

Response: Only products that meet the definition for significant modifications will be included in the IPB. Some of the products listed in the IPB that are undergoing significant modifications will provide opportunities for stakeholder and/or public involvement. Data added through the formal regulatory review process, e.g., lead reports added to TRI, do not qualify for inclusion in the IPB.

D. Two commenters requested that we define stakeholder broadly to include any member of the general public. One further stated that the general public has a vested interest in the outcomes of environmental policies and programs.

Response: The IPB Framework Plan applies to both stakeholders and the general public, though these terms are not interchangeable. We agree that the general public has a vested interest in the outcomes of environmental policies and programs, and we are working on a variety of efforts to address public involvement. (See VI above.)

E. One commenter requested that we seek input early in the development of a product from both primary and secondary users.

Response: The primary purpose of the IPB is to provide pre-publication notification of products under development. Since products differ widely in design and purpose, they are not developed in a uniform way. As described under VI. Stakeholder and Public Involvement Opportunities above, EPA and the states employ various stakeholder and public involvement methods for individual products, which differ in scope and timing.

5. Publication Frequency and Dissemination

A. One commenter stated that the IPB should be published quarterly since many information products can be developed much more quickly than rulemakings, which are listed semi-annually in EPA's Regulatory Agenda. Another commenter stated that the draft IPB Framework Plan was unclear about whether ''soon to be released'' products would be listed in the IPB every 3 or 6 months.

Response: In response to comments submitted, we decided to change the frequency at which the IPB will be published to every four months. This will eliminate the originally proposed hybrid of producing a full publication every six months and partial updates every three months. We recognize that such an approach could have been confusing for many IPB readers, and that a shorter interval between full publications would be helpful.

B. One commenter stated that the IPB should be a living document that can be modified at any time. The comment also included the following statements: ''The digital divide problem should not restrain EPA from updating the IPB regularly. Those without a computer can access the Web site in public libraries. Web updates serve computer and non-computer users better than 'a policy that simply defers public release of information.' There is no reason to withhold information about new products under development until the next IPB cycle occurs.''

Response: Collecting and assembling the information necessary to produce every IPB publication is a resource intensive effort. EPA does not have the resources it would take to adequately update the IPB more than every four months. In addition, we believe that many users lack the resources necessary to keep a daily watch on the IPB Web site for constant changes. Thus, we believe it is best to publish the IPB at regular, reliable intervals to reduce the burden on the public and the Agency.

C. Two commenters supported the draft IPB Framework Plan's proposal to make the IPB available in both print and electronic forms as a means to ''pre-empt 'digital divide' issues.'' One commenter opposed such an approach, stating that the IPB should be maintained exclusively as an electronic service, in order to save trees and keep costs down. This commenter asked if the IPB were to be made available in hard copy, where the hard copies would be placed.

Response: EPA wants to encourage electronic access to the IPB. However, we believe that it is important to provide hard copies of the IPB to those without access to a computer or the Internet, so that they have equal access to information about significant information products under development by EPA and some of the states. Hard copies will be produced at the same time the IPB Web site is updated and will be made available upon request through Fax-on-Demand or by mail.

D. Two commenters requested that EPA disseminate the IPB via email.

Response: EPA does not plan to distribute the IPB via email. EPA believes that the IPB Web site will be easily accessible electronically through various links on EPA's Web site, as well through the ECOS Web site and several state Web sites. IPB updates will also be made available by request through Fax-on-Demand and by mail.

6. Interim IPB List

A. One commenter stated that ''Some important initiatives are missing from the Interim IPB, such as 'Window to My Environment,' as well as some products that are undergoing major modifications, such as various OW watershed-related Web sites, and potentially significant changes to AIRNOW and EMPACT.''

Response: The Interim IPB Web site was intended to provide an ''initial'' list of significant information products and did not provide as much detail as will be provided in the full IPB. ''Window to My Environment'' was included in the Interim IPB as part of the description for the ''Information Integration Initiative.''

Although some design features were changed for AIRNOW on EPA's Web site this past Fall, no new significant information or data sets were added. Thus, AIRNOW was not included in the Interim IPB.

The EMPACT program is not a significant information product. It is an EPA program that helps communities to collect, manage, and present real-time environmental information to the public. EPA has produced several significant information products through the EMPACT program. In addition, many locally sponsored projects have been funded through EPA's EMPACT Metro Grant Projects Initiative. Only future non-grant-funded EMPACT products will be listed in the IPB, as explained below under 6.C.

B. One commenter asked why the TRI annual report was included in the Interim IPB, but not the Fuel Economy Guide, and why the New Jersey Pesticide Exposure Study was included, but no other such local/state studies.

Response: The only significant information products listed in the Interim IPB were those that were to be released between the time when the Web site was launched in October 2000 and Summer 2001, when the first, full IPB was expected to be launched. The Fuel Economy Guide was not included in the Interim IPB because it was released in September 2000, prior to the release of the Interim Web site. Future annual publications of the Fuel Economy Guide will be included in the IPB.

The New Jersey Pesticide Exposure Study was included in the Interim IPB because it was originally expected to be used as a pilot for a nation-wide project. However, expansion of the project will depend upon results from field tests conducted in the New Jersey project. We will make case-by-case determinations regarding the likelihood that a product being piloted or tested in a particular state will eventually be expanded nation-wide, and thus eligible for inclusion in the IPB.

C. One commenter stated that projects that cross several states or regions, like

many of the EMPACT projects, should be included.

Response: Many EMPACT products are funded through EPA grants and cooperative agreements. According to the EPA financial assistance regulations, products produced under grants and cooperative agreements belong to the financial assistance recipient, not EPA. The Agency can use a product produced with financial assistance for federal purposes but cannot unilaterally decide on the content of the product. Thus products produced with EPA financial assistance will not be included in the IPB. Non-grant-funded EMPACT products that cross several states or regions and meet the definition of significant information product will be included in the IPB.

7. Special Status/Legal Standing

A. One commenter recommended that EPA clearly state that products included in the IPB have no special status or standing beyond their inclusion in the IPB, and that they will not be subject to additional review by the agency, the courts or other entities beyond the processes for public participation and review already in place.

Response: The inclusion of a particular information product in the IPB, in and of itself, does not confer any special legal status on the product. In addition, it should be noted that the IPB is not intended to be used to publish regulatory matters requiring publication in the Federal Register.

8. State Participation

A. One commenter asked if the states that are participating in the IPB will be listed as participants. The commenter further noted that not all states participate in ECOS.

Response: Any state can participate in the IPB, regardless of whether or not it is a member of ECOS. State participation is, however, entirely voluntary. The IPB will include only those significant information products produced by one or more states, that are regional or national in scope and include aggregated data from more than one state.

9. Product Listings and Descriptions

A. One commenter requested that all product descriptions include a brief statement about the origins of each product, and statutory citations where appropriate. The commenter recommended that it would also be helpful to include some type of policy context/link to an aspect of EPA's mission, and a reference to appropriate GPRA strategic objective.

Response: The IPB is a notification mechanism. It is not intended to provide detailed information about each product. Contact information will be provided for all those interested in getting more in-depth information about individual products.

B. One commenter recommended that in addition to including product prototypes for review and comment, EPA should post explanations of methodologies used in modeling components and/or analytical tools.

Response: As explained above, the IPB is not intended to provide detailed information about each product. Contact information will be provided for all those interested in getting more in-depth information about individual products.

C. One commenter requested that the IPB allow users to view already-released, as well as upcoming significant information products. The commenter further stated: ''We support initiatives to provide more finder tools to the public, such as an index of information products that would be more comprehensive in scope and an information locator system.''

Response: The primary purpose of the IPB is to provide pre-publication notification of significant information products under development. The IPB is not intended to provide a list of EPA's completed information products. However, EPA plans to archive previous IPB publications, and each new IPB publication will list those products completed and released since the previous update.

D. One commenter recommended that the IPB be edited in order to ''normalize the submissions'' and ensure completeness.

Response: The EPA or state program responsible for producing an individual information product is most familiar with it, and is thus best able to describe it. However, EPA's Office of Environmental Information will review and edit items to ensure that they are written in plain English and use a consistent format.

10. IPB and the EPA Web Site

A. One commenter recommended that the IPB serve as a ''hub'' site, i.e., a gateway to other information and web pages, with links to key supporting documents and program descriptions associated with the listed documents.

Response: The IPB is not intended to be an EPA hub site. However, links to key supporting documents will be provided as appropriate.

B. One commenter stated that EPA's home page should be improved to better track new developments at the Agency and on EPA's various Web sites.

Response: The IPB is a separate initiative from the EPA home page. EPA has several initiatives in place to improve the usefulness of the EPA homepage, as well as the Agency's various Web sites.

Dated: June 4, 2001.

Elaine G. Stanley,

Director, Office of Information Analysis and Access.

[FR Doc. 01–16808 Filed 7–3–01; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Public Meeting on Other Financing Institutions and Alternative Funding Mechanisms

ACTION: Notice of meeting.

SUMMARY: The Farm Credit Administration (FCA) announces a forthcoming public meeting relating to the funding and discount relationship between other financing institutions' (OFIs) and Farm Credit System (FCS or System) banks.[1] Through this meeting, we are seeking the public's view on what changes should be considered to the current regulatory framework, and seek your suggestions for other types of partnering relationships between System and non-System lending institutions that would increase the availability of funds to agriculture and rural America. This meeting will provide an opportunity for existing and potential OFIs, FCS banks and associations, commercial banks, other lending institutions, and other interested parties to express their views and offer constructive suggestions.

DATES: The public meeting will begin at 8:30 a.m. local time on August 3, 2001, in Des Moines, Iowa. Interested parties wishing to present their testimony in person may notify us prior to the scheduled meeting date, or may register to speak on the day of the meeting. Interested parties wishing to provide oral testimony as part of a panel presentation should notify us of their request by July 27, 2001. Requests to provide testimony in person will be honored in order of receipt. Requests for sign language interpretation or other auxiliary aids should be received by FCA's Office of Congressional and Public Affairs at (703) 883–4056 (TDD (703) 883–4444) by July 27, 2001.

ADDRESSES: The public meeting will be held in Des Moines, Iowa. We will publish the name and address of the meeting facility on our Web site and in the **Federal Register** at least 15 days prior to the date of the public meeting. You may submit requests to appear and present testimony for the public meeting by electronic mail to *reg-comm@fca.gov*

[1] The terms ''Farm Credit, FCS, or System'' banks include the Farm Credit Banks (FCBs) and an agricultural credit bank (ACB).

or through the Pending Regulations section of our Web site at ''*www.fca.gov.*'' You may also submit your request in writing to Thomas G. McKenzie, Director, Regulation and Policy Division, Office of Policy and Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, or by facsimile transmission to (703) 734–5785.

FOR FURTHER INFORMATION CONTACT:

Dennis Carpenter, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4498, TDD (703) 883–4444, or Richard A. Katz, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: This public notice announces our intention to hold a public meeting that would explore ways to increase the availability of funds to agriculture and rural America through: (1) The funding and discount relationships between System banks and OFIs, and (2) other partnering relationships between FCS banks and associations and non-System financial institutions through alternative funding means. The purpose of this meeting will be to allow us to hear your views on our OFI regulations, existing and potential OFI credit relationships with Farm Credit banks, and other methods for the System and non-System financial institutions to work together to deliver funding to agriculture and rural America. Your suggestions will help us revise our regulations governing the funding and discount relationship between System banks and OFIs. We also welcome your ideas about how we can encourage the FCS and non-System financial institutions to form other partnering relationships that increase the flow of funds to farmers, ranchers, cooperatives, farm-related businesses, and rural utilities through loan participations, Farmers' notes, Aggie bonds, and other similar programs.

This public meeting is another step in the OFI rulemaking process we began with an advance notice of proposed rulemaking (ANPRM) that was published in the **Federal Register** on April 20, 2000, (65 FR 21121). The meeting will allow us to continue to explore regulatory approaches that will enable FCS institutions to form alliances with commercial banks and other agricultural lenders. Such delivery mechanisms can include funding of OFIs, loan participations, investments in Farmers' notes,[2] and other similar programs.

I. Objective

This public meeting is another step in supporting the FCA Board's commitment to give farmers and ranchers greater access to credit. We hope to identify solutions that would increase the availability of funds through OFI relationships as well as other funding alternatives. This meeting aims to identify new methods and tools that would help meet the financing needs of agriculture and rural America in the 21st century. Specifically, we expect to identify any regulatory barriers that may impede access to funds through the FCS.

II. Background

The comment period for our ANPRM ended on July 19, 2000. We received 37 comment letters from FCS institutions, commercial banks, existing OFIs, and other interested parties. Given the nature of the comments received and the broad spectrum of suggestions offered, we have decided to hold a public meeting in order to seek additional input about various approaches that could be available for FCS institutions to increase the availability of funding to non-System lenders that serve agriculture and rural America. We are also asking additional questions and seeking additional information from OFIs, System institutions, non-System financial institutions, and other interested parties on ways to improve the delivery of credit to agriculture through OFI funding relationships. Additionally, we are seeking information on other alternative funding programs, such as loan participations, investments in Farmers' notes, and similar programs.

Section 1.7(b) of the Farm Credit Act of 1971, as amended (Act), authorizes the Farm Credit banks to fund and discount short- and intermediate-term loans for OFIs, which are non-System lenders. Under section 1.7(b) of the Act, OFIs include:

- National and State banks;
- Trust companies;
- Agricultural credit corporations;
- Incorporated livestock loan companies;
- Savings institutions;
- Credit unions;
- Any association of agricultural producers making loans to farmers and ranchers; and
- Any corporation making loans to producers or harvesters of aquatic products.

Section 1.7(b) of the Act enables OFIs to obtain funding from Farm Credit banks for any loan that a production credit association (PCA) could make under section 2.4 of the 1971 Act. PCAs are authorized to make short- and intermediate-term loans with maturities ranging up to 10 years (15 years to producers or harvesters of aquatic products). An OFI can fund or discount through FCS banks only those loans it makes to farmers, ranchers, aquatic producers and harvesters, processing and marketing operators, farm-related businesses, and rural homeowners, who are eligible to borrow under our regulations in subpart A of part 613.

The OFI discount and funding authorities of System banks help to fulfill their mission of financing agriculture, aquaculture, and other specified rural needs. Legislative history shows that Congress originally granted OFIs discount privileges at System banks because operating credit for farmers and ranchers was scarce. Since then, Congress has updated the authorities of System banks to fund and aid both System and non-System lenders to increase the flow of credit to underserved sectors of agriculture and the rural economy. We continue to explore ways of making competitive credit available through more avenues to farmers, ranchers, and other eligible borrowers.

In the early 1980s, both the number of OFIs and the volume of business they did with System banks peaked, then subsequently declined. As of March 31, 2001, twenty-six (26) OFIs have funding relationships for approximately $297 million with FCS banks. In 1998, we sought to expand OFI access to System funding and discounting by amending our regulations to remove many OFI eligibility limits not required by the 1971 Act.[3] We also required a System bank's assessment of total charges for an OFI loan to be comparable to the charges the bank imposes on its direct lender System associations. In addition, to improve safety and soundness, those amendments also required all OFI loans to be full recourse loans.

However, despite these regulatory changes, the program continues to be underused. We are now considering a new rulemaking with the intent of improving non-System agricultural lenders' access to FCS funding as a means of improving the availability of credit to agriculture and rural America through the OFIs, loan participations, the existing investment in Farmers' notes program, or other investment vehicles, such as Aggie bonds.

[2] Investments in Farmers' notes are authorized by § 615.5172 of our regulations.

[3] *See* 63 FR 36541 (July 7, 1998).

We continue to believe that the FCS institutions can more fully serve the credit needs of agriculture and other eligible borrowers, as Congress intended, if they work cooperatively and enhance relationships with other rural credit providers. The OFI relationship is one method that helps FCS banks achieve their objective. For this reason, we continue to look for ways to improve OFIs' access to System funding. We wish to consider whether revising regulatory requirements will spur development of more OFI relationships. We also invite your comments on other funding avenues and partnerships between FCS institutions and non-System lenders that would increase the availability of credit to underserved sectors of the agricultural and rural economy.

III. Questions

In this public meeting, we seek additional information from all interested parties to aid us in developing proposed regulations that increase opportunities for all types of agricultural lenders to access funds through the FCS to the extent allowed by the Act and within appropriate safety and soundness boundaries. Specifically, we seek input on the following questions.

1. What problems/impediments, if any, do you believe exist with the current regulatory requirements relating to OFIs? Please address:

a. Structural impediments (e.g., What type of corporate structure or ownership structure works best for OFI borrowers?)

b. Operational impediments (e.g., cost of establishing an OFI, loan pricing, collateral requirements, capital required, etc.)

c. Geographical impediments (e.g., Where may an OFI establish a funding relationship?); and,

d. Other impediments?

2. What other regulatory changes, if any, are needed to improve the availability and efficiency of OFI relationships?

3. In addition to OFIs, how can we amend our regulations to encourage greater cooperation and partnering between FCS institutions and non-System lenders in increasing credit availability to eligible farmers, ranchers, aquatic producers and harvesters, their cooperatives, rural utilities, and farm-related businesses?

4. What other types of market-based solutions and financial arrangements (e.g., loan participation programs, investments in Farmers' notes, other similar types of programs) could be used to improve the availability of funds to non-System lenders through the FCS?

5. How can such alternative funding arrangements be used to improve the efficiency and availability of funding to agriculture and related rural businesses, including rural utilities and rural housing? Under what conditions should these arrangements be provided?

6. If lending institutions are granted greater flexibility to access FCS funding through OFI relationships, other partnering arrangements, or alternative funding mechanisms (e.g., loan participations, investments in Farmers' notes, Aggie bonds, and other similar programs and activities), what measures should be instituted to ensure the safety and soundness of the FCS institutions?

IV. Request To Present Testimony

In addition to comments on the preceding topics, the FCA invites testimony on all issues relating to existing OFI regulations contained in 12 CFR part 614, subpart P. We anticipate a significant number of presenters and as such, oral testimony at the meeting will be limited to 5 minutes per person and 10 minutes for follow-up questions.

Any interested party wishing to present testimony at the meeting may submit a request to the FCA at one of the addresses we listed at the outset of this notice. You may also identify yourself and your intent to speak the day of the public meeting. In order to provide the most opportunity for interested parties to present their views, we encourage interested parties to provide their testimony in a panel format. However, as time permits we will also accept individual testimony. A request to speak should provide the name, address and telephone number of the person wishing to testify and the general nature of the testimony. Requests will be honored in order of receipt.

We intend to include all comments in our official public record and as such we ask that you provide us with written statements or detailed summaries of the text of your testimony. Such written comments should be presented to us by the close of the public meeting. If time permits, at the end of the public meeting, additional parties who were not scheduled to speak may be invited to provide their thoughts and comments on the questions posed in this notice. For those parties that wish to provide testimony on the day of the meeting, but are not able or do not desire to present testimony in person in front of the meeting panel, we intend to make available additional means of recording such testimony.

In the event that more people wish to testify than time permits, the FCA will accept their written statements for the record. Written copies of the testimony along with a recorded transcript of the proceedings will be included in our rulemaking files. The FCA Board will accept written comments, in support of or in rebuttal to testimony presented at the public meeting or comments submitted for the record. The comment period for such additional comments will end 30 days following the date of this public meeting.

The comments, as well as all documents and testimony received by the FCA as part of the public meeting process, will be available for public inspection at the FCA's Office of Policy and Analysis in McLean, Virginia.

V. Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be received by FCA's Office of Congressional and Public Affairs at (703) 883–4056 (TDD (703) 883–4444) by July 27, 2001.

Dated: June 28, 2001.

Jeanette C. Brinkley,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 01–16799 Filed 7–3–01; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

June 28, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 96–511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Not withstanding any other provisions of law, 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. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418–0214.

Federal Communications Commission

OMB Control No.: 3060–0978.

Expiration Date: 06/30/04.

Title: Revision of the Commission's Rules to Ensure Compatibility with

Enhanced 911 Emergency Calling Systems, Fourth R&O.

Form No.: N/A.

Estimated Annual Burden: 32,000 burden hours annually, 2 hours per response; 16,000 responses.

Description: The information submitted in the quarterly reports will be used by the Commission to keep track of the carriers' progress in complying with E911 TTY requirements and also to monitor the progress technology is making towards compatibility with TTY devices.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16791 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 01–1551]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On June 29, 2001, the Commission released a public notice announcing the July 17–18, 2001, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

FOR FURTHER INFORMATION CONTACT: Deborah Blue, Special Assistant to the Designated Federal Officer (DFO) at (202) 418–2320 or dblue@fcc.gov. 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 29, 2001.

The North American Numbering Council (NANC) has scheduled a meeting to be held Tuesday, July 17, 2001, from 8:30 a.m. until 5:00 p.m., and on Wednesday, July 18, 2001, from 8:30 a.m., until 12:00 noon (if required). The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street, SW, Room TW–C305, Washington, DC.

This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Deborah Blue at the address under **FOR FURTHER INFORMATION CONTACT,** stated above.

Proposed Agenda

1. Announcements and Recent News
2. Approve Minutes
   —Meeting of June 18–19, 2001
3. Report of North American Numbering Plan Administrator (NANPA)
   —Final exhaust projection assumptions
   —Status of 500/900 NXX code assignments
   —Further discussion re: ''orphaned'' number blocks
4. Presentation by National Thousands-Block Pooling Administrator
5. Report of NANPA Oversight Working Group
6. Report of Numbering Resource Optimization Working Group
   —Complete NANP Exhaust Assumption 6 (impact of CMRS pooling)
7. Report of NANP Expansion/Optimization IMG
8. Status of Industry Numbering Committee activities
   —Revised guidelines for reclaiming 555 numbers
9. Report of the Local Number Portability Administration (LNPA) Working Group
10. Report of NAPM LLC
11. Report from NBANC
12. Report of Cost Recovery Working Group
13. Steering Committee
    —Table of NANC Projects
14. Report of Steering Committee
15. Action Items
16. Public Participation (5 minutes each)
17. Other Business

Adjourn (5:00 p.m.)

Wednesday, July 18 (If Required)

NANC will reconvene at 8:30 a.m. to complete any business not completed on July 17; adjournment will be no later than 12:00 Noon.

Next Meeting: September 11–12, 2001.

Federal Communications Commission.

Diane Griffin Harmon,

Acting Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 01–16797 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CS Docket No. 01–129, FCC 01–191]

Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission is required to report annually to Congress on the status of competition in markets for the delivery of video programming. This document solicits information from the public for use in preparing the competition report that is to be submitted to Congress in December 2001. The document will provide parties with an opportunity to submit comments and information to be used in conjunction with publicly available information and filings submitted in relevant Commission proceedings to assess the extent of competition in the market for the delivery of video programming.

DATES: Comments are due on or before August 3, 2001, and reply comments are due on or before September 5, 2001.

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

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman, Cable Services Bureau, (202) 418–7200, TTY (202) 418–7172 or via Internet at mglauber@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Inquiry* in CS Docket No. 01–129, FCC 01–191, adopted June 20, 2001, and released June 25, 2001. The complete text of this *Notice* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW, Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036, or may be viewed via Internet at http://www.fcc.gov/csb/.

Synopsis of Notice of Inquiry

1. Section 628(g) of the Communications Act of 1934, as amended, directs the Commission to report annually to Congress on the status of competition in the market for the delivery of video programming. This *Notice of Inquiry* (''*Notice*'') solicits data and information on the status of competition in the market for the delivery of video programming for our eighth annual report (''2001 Report''). The Commission will report on the current state of competition and report on changes in the competitive environment since our 2000 Report.

2. We seek information, comment and analyses that will allow us to compare video delivery technologies and to evaluate the status of competition in the video marketplace, prospects for new entrants to that market, and its effect on the cable television industry and consumers. The accuracy and the usefulness of the 2001 Report are directly related to the information we receive from commenters. To the extent feasible, we request data as of June 30, 2001, to facilitate our analysis of competitive trends over time. Comments submitted in this proceeding will be augmented with information from publicly available sources.

Competition in the Market for the Delivery of Video Programming

3. Video distributors using both wired and wireless technologies serve the market for the delivery of video programming. Video programming distributors include cable systems, direct broadcast satellite (''DBS'') service, home satellite dish (''HSD'') service, private cable or satellite master antenna television (''SMATV'') systems, open video systems (''OVS''), multichannel multipoint distribution service (''MMDS''), and over-the-air broadcast television service.

4. Congress and the Commission have sought to eliminate barriers to competitive entry and establish market conditions that promote competition to foster more and better options for consumers at reasonable prices. The Telecommunications Act of 1996 (''1996 Act'') extended the pro-competitive provisions of the Cable Television Consumer Protection and Competition Act of 1992 (''1992 Act'') and established a ''pro-competitive de-regulatory national policy framework'' for the telecommunications industry. For this year's report, we seek comment and information on the extent to which changes in the Communications Act and the Commission's rules have encouraged new competitors in the market for the delivery of video programming. We also seek comment on any remaining, or impending, statutory or regulatory barriers to new entrants in the video market.

5. One goal of the 1992 and 1996 Acts is to promote competitive choices for consumers. To what extent do consumers have multiple options for video programming services? We seek data regarding areas where head-to-head competition exists between cable and other video programming distributors, or among various types of video programming distributors. As in previous Reports, we request information for case studies on the effects of competition in local markets where consumers have a choice among video programming distributors.

6. For consumers to have access to competitive alternatives for video services, video programming distributors must have access to programming and other services as well as the facilities needed to distribute these services. We seek information regarding video programming distributors' ability to acquire or license programming. We also note that the prohibition on exclusive contracts in the program access rules ceases to be effective on October 5, 2002, unless the Commission finds that the prohibition continues to be necessary. We seek suggestions on the methods we should use to evaluate whether this provision of the program access rules is still needed.

7. We also recognize that new service offerings (e.g., data access, telephony, video-on-demand, interactive television) and new ways of offering service (e.g., personal video recorders, streaming video) are being deployed by a number of different video delivery technologies. Are there economic, technical or regulatory factors influencing the ability of providers to include these services along with more video programming? We also request comment on whether the ability to offer advanced services (e.g., telephony, data access) affects competition in the video marketplace?

8. Video programming distributors must be able to deliver their services to consumers. In this regard, we seek comment and information regarding the ability of video programming distributors to have access to rights-of-way, pole attachments, conduits, and ducts for the delivery of their services to consumers. We also seek to update our information on video delivery competition for and within multiple dwelling units (''MDUs''), which we consider a separate submarket.

9. As in previous Reports, we seek factual information and statistical data about the current status of each type of video programming distributor and any changes that have occurred during the past year. For each video programming distribution technology, we seek information on: (1) The number of homes passed by wired technologies; (2) the number of homes capable of receiving service by wireless technologies; (3) the number of video distribution firms in a given industry; (4) the number of subscribers and penetration rates; (5) channel capacities and the number, type, and identity of video programming channels offered; (6) prices charged for the various programming packages offered; and (7) industry and firm financial information, such as revenues, in the aggregate and by source (e.g., programming, advertising), cash flow, and expenditures. Finally, we invite comment on a variety of issues associated with specific segments of the video programming distribution industry as well as any other relevant comments.

10. *Cable Television.* We seek to update and refine our report on the performance of the cable television industry. We invite comment and request data on cable television's financial performance, capital acquisition and disposition, system transactions, rates, channel capacity, programming costs, subscribership, viewership, and new service offerings.

11. Section 612(g) of the Communications Act provides that at such time as cable systems with 36 or more activated channels are available to 70 percent of households within the U.S. and are subscribed to by 70 percent of those households, the Commission may promulgate any additional rules necessary to provide diversity of information sources. In the 2000 Report, we found that both benchmarks had not been met. Have there been any developments in the last year that would change this determination? With respect to channel capacity, we request data on the distribution of cable systems and cable subscribers classified by channel capacity. We also seek information on the extent to which cable operators currently are using all their required set-aside channels for the carriage of local broadcast signals, pursuant to sections 614 and 615 of the Communications Act. We further note that, under 47 CFR 76.921, the exception to the ''buy through prohibition'' expires on October 5, 2002. Are there cable systems that will not meet the October 2002 deadline for the capability to allow ''buy-through''?

12. We seek information on mergers, acquisitions, consolidations, swaps and

trades, cross-ownership, and other structural development that affect the delivery of video programming. For the past several years, cable operators have engaged in a strategy of buying and/or swapping cable systems to create regional clusters cable systems. We request comment on the practice of clustering and its effect on competition in the video programming distribution market. We also are interested in learning whether noncable video programming distributors (e.g., MMDS, SMATV) cluster their systems.

13. We further seek comment on whether cable operators are changing the way they package programming. To what extent are cable operators offering smaller basic tiers (i.e., ''lifeline'' tiers) or shifting programming from the basic service tier (''BST'') to cable programming service tier (''CPST'') or from these tiers to digital tiers? To what extent are operators shifting services to create uniform program offerings across their regional or clustered systems?

14. *Direct-to-Home Satellite Services.* We seek updated information about direct-to-home (''DTH'') satellite services, which includes direct broadcast satellite (''DBS'') and home satellite dish (''HSD'' or ''C-Band'') services. Previous Reports have noted the continued growth of DBS subscribership and the increased proportion of video programming subscribers choosing alternatives to cable television. We also observed a decline in the number of HSD subscribers. Are these trends continuing? Are there identifiable differences between consumers who choose to subscribe to DBS rather than cable or another video programming distributor? We request data that will allow us to compare DBS and cable rates for programming packages and equipment.

15. Some of the increase in DBS's share of multichannel video programming distributor (''MVPD'') subscribers has been attributed to the carriage of local broadcast stations (''local-into-local service'') by DBS operators, pursuant to the Satellite Home Viewer Improvement Act of 1999 (''SHVIA''). We request updated information on the number of markets where local-into-local service is offered and the percent of DBS subscribers opting for such packages.

16. *Broadcast Television.* We seek information on the role of broadcast television in market for the delivery of video programming. We request information regarding the extent to which broadcast television competes as a distribution medium with multichannel video programmers for audiences and for advertising revenue. We seek information on the number and percentage of households that rely on over-the-air broadcast television reception for some or all the television sets in their homes.

17. Broadcasters are in the process of rolling out digital television (''DTV''). We request comment on the role of DTV in the market for the delivery of video programming. We request information regarding the amount and type of DTV programming currently being offered. We also seek information on the sales of DTV consumer equipment and factors affecting consumer adoption of DTV equipment. Further, in conjunction with the on-going consideration of issues relating to the carriage of DTV stations by cable operators, we seek information and comment on DTV carriage agreements between broadcasters and cable operators.

18. *Wireless Cable.* In the 2000 Report, we reported an almost 15 percent decline in MMDS video subscribers, a trend that has continued from previous years. We observed that the MMDS industry provides competition to the cable industry for MVPD service only in limited areas and that the industry is transitioning from offering video programming to offering data service. What effect will this transition have on the status of MMDS as a competitor in the market for the delivery of video programming and consumer choice?

19. *Satellite Master Antenna Systems.* Video distribution facilities that use closed transmission paths without using any public right-of-way, known as SMATV or private cable systems, primarily serve MDUs, such as apartment buildings. The 2000 Report noted that SMATV subscribership has remained relatively unchanged in recent years, but we recognized that our estimate of SMATV subscribership may be inexact since the SMATV industry consists of hundreds of small and medium size firms. To provide the most accurate and reliable estimate of SMATV subscribership, we request data for SMATV markets, including subscribership levels, service areas, the identities of the largest operators, types of services offered, and the price charged for those services.

20. *Open Video Systems.* We request data on the status of open video systems, including the number of homes passed, the number of subscribers, the types of services offered, the packaging of services, and the cost of services. To what extent are open video systems joint ventures between video service providers and other entities (e.g., utility companies, Internet service providers)? An OVS operator must make channel capacity available for use by unaffiliated programmers. We solicit information on unaffiliated programmers seeking carriage on open video systems and the number and types of such programming. Under the *City of Dallas, Texas* v. *FCC* decision, local governments have the ability to impose franchise requirements on OVS operators. What effect has this decision had on the growth of OVS?

21. *Local Exchange Carriers and Utilities.* For the 2001 Report, we request information regarding LECs, long distance telephone companies, and utility companies that provide video services. In the 2000 Report, we found that the rate of entry by LECs appeared to be slowing even by the most aggressive telephone companies, and several LECs have reduced or eliminated their MVPD efforts. With respect to LECs, we request information about the current status of their activities and any changes that have occurred since the 2000 Report.

22. *Broadband Providers.* In previous Reports, in the context of overbuilding, we mentioned several broadband providers, which are newer firms that are building state-of-the-art facilities-based networks to provide video, voice and data services over a single network. We note that some broadband providers offer video services as franchised cable operators and some have obtained OVS certification. We seek information regarding broadband providers, including data on the geographic locations of such systems, and whether they operate as franchised cable systems or some other model. We also ask for information regarding the number of homes passed, the number of subscribers, video service packages offered, non-video service offerings in combination with video services, and the rates charged for the various packages. What are the technical, economic and regulatory obstacles to the successful operation of systems of this type?

23. *Home Video Sales and Rentals.* The Commission has considered home video sales and rentals as part of the video marketplace because they offer services similar to premium and pay-per-view programming services. The home video marketplace includes videocassettes, DVDs, laser discs, and personal video recorders (''PVRs''). For the 2001 Report, we seek information and updated statistics regarding the home video sales and rental market.

Convergence of Services and Technologies

24. *Convergence of Service Offerings.* The 1996 Act removed barriers to LEC

entry into the video marketplace in order to facilitate competition between incumbent cable operators and telephone companies. In the 2000 Report, as in previous years, we found that the expected technological convergence between telephone and cable companies had not yet occurred. However, we observed that the most significant convergence of service offerings has been the pairing of Internet service with video services by a wide range of companies throughout the communications industries. We request information on the current state of high-speed data offerings by each delivery technology and comparable statistics on the availability of such service, the cost of such service, the number of homes to which the service is available, and the number of subscribers of these services. What effect, if any, does the provision of these ancillary services have on competition in the video marketplace?

25. *Convergence of Television and the Internet.* A number of recent developments point to the convergence of television and the Internet. In recent Reports, we addressed Internet video, i.e., real-time and downloadable video accessible over the Internet. We seek comment as to if, and when, Internet video will become a viable competitor in the market for the delivery of video programming. We also solicit information on the technological, legal, and competitive factors that may promote or impede the provision of video over the Internet.

26. In the 2000 Report, we observed that interactive television (''ITV'') services were beginning to be offered through cable, satellite, and terrestrial technologies. ITV combines television with many of the functions of the personal computer (''PC''). We seek comment on the development and deployment of these services, specifically the types of services being offered and the technologies used to provide them to consumers. We also seek information on electronic program guides (''EPGs''), which are sometimes considered an ITV service.

Programming Issues

27. For the 2001 Report, we seek information that will allow us to update our information on existing and planned national and local/regional programming services and to assess the extent to which video programming services are affiliated with cable multiple system operators (''MSOs''). We also request data on the extent to which there are programming networks affiliated with noncable video programming distributors and whether such programming networks are available to competitors, including cable operators. We request comment on whether there are certain programming services (i.e., ''marquee'' program services) or types of services (e.g., movie, sports, or news channels) without which competitive video service providers may find themselves unable to effectively compete. We further seek information and comment regarding public, educational, and governmental (''PEG'') access and leased access channels.

28. In the 2001 Report, we will continue to report on the effectiveness of our program access, program carriage and channel occupancy rules that govern the relationships between cable operators and programming providers. In particular, we seek information on cases of video programming distributors being denied programming when a satellite-delivered service becomes terrestrially-delivered, or being denied programming by non-vertically integrated programmers?

Technical Advances

29. Cable operators and other video programming distributors continue to develop and deploy advanced technologies, especially digital compression techniques, to increase their capacities and to enhance the capabilities of their transmission systems. We request information on the various aspects of these technical advances, including information on investments in facilities and equipment upgrades by cable and other MVPDs. As digital services and other new technologies are deployed by video programming distributors, changes in consumer premises equipment design, function, and availability may affect consumer choice and competition between firms in the video programming market. We solicit updated information on the developments regarding consumer equipment.

Procedural Matters

Ex Parte

30. There are no ex parte or disclosure requirements applicable to this proceeding pursuant to 47 CFR 1.1204(b)(1).

Filing of Comments and Reply Comments

31. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before August 3, 2001, and reply comments on or before September 5, 2001. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

32. Comments filed through the ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/e-file/ecfs.html. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address.'' A sample form and directions will be sent in reply.

33. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. The Cable Services Bureau contact for this proceeding is Marcia Glauberman at (202) 418–7046, TTY (202) 418–7172, or at mglauber@fcc.gov.

34. Parties who choose to file by paper should also submit their comments on diskette. Parties should submit diskettes to Marcia Glauberman, Cable Services Bureau, 445 12th Street SW., Room 3–A738, Washington, DC 20554. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible form using MS DOS 5.0 and Microsoft Word, or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the party's name, proceeding (including the lead docket number in this case [CS Docket No. 00–129]), type of pleading (comments or reply comments), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, referable in a single electronic file. In addition, commenters must send diskette copies to the

Commission's copy contractor, International Transcription Service, 1231 20th Street, NW., Washington, DC 20036.

Ordering Clause

35. This Notice is issued pursuant to authority contained in Sections 4(i), 4(j), 403, and 628(g) of the Communications Act of 1934, as amended.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16792 Filed 7–3–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011700–003.

Title: Senator/CSAV Slot Charter Agreement.

Parties: Compania Sud Americana de Vapores S.A., Norasia Container Lines Limited, Senator Lines GmbH.

Synopsis: The proposed modification adds Norasia to the agreement as a charterer of slots from Senator Lines in trades between North Europe, the Far East, Central America, Mexico and U.S. Atlantic and Pacific Coasts.

Agreement No.: 011736–001.

Title: Sen/CSAV Cross Slot Charterparty Agreement on AMA/APX.

Parties: Compania Sud Americana de Vapores S.A., Norasia Container Lines Limited, Senator Lines GmbH.

Synopsis: The proposed modification adds Norasia to the agreement as a charterer of slots from Senator Lines in trades between South Europe, the Near, Middle and Far East, and Western Pacific Islands on the one hand and the U.S. Atlantic Coast.

Agreement No.: 011770.

Title: NSCSA/Oldendorff Slot Exchange Agreement.

Parties: National Shipping Company of Saudi Arabia, Oldendorff Carriers (Indotrans) Ltd.

Synopsis: The proposed agreement establishes a vessel-sharing agreement between the parties in the trade between U.S. East and Gulf Coast ports and ports in India, Pakistan, Sri Lanka and on the Arabian Gulf, the Red Sea, and the Mediterranean Sea. The parties have requested expedited review.

Agreement No.: 201100–001.

Title: Oakland/Italia Terminal Use Agreement.

Parties: Port of Oakland, Italia di Navigazione-Societa per Azione.

Synopsis: The proposed amendment permits cargo discharged from or loaded onto Medbulk Maritime Corporation vessels at the Charles P. Howard Terminal to be regarded as cargo discharged or loaded by Italia vessels. The agreement continues to run through September 30, 2004.

Agreement No.: 201123.

Title: SSA Terminals (Long Beach) Cooperative Working Agreement.

Parties: SSA Terminals, LLC, SSA Pacific Terminals, Inc., Terminal Investment Limited.

Synopsis: The proposed agreement provides for the joint ownership of SSA Terminals (Long Beach), LLC that will provide container stevedoring, terminal, and related services on A at the Port of Long Beach.

Dated: June 29, 2001.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–16852 Filed 7–3–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 4503F
Name: Aimar USA, Inc.
Address: 9111 N.W. 105 Way, Medley, FL 33178
Date Revoked: May 24, 2001.
Reason: Failed to maintain a valid bond.

License Number: 10873N
Name: Ameripak Services, Inc.
Address: 7301 N.W. 41 Street, Miami, FL 33166
Date Revoked: April 22, 2001.
Reason: Failed to maintain a valid bond.

License Number: 15759N
Name: Ben L. Poblete dba APC World Freight Services
Address: 1 So. Linden Avenue, Suite 2, So. Francisco, CA 94080
Date Revoked: April 18, 2001.
Reason: Failed to maintain a valid bond.

License Number: 14520N
Name: Bulkmatic Transport Company
Address: 2001 North Cline Avenue, Griffith, IN 46319
Date Revoked: March 26, 2001.
Reason: Surrendered license voluntarily.

License Number: 4556NF
Name: Cross Trans Service USA, Inc.
Address: 1480 Elmhurst Road, Elk Grove Village, IL 60007
Date Revoked: May 24, 2001.
Reason: Failed to maintain valid bonds.

License Number: 14998N
Name: D.S.C.V. Transport, Inc.
Address: 8210 Cinder Bed Road, Suite 7, Lorton, VA 22079
Date Revoked: May 27, 2001.
Reason: Failed to maintain a valid bond.

License Number: 6248N
Name: Flagship Container & Distribution, Inc.
Address: 22029 West Conway Place, Saugus, CA 91350
Date Revoked: March 31, 2001.
Reason: Surrendered license voluntarily.

License Number: 15877N
Name: Glory Harbor International Inc.
Address: 1107 E. Chapman Avenue, Suite 201, Orange, CA 92866
Date Revoked: April 17, 2001
Reason: Surrendered license voluntarily.

License Number: 16880F
Name: Hanover Navigation Limited
Address: 55 Green Street, San Francisco, CA 94111
Date Revoked: May 9, 2001.
Reason: Failed to maintain a valid bond.

License Number: 3483F
Name: Itochu Express (America) Inc.
Address: 335 Madison Avenue, New York, NY 10017
Date Revoked: May 4, 2001.
Reason: Failed to maintain a valid bond.

License Number: 8438N
Name: Pacon Express, Inc.
Address: 20620 So. Leapwood Avenue, Suite K, Carson, CA 90746
Date Revoked: May 24, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4147F
Name: RMG International, Inc.
Address: 755 Bradfield, Houston, TX 77086
Date Revoked: May 4, 2001.
Reason: Failed to maintain a valid bond.

License Number: 1335F
Name: Royal Sales & Shipping
Address: 915 S. Rimpau Blvd., Los Angeles, CA 90019
Date Revoked: May 7, 2001.

Reason: Surrendered license voluntarily.
License Number: 16403N
Name: RTW Co For Shipping & Trad dba J&M Shipping
Address: 500 S. Kraemer #301, Brea, CA 92821
Date Revoked: May 17, 2001.
Reason: Failed to maintain a valid bond.
License Number: 16994N
Name: Total Transport International Corp.
Address: 1031 W. Manchester Blvd., Unit F, Inglewood, CA 90301
Date Revoked: March 30, 2001.
Reason: Surrendered license voluntarily.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.
[FR Doc. 01–16854 Filed 7–3–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/Address	Date Reissued
14952N	Eagle Transportation Services, Inc., 848 Jesse Jewell Parkway, S.W., Gainesville, GA 30501	April 3, 2001.
3240F	Freight Connections International, Ltd., 935 W. 175th Street, Homewood, IL 60430	March 24, 2001.
16123N	Mid Cities Motor Freight, Inc., 6006 Lake Avenue, St. Joseph, MO 64504	March 23, 2001.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.
[FR Doc. 01–16853 Filed 7–3–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 01–07]

Tignes, Inc.—Application for a License as an Ocean Transportation Intermediary

Notice is given that on June 25, 2001, the Federal Maritime Commission served an Order of Investigation to determine whether Tignes, Inc. is qualified by the experience and character standards of section 19 of the Shipping Act of 1984 to be licensed to render services as an Ocean Transportation Intermediary (''OTI'').

Tignes submitted an application for a license as an OTI to operate as a Non-Vessel Operating Common Carrier (''NVOCC''). Sergio Lemme is identified in the application as Tignes' Qualifying Individual, as well as its President and sole owner. On April 30, 2001, the Commission sent a letter of intent to deny the license application to Tignes pursuant to 46 CFR 515.15. The letter of intent to deny was based upon a staff determination that Tignes and Mr. Lemme did not have the experience or character necessary to perform OTI services. The staff made this determination based on admitted violations of the 1984 Act in FMC Docket No. 99–20, *GSTAAD, Inc. and Sergio Lemme Possible Violations of Section 10(a)(1) of the Shipping Act of 1984,* and indications that GSTAAD, continued to solicit new business after approval of the settlement agreement by the ALJ in Docket No. 99–20. The staff also found indications that Southern Group, of which Mr. Lemme is President and Owner, provided NVOCC services without a license and that materially false and misleading statements were made with respect to Tignes' OTI application. As entitled by 46 CFR 515.15, Tignes, through counsel, requested a hearing on the proposed denial of its license application. The Commission issued the Order of Investigation in Docket No. 01–07 in response to this request. The full text of the Commission's Order of Investigation can be found on the Commission's homepage at www.fmc.gov.

Bryant L. VanBrakle,
Secretary.
[FR Doc. 01–16851 Filed 7–3–01; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 30, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. American Community Financial, Inc., Woodstock, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of American Community Bank & Trust, Woodstock, Illinois.

Board of Governors of the Federal Reserve System, June 28, 2001.

Robert deV. Frierson,
Associate Secretary of the Board.
[FR Doc. 01–16743 Filed 7–3–01; 8:45 am]
BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Meeting of the Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of meeting.

The Advisory Committee on Blood Safety and Availability will meet on Friday August 24, 2001 from 9 a.m. to 5 p.m. The meeting will take place at the Hyatt Regency Hotel on Capitol Hill, 400 New Jersey Ave., NW., Washington, DC 20001. The meeting will be entirely open to the public.

The purpose of this meeting will be to present the Department's current and future plans to monitor supply and demand for blood and plasma products, and to solicit public comment on these plans.

Public comment will be limited to five minutes per speaker. Those who wish to have printed material distributed to Advisory Committee members should submit thirty (30) copies to the Executive Secretary prior to close of business August 9, 2001. In addition, anyone planning to comment on either item is encouraged to contact the Executive Secretary at her/his earliest convenience.

FOR FURTHER INFORMATION CONTACT: CAPT Lawrence C. McMurtry, Deputy Executive Secretary, Advisory Committee on Blood Safety and Availability, Department of Health and Human Services, Office of Public Health and Science, 200 Independence Ave., SW., Room 736–E, Washington, DC 20201. Phone (202) 690–5558, FAX (202) 690–7560, e-mail lmcmurtry@osophs.dhhs.gov.

Lawrence C. McMurtry,

Deputy Executive Secretary, Advisory Committee on Blood Safety and Availability.

[FR Doc. 01–16752 Filed 7–3–01; 8:45 am]

BILLING CODE 4150–28–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Meeting of the Presidential Advisory Council on HIV/AIDS

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Presidential Advisory Council on HIV/AIDS (Council) scheduled for July 19, 2001, extending possibly into July 20th, 2001 at a downtown Washington, DC location to be determined. The meeting of the Presidential Advisory Council on HIV/AIDS will take place on Thursday, July 19th, 2001 (8:30 am to 6 pm). Once a draft agenda is prepared, if deemed necessary the meeting will continue on July 20th (8:30 am to 12 pm). The meetings will be open to the public, however space may be limited. Possible attendees are strongly encouraged to pre-register by calling Shellie Abramson at (202) 860–8863.

Greg Smiley, Designated Federal Official, Presidential Advisory Council on HIV and AIDS, 200 Independence Avenue, SW., Room 733–E, Washington, DC, (phone: (202) 205–1839, Fax: (202) 690–7560, E-mail: *gsmiley@OSOPHS.dhhs.gov*) will furnish the meeting agenda and roster of committee members upon request. Once a draft agenda has been finalized, it may also be accessed through the Council's website: *www.pacha.gov*. Any individual who requires special assistance, such as sign language interpretation or other reasonable accommodations, should contact Brand Rymph at (301) 986–4870 no later than July 12, 2001.

Greg Smiley,

Health Policy Analyst, Designated Federal Official,Presidential Advisory Council on HIV and AIDS.

[FR Doc. 01–16813 Filed 7–3–01; 8:45 am]

BILLING CODE 3195–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Centers for Medicare & Medicaid Services; Statement of Organization, Functions and Delegations of Authority; Reorganization Order

Under the authority of Section 6 of Reorganization Plan No. 1 of 1953 and pursuant to the authorities vested in me as Secretary of Health and Human Services, I hereby order organizational changes in the Department of Health and Human Services (HHS) as follows. Under Part F, (Health Care Financing Administration) Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Part F, as amended at 46 FR 13262–63, dated March 9, 1977, and most recently amended at 65 FR 43771, dated July 14, 2000, is being amended to retitle, Part F, Health Care Financing Administration, as the Centers for Medicare & Medicaid Services. The changes are as follows:

1. Under Part F, all references to the Health Care Financing Administration (HCFA), are hereby changed to the Centers for Medicare & Medicaid Services (CMS); and all references to HCFA are changed to CMS.

2. All references to the HCFA ''Administrator'' are changed to the ''Administrator of CMS.''

3. Delegations of Authority. All delegations of authority from the Secretary or other HHS officials to the Administrator, Health Care Financing Administration and redelegations from the Administrator to subordinate employees pertaining to the Health Care Financing Administration are vested in the Administrator, Centers for Medicare & Medicaid Services and such subordinate employees and remain in effect until revoked or modified.

Dated: June 29, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–16800 Filed 6–29–01; 3:24 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Administration on Aging

Public Information Collection Requirement Submitted to the Office of Management and Budget for Clearance

AGENCY: Administration on Aging, HHS.

SUMMARY: The Administration on Aging (AoA), Department of Health and Human Services, in compliance with the Paperwork Reduction Act (Pub. L. 96–511), is submitting to the Office of Management and Budget for clearance and approval an information collection instrument, entitled Performance (Progress) Reports for Title IV Grantees.

Type of Request: Extension of currently approved collection.

Use: Consistent with 45 CFR part 74, subpart J, the AoA requires grantees funded under Title IV of the Older Americans Act to report on the performance of their projects. The report is used by the AoA to review and monitor the grantee's progress in achieving project objectives, to provide advice and assistance, and to take corrective action as necessary.

Frequency: Semiannual.

Respondent: Title IV grantees.

Estimated number of respondents: 199.

Estimated burden hours: 20 hours for each semiannual report.

Additional Information: Each progress report, typically five pages in length, is expected to cover the following subjects: recent major activities and accomplishments, problems encountered, significant findings and events, dissemination activities, and activities planned for the next 6 months.

OMB Comment: A comment is best assured of having its full effect if OMB receives it as soon as possible after its publication. Written comments and recommendations for the proposed information collection should be sent to the following address within 30 days of the publication of this notice: Office of Information and Regulatory Affairs, Attention: Allison Herron Eydt, AoA Desk Officer, Office of Management and Budget, Washington, DC 20503.

Dated: June 28, 2001.

Norman L. Thompson,

Acting Principal Deputy Assistant Secretary for Aging.

[FR Doc. 01–16830 Filed 7–3–01; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–52]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Youth Risk Behavior Survey (YRBS) Methodological Study—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention, (CDC). The purpose of this request is to obtain OMB clearance to conduct a methodological study in the Spring of 2002 to assess the contributions of question wording, questionnaire context, and appeals for honesty on prevalence and, thereby, to provide methodological guidance for future surveys, especially surveys of adolescents. In 2000, the Office of the Assistant Secretary for Planning and Evaluation (ASPE) commissioned five expert papers written on the topic ''Examining Substance Abuse Data Collection Methodologies.'' The papers focused on the YRBS, the National Household Survey of Drug Abuse (NHSDA), and Monitoring the Future (MTF). A consensus among the authors was that disparate results across the studies are most likely a product of methodological differences across the surveys. This YRBS Methodological Study is designed to measure the effect of several critical aspects of the data collection protocol: (1) Question wording, (2) questionnaire context, (3) appeals for honesty, and (4) students' perception of their honesty and accuracy. Approximately 100 students in 40 high schools will be given one of four questionnaires. Elucidation of the impact of these factors on prevalence will assist in reducing response effects and improving the quality of the YRBS data.

The total estimated cost to student respondents is $15,750, which is calculated in terms of their time spent in responding to the survey and is based on an assumed minimum wage of $5.25/hour for the 2001–2002 school year. The total estimated cost to school administrators is $1,400 which is calculated in terms of their time spent in recruitment and is based on an assumed average hourly rate of $34. Thus, the total costs to respondents, based on the costs of their time, are $17,150.

Respondents	Number of respondents	Number of responses per respondents	Burden per response (in hrs.)	Total burden hours
High school student	4,000	1	45/60	3,000
School administrators	80	1	30/60	40

Dated: June 27, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–16735 Filed 7–3–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Refugee Resettlement Program Estimates: CMA.

OMB No.: 0970–0030.

Description: ORR reimburses, to the extent of available appropriations, certain non-Federal costs for the provision of cash and medical assistance to refugees, along with allowable expenses in the administration of the Refugee Resettlement Program. ORR needs sound State estimates of likely expenditures for refugee cash, medical, and administrative (CMA) expenditures so that it can anticipate Federal costs in upcoming quarters. If Federal costs are anticipated to exceed budget allocations, ORR must take steps to reduce Federal expenses, such as limiting the number of months of eligibility for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA).

To meet the need for reliable State estimates of anticipated expenses, ORR has developed a single-page form in which States estimate the average number of recipients for each category of assistance, the average unit cost over the next 12 months, and the expense for the overall administration of the program. This form, the ORR–1 must be submitted prior to the beginning of each Federal fiscal year. Without this information, ORR would be out of compliance with the intent of its legislation and otherwise unable to estimate program costs adequately.

In addition, the ORR–1 serves as the State's application for reimbursement of

its CMA expenses. Submission of this form is thus required by section 412(a)(4) of the Immigration and Nationality Act, which provides that ''no grant or contract may be awarded under this section unless an appropriate proposal and application * * * are submitted to, and approved by, the appropriate administering official.''

Respondents: State, Local, or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR–1	48	1	.5	24
Estimated Total Annual Burden Hours				24

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: June 28, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–16751 Filed 7–3–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0280]

Beverages: Bottled Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it does not need to issue a standard of quality regulation for bottled water in response to the Environmental Protection Agency's (EPA's) issuance of National Primary Drinking Water Regulations (NPDWRs) for the control of *Cryptosporidium* contamination in surface water sources for public drinking water, to protect the public health. This action is in accordance with the Federal Food, Drug, and Cosmetic Act (the FFDCA), which requires that, whenever EPA issues NPDWRs for a contaminant in public drinking water, FDA must issue a standard of quality regulation for the same contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems but not in water used for bottled drinking water.

FOR FURTHER INFORMATION CONTACT: Paul South, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–358–3571.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 16, 1998 (63 FR 69478), EPA published the Interim Enhanced Surface Water Treatment Rule (IESWTR) that established NPDWRs consisting of treatment technique requirements for reduction of *Cryptosporidium* in surface water and in ground water under the direct influence of surface water that public water systems serving 10,000 people or more use as their source water. This rulemaking finalized a proposed rule that EPA published in the **Federal Register** on July 29, 1994 (59 FR 38832).

Cryptosporidium is a gastrointestinal illness caused by ingestion of *Cryptosporidium* oocysts. The mode of transmission for *Cryptosporidium* is through the fecal-oral route and occurs by ingestion of infective oocysts from contaminated water or food, or by direct or indirect contact with infected persons or animals. While cryptosporidiosis generally is considered a self-limiting disease, it can be chronic and life threatening in immunocompromised individuals. Recently, a waterborne outbreak of *Cryptosporidium* was documented in association with public drinking water (Ref. 1).

Under the Safe Drinking Water Act (SDWA), as amended in 1996, EPA issues NPDWRs to protect the public health from the adverse effects of contaminants in public drinking water. NPDWRs specify maximum contaminant levels (MCLs) or treatment techniques for public drinking water contaminants. At the same time that it issues NPDWRs, EPA publishes maximum contaminant level goals (MCLGs), which are not regulatory requirements, but rather nonenforceable health goals that are based solely on considerations of protecting the public from adverse health effects of public drinking water contamination.

Under section 410(b)(1) of the FFDCA (21 U.S.C. 349(b)(1)), not later than 180 days before the effective date of a NPDWR issued by EPA for a contaminant under section 1412 of the SDWA (42 U.S.C. 300g-l)[1], FDA is required to issue a standard of quality regulation for the contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems, but not in water used for bottled drinking water. The effective date for any such standard of quality regulation is to be the same as the effective date of the NPDWR. In addition, section 410(b)(2) of the FFDCA provides that a quality standard regulation issued by FDA shall include monitoring requirements that the agency determines to be appropriate for bottled water. Further, section 410(b)(3) of the FFDCA requires a quality standard regulation for a contaminant in bottled water to be no less stringent than EPA's MCL and no less protective of the public

[1]FDA considers EPA's compliance date for subpart H public water systems (systems using surface water or ground water under the direct influence of surface water) that serve a population of 10,000 or more to be the effective date for purposes of section 410 of the FFDCA. The compliance date was set at December 16, 2001, in the IESWTR (63 FR 69478, December 16, 1998) and revised in a subsequent rule to January 1, 2002 (65 FR 20304, April 14, 2000).

health than EPA's treatment technique requirements for the same contaminant.

II. EPA Standards

The SDWA, as amended in 1996, requires EPA to publish an NPDWR that specifies either an MCL or treatment technique requirement for contaminants that may have an adverse effect on the health of persons, are known to occur or have a substantial likelihood of occurring in public water systems with a frequency and at levels of public health concern, and for which regulation presents a meaningful opportunity for health risk reduction for persons served by public water systems (section 1412(b)(1)(A) of the SDWA). The SDWA (section 300g-l(a)(3)) also requires that EPA issue MCLGs at the time that it issues NPDWRs. MCLGs are nonenforceable health goals based solely on considerations of protecting the public from the adverse health effects of contaminants, and are not based on other considerations, such as potential cost of regulating contaminants and potential technical difficulties of achieving the health goals. EPA sets MCLs, the enforceable contaminant levels, as close as feasible to the nonenforceable MCLGs. When it is not economically or technologically feasible to set MCLs, EPA establishes treatment technique requirements that can reduce the levels of such contaminants to protect the public health (section 1412(b)(1)(A) of the SDWA).

In the **Federal Register** of December 16, 1998 (63 FR 69478), EPA published the IESWTR establishing treatment technique requirements for public water systems that use surface water or ground water under the direct influence of surface water and serve at least 10,000 people. The primary purpose of the IESWTR is to improve control of microbial pathogens in public drinking water, particularly for the protozoan *Cryptosporidium*. Key provisions established in the IESWTR include (63 FR 69478 at 69483):

(a) An MCLG of zero for the protozoan genus *Cryptosporidium*.

(b) A 2-log (99 percent) removal of *Cryptosporidium* in public water systems that use surface water or ground water under the direct influence of surface water, serve 10,000 or more people, and are required to filter their source water under the Surface Water Treatment Rule (SWTR) (54 FR 27486, June 29, 1989).

(c) Strengthened turbidity performance requirements for the combined filter effluent. The turbidity of a system's combined filtered water at each plant must be below levels established by EPA for public water systems when the plant uses surface water or ground water under the direct influence of surface water, serves 10,000 or more people, and is required to filter its source water under the SWTR.

(d) New requirements for individual filters. The turbidity for each individual filter effluent at each plant must be monitored continuously and be below levels established by EPA for public water systems when the plant uses surface water or ground water under the direct influence of surface water, serves 10,000 or more people, and is required to filter its source water under the SWTR.

III. FDA Standards

A. The Agency's Approach to Bottled Water Quality Standards Established Under Section 410 of the FFDCA

Under section 401 of the FFDCA (21 U.S.C. 341), FDA may issue a regulation establishing a standard of quality for a food under its common or usual name when the Secretary of Health and Human Services determines that such action will promote honesty and fair dealing in the interest of consumers. On November 26, 1973 (38 FR 32558), FDA established a quality standard for bottled water set forth in § 165.110 (21 CFR 165.110).

Producers of bottled water are responsible for ensuring, through appropriate manufacturing techniques and sufficient quality control procedures, that all bottled water products introduced or delivered for introduction into interstate commerce comply with the quality standard (§ 165.110(b)). Bottled water that is of a quality below the prescribed standard is required by§ 165.110(c) to be labeled with a statement of substandard quality. Moreover, any bottled water containing a substance at a level that causes the food to be adulterated under section 402(a)(1) of the FFDCA (21 U.S.C. 342(a)(1)) is subject to regulatory action, even if the bottled water bears a label statement of substandard quality.

FDA traditionally has fulfilled its obligation under section 410 of the FFDCA to respond to EPA's issuance of NPDWRs by amending the quality standard regulations for bottled water to maintain compatibility with EPA's public drinking water regulations. In general, FDA believes that, with few exceptions, EPA standards for contaminants in public drinking water are appropriate as allowable levels for contaminants in the quality standard for bottled water when bottled water may be expected to contain the same contaminants.

FDA generally has not duplicated the efforts of EPA in judging the adequacy of MCLs or treatment techniques in NPDWRs for contaminants when determining their applicability to bottled water in order to protect the public health. FDA believes that it would be redundant for FDA to reevaluate the public drinking water standards prescribed by EPA. Further, because bottled water increasingly is used in some households as a replacement for tap water, consumption patterns considered by EPA for tap water can be used as an estimate for the maximum expected consumption of bottled water by some individuals. Therefore, in cases where bottled water is subject to the same contaminants as tap water, FDA believes it should establish standard of quality regulations for bottled water that are no less stringent and no less protective of the public health, respectively, than EPA's MCLs and treatment technique requirements.

B. The EPA's IESWTR and Bottled Water

FDA has evaluated the treatment technique requirements for the reduction of *Cryptosporidium* in public drinking water established in EPA's IESWTR and finds that a standard of quality regulation for bottled water to reduce *Cryptosporidium* is not necessary to protect the public health.

According to industry information (Ref. 2), approximately 75 percent of bottled water sold in the United States originates from ground water (e.g., artesian well water, spring water, mineral water). Under the standard of identity regulations for bottled water (§ 165.110(a)), FDA has defined ground water as''* * * water from a subsurface saturated zone that is under a pressure equal to or greater than atmospheric pressure * * *. Ground water must not be under the direct influence of surface water as defined in 40 CFR 141.2.'' (See 21 CFR 165.110(a)(2)(ii).) In an EPA **Federal Register** proposal (65 FR 30194, May 10, 2000) to require a targeted risk-based regulatory strategy for all ground water systems to reduce public health risk associated with waterborne pathogens (Ground Water Rule), EPA stated that, when *Cryptosporidium* occurs in ground water systems, it occurs in ground water under the direct influence of surface water (65 FR 30194 at 30204). In light of this, ground water, as defined in § 165.110(a)(2)(ii), used for bottled water is not expected to contain the contaminant*Cryptosporidium* because, by definition, it cannot be under the direct influence of surface water. Therefore, FDA concludes that

EPA's IESWTR establishing treatment technique requirements for *Cryptosporidium* in ground water under the influence of surface water does not apply to ground water used for the production of bottled water.

In addition, according to industry information (Ref. 2), the remaining 25 percent of bottled water sold in the United States is derived from public water systems. Public water systems serving at least 10,000 people or more, using surface water or ground water under the direct influence of surface water, must comply with EPA's IESWTR. In the **Federal Register** of April 10, 2000 (65 FR 19046), EPA published a proposed rule (Long Term 1 Enhanced Surface Water Treatment and Filter Backwash Rule (LT1FBR)) to establish NPDWRs consisting of treatment technique requirements for reduction of *Cryptosporidium* in surface water and in ground water under the direct influence of surface water that public water systems serving less than 10,000 people use as their source water. Therefore, public water systems serving less than 10,000 people using surface water or ground water under the direct influence of surface water, will be subject to any EPA final rule on LT1FBR. Thus, under the EPA's IESWTR and LT1FBR if finalized as proposed, all water obtained from public water systems used for bottled water would be treated previously by public water systems to reduce the contaminant *Cryptosporidium*.

FDA concludes that because surface water and ground water under the direct influence of surface water would be subject to EPA's treatment technique requirements to reduce *Cryptosporidium*, a standard of quality regulation for bottled water derived from public water systems is not necessary to protect the public health. The contaminant may be contained in public water systems, which would be treated to reduce *Cryptosporidium* before such water would be used for bottled water. Further, because bottled water sources other than public drinking water are from ground water, which by definition (§ 165.110(a)(2)(ii)) must not be ground water under the direct influence of surface water, *Cryptosporidium* would not be expected to be present. Thus, FDA also concludes that a standard of quality regulation for bottled water derived from ground water is not necessary to protect the public health because *Cryptosporidium* would not be in ground water used for bottled water.

IV. References

The following references are on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. MacKenzie, W. R., N. J. Hoxie, M. E. Proctor, M. S. Gradus, K. A. Blair, D. E. Peterson, J. J. Kazmierczak, D. G. Addiss, K. R. Fox, J. B. Rose, and J. P. Davis, ''A Massive Outbreak in Milwaukee of Cryptosporidium Infection Transmitted Through the Public Water Supply,'' *New England Journal of Medicine* 331:161–167 (1994).

2. Yablonski, C., International Bottled Water Association, letter to Henry Kim, March 23, 2001.

Dated: June 27, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16910 Filed 7–2–01; 4:22 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–724]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations Contained in 42 CFR 482.60, 482.61 and 482.62; *Form No.:* HCFA–724 (OMB# 0938–0378); *Use:* The information collected on this form will assist HCFA in maintaining an accurate data base on providers participating in the Medicare psychiatric hospital program; *Frequency:* Annually; *Affected Public:* Federal government, Business or other for-profit, Not-for-profit institutions, and State, local or tribal government; *Number of Respondents:* 250; *Total Annual Responses:* 250; *Total Annual Hours:* 125.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer:OMB Human Resources and Housing Branch,Attention: Wendy Taylor,New Executive Office Building, Room 10235,Washington, DC 20503.

Dated: May 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services,Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–16819 Filed 7–3–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–417]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The

necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program; *Form No.:* HCFA–417 (OMB# 0938–0313); *Use:* The Hospice Request for Certification Form is used for hospice identification, screening, and to initiate the certification process. The information captured on this form is entered into a data base which assists HCFA in determining whether providers have sufficient personnel to participate in the Medicare program; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, local or tribal government; *Number of Respondents:* 2,286; *Total Annual Responses:* 2,286; *Total Annual Hours:* 572.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer:OMB Human Resources and Housing Branch,Attention: Allison Eydt,New Executive Office Building, Room 10235,Washington, DC 20503.

Dated: May 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services,Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–16820 Filed 7–3–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1060–N3]

RIN 0938–AJ57

Medicare Program; Cost-of-Living Adjustment (COLA) for the Territory of Guam in the Schedules of Per-Visit Limitations on Home Health Agency Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the cost-of-living adjustment for the territory of Guam for the schedules of per-visit limitations on home health agency (HHA) costs for open cost reporting periods beginning on or after October 1, 1997 and portions of cost reporting periods beginning before October 1, 2000.

EFFECTIVE DATE: This notice is effective on August 6, 2001.

FOR FURTHER INFORMATION CONTACT: Michael D. Bussacca, (410) 786–4602.

SUPPLEMENTARY INFORMATION: We have published the following notices to announce the HHA interim payment system per-visit limitations and updates to those limitations. These notices were published on January 2, 1998 (63 FR 89), effective on October 1, 1997; August 1, 1998 (63 FR 42911), effective October 1, 1998; and August 5, 1999 (64 FR 42766), effective on October 1, 1999.

It was our intention to include a COLA for each U.S. State and Territory eligible for those adjustments under the Office of Personnel Management (OPM) regulations. We inadvertently published these notices without a COLA for the Territory of Guam because we did not include COLA factors for Guam in the per-visit tables in the applicable notices. The COLA factor for Guam should have been 1.225 in each of these notices. The OPM has not updated the factor for Guam for these 3 cost reporting years; therefore, the COLA remains 1.225 for each cost reporting period. The COLA factor applies to the per-visit limitations for all open cost reporting periods beginning on or after October 1, 1997 (COLA Table at 63 FR 96), October 1, 1998 (COLA Table at 63 FR 42926), and October 1, 1999 (COLA Table at 64 FR 42777).

Regulatory Impact Statement

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review) and the Regulatory Flexibility Act (RFA) (September 19, 1980 Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually). We have determined that this is not a major rule.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $5 million or less annually. For purposes of the RFA, most HHAs are considered to be small entities. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. We believe that there are no costs associated with this notice that apply to these governmental and private sectors. Therefore, the law does not apply.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have determined that this notice does not significantly affect the rights, roles, and responsibilities of States.

For these reasons, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that

this rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

This notice is not a major rule as defined in title 5, United States Code, section 804(2).

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Authority: Section of the Social Security Act (42 U.S.C.) (Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program).

Dated: February 16, 2001.

Michael McMullan,

Acting Deputy Administrator,Health Care Financing Administration.

Dated: March 14, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–16865 Filed 7–3–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Opportunity for License(s) and/or Cooperative Research and Development Agreement(s) (CRADAs) for the Development of Geldanamycin Analogs for Clinical Use

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute (NCI) seeks Licensee(s) and/or Cooperative Research and Development Agreement (CRADA) Collaborator(s) for the development of geldanamycin analogs for clinical use in three areas. The three areas are: (1) A unique clinical formulation of 17-allylaminogeldanamycin (17–AAG). (2) A suite of geldanamycin analogs (other than 17–AAG) modified at the 11 and/or 17 positions, several of which have improved solubility and reduced toxicity in comparison to geldanamycin. (3) A coupled met kinase-uPA kinase assay, as described in Cancer Research 60 (2): 342–9, and data and expertise regarding geldanamycin analog activity as measured by that assay. The invention for item (1) is claimed in PCT Patent Application PCT/US99/30631 entitled ''Water-Insoluble Drug Delivery System''; the inventions for item (2) are claimed in U.S. Patent Application 60/246,258, entitled ''Geldanamycin Derivatives having Selective Affinity for HSP–90 and Methods of Using Same,'' U.S. Patent Application 60/280,016, entitled ''Geldanamycin Derivatives Having Selective Affinity for HSP90 over GRP94 and Method of Using Same,'' and U.S. Patent Application 60/280,078, entitled ''Geldanamycin Derivatives and Method of Treating Cancer Using Same''; the technology for item (3) is described in Cancer Research 60 (2): 342–9, ''The Geldanamycins Are Potent Inhibitors of the Hepatocyte Growth Factor/Scatter Factor-Met-Urokinase Plasminogen Activator-Plasmin Proteolytic Network.''

DATES: Respondees interested in licensing the invention(s) will be required to submit an ''Application for License to Public Health Service Inventions'' no later than sixty (60) days from the date of this announcement. Applications submitted thereafter may be considered if a suitable Licensee is not selected from among the timely responses.

Interested CRADA applicants must submit to the NCI Technology Transfer Branch (TTB) a confidential proposal summary no later than sixty (60) days from the date of this announcement for consideration. CRADA proposal summaries submitted thereafter may be considered if a suitable CRADA Collaborator is not selected from among the timely responses. Guidelines for preparing full CRADA proposals will be communicated shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest.

ADDRESSES: Inquiries directed to obtaining license(s) for the technology should be addressed to Kai Chen, Ph.D., M.B.A., Supervisory Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852, (Tel. 301–496–7056, extension 247; FAX 301–402–0220).

CRADA inquiries and proposals regarding this opportunity should be addressed to Robert Wagner, M.S., M. Phil., Technology Transfer Specialist (Tel. 301–496–0477, FAX 301–402–2117), Technology Transfer Branch, National Cancer Institute, 6120 Executive Blvd., Suite 450, Rockville, MD 20852.

SUPPLEMENTARY INFORMATION: Respondees interested in licensing the technology will be required to submit an Application for License to Public Health Service Inventions. Inventions described in the patent applications are available for either exclusive or non-exclusive licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404. Information about patent application(s) and pertinent information not yet publicly described can be obtained under the terms of a Confidential Disclosure Agreement.

A Cooperative Research and Development Agreement (CRADA) is the anticipated joint agreement to be entered into with NCI pursuant to the Federal Technology Transfer Act of 1986 and Executive Order 12591 of April 10, 1987, as amended. A CRADA is an agreement designed to enable certain collaborations between Government laboratories and non-Government laboratories. It is not a grant, and it is not a contract for the procurement of goods/services. The NCI is prohibited from transferring funds to a CRADA collaborator. Under a CRADA, NCI can contribute facilities, staff, materials, and expertise. The CRADA Collaborator will have an option to negotiate the terms of an exclusive or nonexclusive commercialization license to subject inventions arising under the CRADA. CRADA applicants should be aware that a license to the above mentioned patent rights may be necessary in order to commercialize products arising from a CRADA. The expected duration of the CRADA(s) would be for up to five (5) years. The goals of CRADAs include the rapid publication of research results and timely commercialization of products, diagnostics, and treatments that result from the research.

The NCI Seeks Licensee(s) and/or CRADA Collaborator(s) in One or More of the Following Areas for the Development of Geldanamycin Analogs for Clinical Use

1. *Clinical Development of 17–AAG:* Patent protection for the formulation of 17-allylaminogeldanamycin (17–AAG) for clinical use is pending. NCI is actively engaged in the clinical development of this agent and is seeking a CRADA collaborator whose role would include production of the drug for clinical trials. CRADA applicants should be aware that a license to the related patent rights may be necessary in order to commercialize products arising from the CRADA. 17–AAG is currently in Phase 1 clinical trials under an NCI-sponsored Investigational New Drug Application (IND). The data contained in this IND, along with the data that will emerge from NCI's ongoing clinical trials, would be available to the CRADA Collaborator.

2. *Optimization of Compounds for Cytotoxic Endpoints:* A suite of geldanamycin analogs (other than 17–

AAG) modified at the 11 and/or 17 positions, several of which have improved solubility and altered toxicity in comparison to geldanamycin, are described in several pending NCI patent applications. NCI is seeking a licensee(s) and/or CRADA Collaborator(s) interested in continued optimization of compound pharmacology for selection of a compound to enter the clinic. Criteria for selection of a compound would include cytotoxic endpoints and regression of model tumors. Such a resulting compound(s) would be expected to have a different spectrum of activity or formulation as that for 17–AAG as described in (1) above.

3. *Optimization of Compounds for Anti-Metastatic Endpoint:* The technology for the coupled met kinase—uPA Kinase assay is described in Cancer Research 60 (2): 342–9. NCI research has defined this assay as generating lead compounds for anti-metastatic use. While encompassing some compounds from (2) above, lead compounds will have a very distinct set of development endpoints demonstrating suitability for long term chronic oral dosing, and will show evidence of activity in anti-metastasis and/or anti-angiogenesis assays without necessarily having evidence of activity in classical cytotoxic models. NCI is seeking a CRADA Collaborator(s) interested in using this assay to optimize compounds related to geldanamycin for use as anti-metastatic agents.

Party Contributions to CRADAS

The Role of the NCI in Each of the CRADAs May Include, but Not Be Limited to

1. Providing intellectual, scientific, and technical expertise and experience to the research project.
2. Providing the CRADA Collaborator with information and data relating to the CRADA technology.
3. Planning research studies and interpreting research results.
4. Carrying out research pursuant to the planned collaboration, including, but not limited to:
(a). Screening, pharmacology and in vivo model studies for compounds pertinent to cytotoxic endpoints;
(b). Assays to optimize compounds with desired pharmacology for chronic use;
(c). Pharmacology and determination of in vivo activity of anti-metastatic compounds;
(d). Production of precursors and prodrugs from fermentation sources; and
(e). Possible sponsorship of clinical trials of promising compounds.
5. Publishing research results.

The Role of the CRADA Collaborator May Include, but Not Be Limited to

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project, including, but not limited to:
(a). Structure-based design of geldanamycin analogs with suitable properties;
(b). Chemical modification of fermented lead structures;
(c). Pharmacology, toxicology, and formulation;
(d). Support for clinical trials in the form of drug and funding.
2. Planning research studies and interpreting research results.
3. Providing technical and/or financial support to facilitate scientific goals and to further design applications of the technology outlined in the agreement.
4. Publishing research results.

Selection Criteria for Choosing the CRADA Collaborator May Include, but Not Be Limited to

1. A demonstrated background and expertise in the preclinical and clinical development of antineoplastic agents, structure-based design, and the conduct of in vivo animal model studies pertaining to metastasis or tumor regression.
2. A demonstrated record of success in pre-clinical lead selection and optimization and/or successful clinical trials of antineoplastic therapeutics leading to a commercial product.
3. The demonstration of the necessary resources to produce sufficient drug for all clinical trials in a timely manner.
4. The ability to collaborate with NCI on further research and development of the technology. This ability will be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to ongoing research and development.
5. The demonstration of adequate resources to perform the research and development of the technology (e.g. facilities, personnel and expertise) and to accomplish the objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.
6. The willingness to commit best effort and demonstrated resources to the research and development of this technology, as outlined in the CRADA Collaborator's proposal.
7. The demonstration of expertise in the commercial development and production of products related to this area of technology.
8. The ability to provide financial support for CRADA-related Government activities.
9. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.
10. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.
11. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These legal provisions govern the distribution of future patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to elect an exclusive or nonexclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: June 25, 2001.

Kathleen Sybert,

Chief, Technology Transfer Branch, National Cancer Institute, National Institutes of Health.

Dated: June 27, 2001.

Jack Spiegel,

Director, Division of Technology Transfer and Development, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–16762 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive Kidney Diseases Special Emphasis Panel, ZDK1 GRB–6(01).
Date: July 23–24, 2001.
Time: 8 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Dan E. Matsumoto, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 749, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8894.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–6(04).
Date: July 24, 2001.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Dan E. Matsumoto, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 749, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 26, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16756 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.
Date: July 16, 2001.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge Drive, Room 2223, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Nancy B. Saunders, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2223, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301 496–2550, ns120v@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 26, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16757 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.
Date: July 12, 2001.
Time: 3:30 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: 6120 Executive Blvd., Suite 400C, Rockville, MD 20852.
Contact Person: Craig A. Jordan, PhD., Chief, Scientific Review Branch, NIH/NIDCD/DER, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8683.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, national Institutes of Health, HHS)

Dated: June 26, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16758 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.
Date: July 11, 2001.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate contract proposals.
Place: The River Inn, 924 25th Street, Washington, DC 20037.
Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.
Date: July 13, 2001.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institutes on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Programs Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: June 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16759 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: July 19, 2001.

Time: 2 p.m to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd. Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Joel Sherrill, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9606, Bethesda, MD 20892–9606, 301–443–6102.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16760 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 01–44, Review of P01s.

Date: July 11–12, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Embassy Suites, 4300 Military Road, NW., Chevy Chase, MD 20015.

Contact Person: H. George Hausch, PhD, Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301)594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 01–45, review of P01.

Date: July 17–18, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: H. George Hausch, PhD, Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 01–64, Review of R44s.

Date: August 2, 2001.

Time: 10 a.m to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive Natcher Building, Conference Room C, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 01–60, Review of RFA DE–01–001.

Date: August 6, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Ritz Carlton Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Anna Sandberg, PhD, Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm 4AN44F, Bethesda, MD 20892, (301) 594–3089.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 01–59, Review of R44 Grants.

Date: August 14, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room H, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Programs Nos. 93.121, Oral Diseases of Disorders Research, National Institutes of Health, HHS)

Dated: June 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16761 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 9, 2001.
Time: 3 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific review Special Emphasis Panel.
Date: July 10, 2001.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, tathamt@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR.
Date: July 12–13, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Westin Grand Hotel, 2350 M Street, NW., Washington, DC 20037–1417.
Contact Person: John L. Bowers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1725.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Peter Lyster, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7806, Bethesda, MD 20892, 301–435–1175.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Special Emphasis Panel.
Date: July 12–13, 2001.
Time: 8 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, Kaleidoscope Room, 2101 Wisconsin Avenue, Washington, DC 20007.
Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12–13, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Willard Inter-Continental Washington, 1401 Pennsylvania Venue, NW., Washington, DC 20004–1010.
Contact Person: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genetic Sciences Integrated Review Group Biological Sciences Subcommittee 1.
Date: July 12, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 Twenty-Fifth Street, NW., Washington, DC 20037.
Contact Person: Bruce Maurer, PhD, Scientific Review Administrator, Center For Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2205, MSC 780, Bethesda, MD 20892, (301) 435–2477, brucevicki@ispchannel.com.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12–13, 2001.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Hyatt Hotel, 7400 Wisconsin Avenue, Bethesda, MD 20841.
Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, 301/435–1045, corsaroc@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12–13, 2001.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Governor's House, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Karen Sirocco, PhD, Scientific Review Administrator, Center for Scientific Review, national Institutes of health, 67012 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, 301–435–0676, siroccok@csr.nih.gov.
This notice is being published less than 15 days prior the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 9 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Governor's House, 17th & Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Thomas A Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of health, 67601 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, tathamt@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 11 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rocklege 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Victor A. Fund, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20814–9692, 301–435–3504, fungv@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Paul K. Strudler, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435–1716.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 12, 2001.
Time: 4 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Governor's House Hotel, 17th & Rhode Island Avenue, NW., Washington, DC 20036, (Telephone Conference Call).
Contact Person: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, tathamt@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review and Special Emphasis Panel.
Date: July 13, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Debora L. Hamernik, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, Bethesda, MD 20892, 301–435–4511, hamernid@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 13, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Peter Lyster, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7806, Bethesda, MD 20892, 301–435–1175

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 13, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, Maryland Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892–7854, (301) 435–1177, bunnagb@csr,nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 13, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Name of Contact Person: Luigi Giacometti, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7850, Bethesda, MD 20892, (301) 435–1246.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 13, 2001.
Time: 8:30 a.m. to 10 a.m.
Agenda: To review and evaluate grant applications.
Place: River Inn, 924 25th Street, NW., Washington, DC 20037.
Contact Person: Richard D. Rodewald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rickledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024, rodewalr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 13, 2001.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3182, MSC, Bethesda, MD 20892, (301) 435–0902, mkrause@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 16, 2001.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Holiday Inn, 2101 Wisconsin Ave, NW., Washington, DC 20007.
Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435–1195.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Panel.
Date: July 16–17, 2001.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave. NW., Washington, DC 20007.
Contact Person: Prabha L Atreya, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockldge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–8367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 16, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Michael A. Lange, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 16, 2001.
Time: 8:30 a.m. to 2 p.m.
Agenda: to review and evaluate grant applications.
Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Jerrold Fried, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, (301) 435–1777.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 16, 2001.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178 MSC 7844, Bethesda, MD 20892, (301) 435–1249.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 16, 2001.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435–1717.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7852, Bethesda, MD 20892, (301) 435–1165.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 11:30 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Mary Sue Drause, MED, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3182, MSC, Bethesda, MD 20892, (301) 435–0902, mkrause@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 2 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 3 p.m. to 4:30 p.m.
Agenda: to review and evaluate grant applications.
Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7852, Bethesda, MD 20892, (301) 435–1165.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 4:30 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Mary Clare Walker, PhD, Scientific Review Adminsitrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7852, Bethesda, MD 20892, (301) 435–1165.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17–19, 2001.
Time: 8 p.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: Dylan Hotel, 52 East 41st St., New York, NY 10017.
Contact Person: Mike Radtke, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, (301) 435–1728.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 12 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Lawrence N. Yager, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, 301–435–0903, yagerl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 17, 2001.
Time: 12:30 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 26, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16755 Filed 7–3–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Evaluation of the CMHS/CSAT Collaborative Program on Homeless Families: Women With Psychiatric, Substance Use, or Co-Occurring Disorders and Their Dependent Children, Phase II—New—SAMHSA's Center for Mental Health Services (CMHS) and Center for Substance Abuse Treatment (CSAT), through a set of cooperative agreements, proposes to conduct a longitudinal, multi-site evaluation study assessing mental health, substance abuse, and trauma interventions received by homeless mothers with psychiatric, substance use, or co-occurring disorders and their dependent children. The study will advance knowledge on appropriate and effective approaches to improving families residential stability, overall

functioning, and ultimate self-sufficiency.

Data collection will be conducted over a 33-month period. A total of 1,600 participants will be recruited from eight sites. At each site, a documented treatment intervention will be tested in comparison to an alternative treatment condition. Participants will be interviewed at baseline (within two weeks of entering a program) as well as three additional times (3 months after program entry, 9 months after program entry, and 15 months after program entry). Trained interviewers will administer the interviews to participating mothers. Information on the children will be obtained from the mother.

Key outcomes for the mothers are increased residential stability, decreased substance use, decreased psychological distress, improved mental health functioning, increased trauma recovery, improved health, improved functioning as a parent, and decreased personal violence. Outcomes for the children are reduced emotional/behavioral problems and improved school attendance.

To reduce burden and increase uniformity across the study sites, a central Coordinating Center will develop and administer common data entry and tracking computer programs. A variety of quality control procedures will also be implemented to ensure the integrity and uniformity of the data collected. Data will be submitted to the Coordinating Center via electronic means. Training and technical assistance will be provided to all sites on data submission. Sites will be asked to follow uniform procedures for submitting their data.

The estimated response burden is as follows:

Interview	Number of respondents	Responses per respondent	Burden per response (hrs.)	Total burden hours
Screening—MINI	2,280	1	.25	570
Baseline	1,600	1	1.58	2,528
Follow-Up 1 (3 months)	1,600	1	1.25	2,000
Follow-Up 2 (9 months)	1,600	1	1.25	2,000
Follow-Up 3 (15 months)	1,600	1	1.25	2,000
Total	2,280			9,098
3-yr annual average	2,280			3,032

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 27, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–16777 Filed 7–3–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–45]

Notice of Submission of Proposed Information Collection to OMB; Use of Materials Bulletins for the HUD Building Products Standards and Certification Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 6, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0526) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Use of Materials Bulletins for the HUD Building Products Standards and Certification Program.

OMB Approval Number: 2502–0526.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Ued: HUD has adopted a uniform procedure for accepting materials and products to be used in structures approved for mortgages or loans insured under the National Housing Act. HUD uses the information submitted, under the Administrator Qualifications and Procedures described in 24 CFR 200.935, to determine the acceptability of third-party certification organizations. This submission requests renewal of the currently approved collection of information.

Respondents: Business or other for-profits.

Frequency of Submission: On occasion.

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Reporting burden	20		1		20		400

Total Estimated Burden Hours: 400.

Status: Extension of currently approved collection.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 22, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–16732 Filed 7–3–01; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Environmental Assessment

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Request for public comments on an environmental assessment for Nutria (*Myocastor coypus*) marsh damage reduction on the Eastern Shore of Maryland.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, the U.S. Fish and Wildlife Service (Service) is requesting public comments on an Environmental Assessment (EA) for nutria (*Myocastor coypus*) marsh damage reduction on the Eastern Shore of Maryland. The EA addresses research to determine the most effective methods for nutria control and implementation of a comprehensive control program throughout the range of nutria in Maryland.

The EA contains an analysis of the potential environmental impacts of four alternatives for managing Maryland's nutria population. Included is an assessment of potential impacts on federally threatened and endangered species, in accordance with section 7 of the Endangered Species Act.

DATES: All comments must be received on or before August 6, 2001.

ADDRESSES: Copies of the EA are available for review at the Dorchester County Library, 303 Gay Street, Cambridge, Maryland; the Talbot County Free Library, 100 W. Dover Street, Easton, Maryland; the Wicomico County Free Library, 122 S. Division Street, Salisbury, Maryland; and the visitor's center at Blackwater National Wildlife Refuge, 2145 Key Wallace Drive, Cambridge, Maryland. The EA may be obtained on the web at http://www.fws.gov/r5cbfo/nutria.htm; by written request to Maryland Nutria Partnership, c/o U.S. Fish and Wildlife Service, Chesapeake Bay Field Office, 177 Admiral Cochrane Drive, Annapolis, Maryland 21401; or by calling Mark Sherfy, at 410–573–4556. Comments may be submitted by electronic mail to nutria@fws.gov, or by writing to the Maryland Nutria Partnership at the above address.

Author

The primary author of this notice is Mark Sherfy, Chesapeake Bay Field Office, 177 Admiral Cochrane Drive, Annapolis, Maryland, 21401, phone: 410–573–4556.

Authority: The authority for this action is the National Environmental Policy Act of 1969.

Dated: June 13, 2001.

Mamie A. Parker,

Acting Regional Director, Region 5, Fish and Wildlife Service.

[FR Doc. 01–16821 Filed 7–3–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Conduct Public Scoping and Prepare an Environmental Impact Statement Regarding the Lincoln County Multiple Species Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act, this notice advises the public that the Fish and Wildlife Service (Service) intends to gather information necessary to prepare an Environmental Impact Statement (EIS) regarding the proposed Lincoln County, Nevada, Multiple Species Habitat Conservation Plan (MSHCP) and issuance of an incidental take permit (Permit) to take endangered and threatened species in accordance with section 10(a) of the Endangered Species Act of 1973, as amended (Act). The possible Permit applicants include, but are not limited to: Lincoln County Commissioners, City of Caliente, City of Mesquite, Nevada Fish and Wildlife, Coyote Springs Investments, and Union Pacific Railroad (Applicants). The application is related to potential development activities in southern Lincoln County. The Applicants intend to request a Permit for federally listed threatened or endangered species and/or Evaluation List species. Evaluation List species include species that have been petitioned for listing, state listed species, species that have been nominated for inclusion by technical specialists, and other species of concern that co-occur with federally listed species. The Evaluation List is being refined as a part of the scoping process. In accordance with the Act, the Applicants will prepare a Habitat Conservation Plan (Plan) for, among other things, minimizing and mitigating any such take that could occur incidental to the proposed Permit activities.

The Service is furnishing this notice to: (1) Advise other Federal and State agencies, affected Tribes, and the public of our intentions; (2) announce the initiation of a 60-day public scoping period, and (3) obtain suggestions and information on the scope of issues to be included in the EIS.

DATES: Written comments from all interested parties must be received on or before September 4, 2001.

ADDRESSES: Comments and requests for information should be sent to Robert D. Williams, Field Supervisor, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502, telephone 775–861–6300, facsimile 775–861–6301. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

SUPPLEMENTARY INFORMATION: The proposed project area generally includes the area in southern Lincoln County, Nevada, north of the Clark County line, west of the Utah/Nevada state line, south of the southern Township 3 South line, east of the eastern Range 63 East

line (Mt. Diablo Meridian) and a small portion of lands in Clark County, Nevada, within the Coyote Springs Valley in the vicinity of Highways 168 and 93.

Some of the Applicants' future activities have the potential to impact species subject to protection under the Act. Section 10(a)(1)(B) permits non-Federal landowners to take endangered and threatened species, provided the take is incidental to otherwise lawful activities and will not appreciably reduce the likelihood for the survival and recovery of the species in the wild, among other permit issuance criteria. An applicant for a Permit under section 10 of the Act must prepare and submit to the Service for approval a Plan containing, among other things, a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for implementation of the Plan will be provided.

The Applicants have initiated discussions with the Service regarding the possibility of a Permit and associated MSHCP for their activities on lands to be covered by a Permit. General activities proposed for Permit coverage include residential, commercial and industrial development, construction, and maintenance activities.

The Service will conduct an environmental review of the Plan and prepare an EIS. The environmental review will analyze the Applicants' proposed plan as well as a full range of reasonable alternatives and the associated impacts of each. The Service is currently in the process of developing alternatives for analysis.

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to the permit request are addressed and that all significant issues are identified. Comments or questions concerning this proposed action and the EIS should be directed to the Service (see **ADDRESSES**).

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR parts 1500 through 1508), and with other appropriate Federal laws and regulations, policies, and procedures of the Service for compliance with those regulations. It is estimated that the draft EIS will be available for public review in early or mid-2002.

Dated: June 21, 2001.

Mary Ellen Mueller,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 01–16778 Filed 7–3–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[CA–668–1220–AA]

Extension of Date for Call for Advisory Committee Nominations

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) and U.S. Forest Service have extended the date to receive nominations to serve on the new Santa Rosa and San Jacinto Mountains National Monument Advisory Committee through Friday, July 20, 2001. A previous notice, published in the May 31, 2001, **Federal Register**, announced the agencies' intent to establish the Committee under the Santa Rosa and San Jacinto Mountains National Monument Act of 2000, Public Law 106–351 (U.S.C. 431 note) and called for nominations no later than July 2, 2001. This extension, calling for nominations no later than July 20, 2001, is granted in response to public requests for additional time.

ADDRESSES: Send nominations to: Mr. James G. Kenna, Bureau of Land Management, P.O. Box 581260, North Palm Springs, California 92258, 760–251–4800 or Mr. Fran Colwell, Forest Service, 1824 S. Commercenter Circle, San Bernardino, California 92408, 909–884–6634, x 3144.

FOR FURTHER INFORMATION CONTACT: Mr. James G. Kenna, Bureau of Land Management, 760–251–4800 or Mr. Fran Colwell, Forest Service, 909–884–6634, x 3144.

SUPPLEMENTARY INFORMATION: Any individual or organization may nominate one or more persons to serve on the committee. Individuals may nominate themselves for Committee membership. Nomination forms can be obtained by contacting the individuals listed in **ADDRESSES** above. To make a nomination, submit a completed nomination form, letters of reference from the represented interests or organization, and any other information that speaks to the nominee's qualifications to the offices listed above. You may make nominations for the following categories of interest, as specified in the Act: (1) A representative with expertise in natural science and research selected from a regional college or university; (2) a representative of the California Department of Fish and Game or the California Department of Parks and Recreation; (3) a representative of the County of Riverside, California; (4) a representative from each of the following cities: Palm Springs, Cathedral City, Rancho Mirage, La Quinta, Palm Desert, and Indian Wells; (5) a representative of the Agua Caliente Band of Cahuilla Indians; (6) a representative of the Coachella Valley Mountains Conservancy; (7) a representative of a local conservation organization; (8) a representative of a local developer or builder organization; (9) a representative of the Winter Park Authority; and (10) a representative of the Pinyon Community Council. Nominations to the Committee should describe and document the proposed member's qualifications for membership on the Advisory Committee.

Committee members will be appointed to serve 3-year terms, except that, of the members first appointed, one-third of the members shall be appointed for a term of 1 year and one-third of the members shall be appointed for a term of 2 years. All members will serve without pay but will be reimbursed for travel and per diem expense at current rates for government employees under 5. U.S.C. 5703.

Appointments to the Committee will be made by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.

Dated: June 20, 2001.

Tim Salt,

California Desert District Manager, Bureau of Land Management.

Dated: June 21, 2001.

Gene Zimmerman,

Forest Supervisor, San Bernardino National Forest.

[FR Doc. 01–16787 Filed 7–3–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–01–5101–ER–F329; N–11028, N–74762, N–74763, N–74764]

Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Gas Fired Electric Power Plant and Ancillary Facilities in Clark and Lincoln Counties, Nevada, and Notice of Public Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and notice of EIS public scoping meetings for construction of a gas fired, water cooled, electric power plant and ancillary facilities (Meadow Valley Generating Project) in the Moapa Valley area of Clark County and ancillary facilities in both Clark and Lincoln Counties, Nevada.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), Las Vegas Field Office, will be directing the preparation of an EIS and conducting public scoping meetings for the Meadow Valley Generating Project to assess the potential impacts of rights-of-way (ROW), a conveyance, or a commercial lease for a proposed power-generating facility and ROW for the proposed associated ancillary facilities in Clark and Lincoln Counties.

The proposed Meadow Valley Generating Project includes a nominal 1,100-megawatt power-generating facility in Moapa Valley and an approximate 19.3-mile, 500 kV alternating current transmission line to interconnect the generating facility to the existing Nevada Power Company's Crystal Substation in Clark County. Natural gas would be supplied by an approximate 0.8-mile, 20-inch diameter natural gas supply line from a tie-in point with the BLM authorized and existing Kern River Transmission system in Clark County. Water facilities will include a 0.8-mile, 20-inch diameter wastewater discharge line to agricultural lands located northeast of the generating facility in Clark County; a 17.5-mile, 20-inch diameter water pipeline in Clark and Lincoln Counties with approximately twelve, one-acre well sites in Lincoln County, and a new 8.5-mile, 20-inch diameter water pipeline running parallel to BLM authorized and existing Moapa Valley Water District's water pipelines extending from the Bowman Reservoir to the Meadow Valley Generating Project site. Additional electric facilities include a nine-mile 69kV transmission line, a 10MVA Substation, and approximately nine-miles of 34.5 kV (maximum) distribution line maintained by the Lincoln County Power District in Clark and Lincoln Counties. There would be a relocation of the existing water and electrical transmission lines that currently traverse the generating facility site to the southern boundary of the site in Clark County. The BLM will require a bond in accordance with 43 CFR 2803.1–4.

SUPPLEMENTARY INFORMATION: The Meadow Valley project area is located in the southeastern part of Nevada in Lincoln and Clark Counties, Nevada. The area is accessible by Interstate 15 and State Highway 168. There are existing dirt roads throughout the area to provide access to the proposed project area. Ancillary facilities are located in a variety of settings, including upland and flat terrain.

The proposed power generating facility development area encompasses approximately 155 acres of public lands. The legal description of the public land proposed to be available for the power generating facility is:

Mount Diablo Meridian, Clark County, Nevada

T.14 S., R. 66 E.,
Sec. 28, SW¼, except the E½ NE¼ NE¼ SW¼.

containing 155 acres more or less.

The legal description of the public land for the ancillary ROW facilities (electrical transmission lines, water, and gas pipelines) is not provided here due to the length of the legal description. However, maps of the proposed project are available for viewing at the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, NV 89108.

Preliminary Issues

Tentatively identified issues of concern include threatened and endangered species, water resources, wilderness, visual resources, wildlife, cultural resources, and land use.

Possible Alternatives

The EIS will analyze the Proposed Actions and No Action Alternative. Other alternatives may include modifying proposed locations of roads and linear ROW, analyzing a smaller output facility and cooling options, and a conveyance or commercial lease of the public lands for the power plant site.

Decisions To Be Made

The Record of Decision to the EIS is whether to grant ROW for the power plant and ancillary facilities, or to convey or commercially lease the public land for the power plant site.

Public Scoping Meetings

Three public scoping meetings are planned. The meetings will provide the public an opportunity to present comments or issues that will be addressed in the EIS. The meetings will be held in an ''open house format'' beginning at 6:00 p.m. and ending at 9:00 p.m. At 7:00 p.m., the EIS process will be explained. An opportunity will be given for verbal comments specific to the proposal and written comments can also be submitted.

Meetings have been scheduled for the following locations:

Monday, July 23, 2001, at the Clark County Government Center, ETD Room 3, 500 S. Grand Central Parkway, Las Vegas, NV 89155

Tuesday, July 24, 2001, at the Moapa Courthouse, 1340 East Hwy 168, Moapa, NV 89025

Wednesday, July 25, 2001, at the Caliente City Hall Council Chambers, 100 Depot Ave, Caliente, NV 89008

Public Input Requested

Comments concerning the Proposed Actions and EIS should address issues to be considered, feasible alternatives to examine, possible mitigation, and information relevant to, or having a bearing on the Proposed Action.

Comment Dates

The comment period for scoping the EIS will commence with the publication of this notice. Those having concerns, issues, or alternatives they would like to see addressed in the EIS should respond with written comments within 30 days from the date of this notice. This Scoping Notice will be distributed by mail on or about the date of this notice.

All comments received at the public scoping meetings or through written comments submitted will aid the BLM in identifying alternatives and assuring all issues are analyzed in the environmental impact statement.

ADDRESSES: Information and a copy of this Notice of Intent for the Meadow Valley EIS can be obtained by either writing to or visiting the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Comments and issues on the proposed EIS should be mailed to Jacqueline Gratton, Project Manager, Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108, or at e-mail jgratton@nv.blm.gov.

FOR FURTHER INFORMATION CONTACT: Jacqueline Gratton, (702) 647–5054, or at e-mail jgratton@nv.blm.gov.

Dated: June 22, 2001.

Rex Wells,

Acting Field Manager.

[FR Doc. 01–16784 Filed 7–3–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–01–1020–PE: GP1–010222]

Notice of Meeting of John Day/Snake Resource Advisory Council

August 7, 2001.

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Meeting of John Day/Snake Resource Advisory Council (RAC): Pendleton, Oregon.

SUMMARY: On August 7, 2001 at 10:00 a.m. there will be a meeting of the John Day/Snake RAC at Tamastslikt Cultural Center located at the Wildhorse Resort Hotel, 72779 Highway 331, Pendleton, Oregon. The meeting is open to the public. Public comments will be received at 1 p.m. on August 7, 2001. The following topics will be discussed by the council: Program of work review; Counties Payment Act (1608 Act) update; Hells Canyon Subgroup update; RAC membership update; Blue Mountain Subgroup update; ICBEMP Subgroup update; OHV Subgroup update; Noxious Weeds Subgroup update; National Fire Plan update; John Day River Management Plan Update; Sage Grouse Subgroup update; a 15 minute round table for general issues.

FOR FURTHER INFORMATION CONTACT: Sandra L. Guches, Bureau of Land Management, Vale District Office, 100 Oregon Street, Vale, Oregon 97918, Telephone (541) 473–3144.

Sandra L. Guches,

Acting District Manager.

[FR Doc. 01–16785 Filed 7–3–01; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU–76060]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

June 25, 2001.

In accordance with the Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease UTU–76060 for lands in Grand County, Utah, was timely filed and required rentals accruing from January 1, 2001, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The $500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU–76060, effective January 1, 2001, subject to the original terms and conditions of the lease and the increased rental and royalty rate cited above.

Robert Lopez,

Chief, Branch of Minerals Adjudication.

[FR Doc. 01–16786 Filed 7–3–01; 8:45 am]

BILLING CODE 4310–$$–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–439]

Certain HSP Modems, Software and Hardware Components Thereof, and Products Containing Same; Notice of a Commission Determination not to Review an Initial Determination Terminating the Investigation as to the Smart Link Respondents on the Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') terminating the Smart Link respondents from the above-captioned investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 11, 2000, based on a complaint filed by PCTEL, Inc. (''PCTEL'') of Milpitas, California. The complaint named Smart Link Ltd. of Netanya, Israel and Smart Link Technologies, Inc. of Watertown, Massachusetts (collectively ''Smart Link'') and ESS Technology, Inc. (''ESS'') of Fremont California as respondents. The complaint alleged that Smart Link and ESS had violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain HSP modems, software and hardware components thereof, and products containing the same by reason of infringement of claims 1–2 of U.S. Letters Patent 5,787,305, claims 1–4, 7–8, and 11–15 of U.S. Letters Patent 5,931,950, claims 1, 2, 10, and 15–17 of U.S. Letters Patent 4,841,561, and claims 1, 6–7, 10–12, and 15–19 of U.S. Letters Patent 5,940,459.

On May 17, 2001, PCTEL and Smart Link entered into a settlement agreement. On May 30, 2001, PCTEL and Smart Link filed the joint motion to terminate the investigation as to Smart Link. The Commission investigative attorney supported the joint motion.

On May 30, 2001, the presiding ALJ issued an ID (Order No. 73) granting the motion to terminate the investigation as to Smart Link. No petitions for review of the ID were filed.

The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Copies of the public version of the ID, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000.

Issued: June 28, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–16725 Filed 7–3–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Public Meeting Concerning Heavy Duty Diesel Engine Consent Decrees; Thursday, July 26, 2001

The Department of Justice and the Environmental Protection Agency will

hold a public meeting on Thursday, July 26, 2001 at 10 a.m. in the 13th floor conference room, 1425 New York Avenue NW., Washington, DC. The subject of the meeting will be implementation of the provisions of the seven consent decrees signed by the United States and diesel engine manufacturers and entered by the United States District Court for the District of Columbia on July 1, 1999. (*United States* v. *Caterpillar*, Case No. 1:98CV02544; *United States* v. *Cummins Engine Company*, Case No. 1:98CV02546; *United States* v. *Detroit Diesel Corporation*, Case No. 1:98CV02548; *United States* v. *Volvo Truck Corporation*, Case No. 1:98CV02547; *United States* v. *Mack Trucks, Inc.* Case No. 1:98CV01495; and *United States* v. *Renault Vehicles Industries, S.A.*, Case No. 1:98CV02543). In supporting entry by the court of the decrees, the United States committed to meet with states, industry groups, environmental groups, and concerned citizens to discuss consent decree implementation issues. This will be the sixth of a series of public meetings held quarterly during the first year of implementation of the consent decrees and at least annually thereafter.

Future meetings will be announced in the **Federal Register** and/or on EPA's Diesel Engine Settlement web page at: *www.epa.gov/oeca/ore/aed/diesel.*

For further information, please contact: Anne Wick, EPA Diesel Engine Consent Decree Coordinator, U.S. Environmental Protection Agency (Mail Code 2242A), EPA Headquarters, Washington, DC 20460, e-mail: *wick.anne@epa.gov.*

Karen S. Dworkin,

Assistant Section Chief, Environment & Natural Resources Division, Environmental Enforcement Section.

[FR Doc. 01–16768 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

United States and Air Liquide America Corp.; Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on June 21, 2001 a proposed Consent Decree (''Decree'') in *United States and Air Liquide America Corporation,* Civil Action No. 01–S–0113 was lodged with the United States District Court for the Southern District of Texas. The United States filed this action pursuant to section 113(b) of the Clean Air Act (the ''Act''), 42 U.S.C. 7413(b), for noncompliance with the industrial refrigerant repair, testing, record-keeping, and reporting regulations at 40 CFR part 82, subpart F, §§ 82.152–82.166 (the ''Subpart F Regulations''), promulgated pursuant to Subchapter VI of the Act, 42 U.S.C. 7671–7671q. at 22 industrial process refrigeration systems owned and operated by Air Liquide America Corporation in 18 states.

Under the terms of the Decree Air Liquide America Corporation will pay the United States a civil penalty in the amount of $4.5 million, and perform a supplemental environmental project in Calcasieu Parish, Louisiana. Air Liquide America Corporation will also replace, convert, or take out of service fifty of its industrial refrigeration systems now using regulated ''class II'' refrigerants with non-ozone depleting refrigerants.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Air Liquide America Corporation,* D.J. Ref. 90–5–2–1–07132. The Decree may be examined at the offices of EPA Region VIII, 999 18th Street, Suite 500 South Tower, Denver, Colorado. A copy of the Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy of the Decree, please enclose a check payable to the Consent Decree Library for $17.00 for a complete copy of the decree (25 cents per page reproduction cost).

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–16822 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

United States v. Charles T. Cannada; Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Charles T. Cannada,* Civil Action No. 5:99–cv–270Br S (S.D. Miss.), was lodged with the United States District Court for the Southern District of Mississippi on June 20, 2001. This proposed Consent Decree concerns a complaint filed by the United States against Charles T. Cannada, pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344, and imposes civil penalties against Defendant Charles T. Cannada, for the unauthorized discharge of dredged or fill material into waters of the United States located in wetlands on property known as Cypress Lake, in Warren County, Mississippi.

The proposed Consent Decree requires the payment of civil penalties in the amount of $50,000.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to David N. Usry, Assistant United States Attorney, United States Attorney's Office, 188 E. Capitol Street, Suite 500, Jackson, Mississippi 39211 and refer to *United States* v. *Charles T. Cannada,* DJ # 90–5–1–1–05799.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Mississippi, 245 East Capitol Street, Suite 316, Jackson, MS 39201.

David N. Usry,

Assistant United States Attorney, United States Attorney's Office, Jackson, Mississippi.

[FR Doc. 01–16770 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

United States of America v. Cenex Harvest States Cooperatives; Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that on June 15, 2001, a proposed consent decree was lodged with the United States District Court for the District of Minnesota in a civil action captioned *United States of America* v. *Cenex Harvest States Cooperatives,* Civil Action No. 01–1096 (PAM/SRN).

In this action the United States sought civil penalties and injunctive relief against Defendant Cenex Harvest States Cooperatives (''Cenex'') for violations of the Clean Water Act (''CWA'') in connection with the operations of its facility at 2020 Riverfront Drive, Mankato, Minnesota. The United States alleged violations for failure to file a revised Facility Response Plan in violation of 40 CFR 112.20 and 112.21, 33 U.S.C. 1321(j)(5); failure to prepare and maintain a Spill Prevention, Control and Countermeasures Plan in violation of 40 CFR 112.3, 33 U.S.C. 1321(j)(1)(C); failure to file a response to an information request in violation of 33 U.S.C. 1318(a) and 1321(m); and for allowing an authorizing discharge from the facility in violation of 33 U.S.C. 1321(b)(3).

The consent decree would resolve the claims by the payment of a civil penalty of $56,250 plus the implementation of two Supplemental Environmental Projects to cost Cenex no less than $300,000. The projects are (1) to install actuators on two gates that would allow the gates to be shut down by the press of a switch from various locations within the facility; and (2) to replace the tank farm monitoring and control system with a modern computer system.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Cenex Harvest States Cooperatives,* Civil No. 01–1096 (PAM/SRN), District of Minnesota, USAO File No. 1999V00714, DOJ Ref. No. 90–5–1–1–07000.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 600 United States Courthouse, 300 South Fourth Street, Minneapolis MN 55415 (Attention: Freidrich A.P. Siekert, AUSA), and at U.S. EPA Regional Counsel's Office (Attention: Peter Felitti), 77 West Jackson Boulevard, Chicago, Illinois, 60604–3590. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $7.00 (25 cents per page reproduction cost for 28 pages) payable in the Consent Decree Library.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–16769 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Three Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that three proposed consent decrees in *United States* v. *Drum Service Company of Florida, et al.,* Civil No. 98–697–Civ–Orl–28C, were lodged on June 28, 2001, with the United States District Court for the Middle District of Florida.

The first proposed consent decree (''Drum Service Consent Decree'') would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607, as amended, against Drum Service Co. of Florida (''Drum Service'') for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with the release of hazardous substances at the Zellwood Groundwater Contamination Superfund Site (''Site'') in Zellwood, Orange County, Florida. The United States alleges that Drum Service is liable as a person who owns and operates a portion of the Site and who owned and operated a portion of the Site at the time of the release of a hazardous substance.

The proposed Drum Service Consent Decree would resolve the liability of Drum Service with respect to the Site. The proposed Drum Service Consent Decree would release claims against Drum Service for performance of the remedy selected in the Record of Decision entitled ''Groundwater Operable Unit 2 (OU2) at the Zellwood Groundwater Contamination Site, Zellwood, Orange County, Florida'' signed by the Environmental Protection Agency on August 23, 2000 (''ROD''). The proposed Drum Service Consent Decree would also release claims for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances at and from the Site. To resolve these claims, Drum Service would perform the remedy selected in the ROD, would pay $3,000,000.00 to the Hazardous Substances Superfund to reimburse the United States for Past Response Costs, and would reimburse the United States for certain Future Response Costs. The proposed Drum Service Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607.

The second proposed consent decree (''Murphy Consent Decree'') would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, against J. Michael Murphy, for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with the release and threatened release of hazardous substances at the Site. The United States alleges that Mr. Murphy is liable as a person who operated a portion of the Site at the time of the release of a hazardous substance.

The proposed Murphy Consent Decree would resolve the liability of Mr. Murphy with respect to the Site. The proposed Murphy Decree would release claims against Mr. Murphy for performance of the remedy selected in the ROD, and for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances at and from the Site. To resolve these claims, Mr. Murphy agrees to held jointly and severally liable for the $3,000,000.00 payment to be made by Drum Service pursuant to the Drum Service Consent Decree. The proposed Murphy Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

The third proposed consent decree (''Other Parties Consent Decree'') would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, against Douglass Fertilizer & Chemical Co., Spencer Douglass, Mallory Corporation, the Estate of Irving Feinberg and CSX Transportation (collectively the ''Other Parties''), for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with the release and threatened release of hazardous substances at the Site. The United States alleges that Douglass Fertilizer & Chemical Co. and Mallory Corporation are liable as persons who owned and operated a portion of the Site at the time of the release of a hazardous substance. The United States alleges that Spencer Douglass and the Estate of Irving Feinberg are liable as persons who operated a portion of the Site at the time of the release of a hazardous substance. The United States alleges that CSX Transportation is liable as a person who owned a portion of the Site at the time of the release of a hazardous substance.

The proposed Other Parties Consent Decree would resolve the liability of the

Other Parties with respect to the Site. The proposed Other Parties Consent Decree would release claims against the Other Parties for performance of the remedy selected in the ROD, and would release claims for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances in and from the Site. To resolve these claims, the Other Parties agree to pay a total of $381,000.00 to the Hazardous Substances Superfund. The proposed Other Parties Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

In addition, the proposed Other Parties Consent Decree contains a covenant not to take administrative action under these statutes against six Settling Federal Agencies, including Defense Reutilization and Marketing Service (DRMS), United States Department of the Navy, United States Department of the Army, United States Department of the Air Force, United States Department of Energy, United States General Services Agency, and National Aeronautics & Space Administration. The Environmental Protection Agency would make this covenant in return for a payment by the six Settling Federal Agencies of $375,000.00 to the Hazardous Substances Superfund.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the three proposed consent decrees. Commenters on the proposed Murphy Consent Decree and Other Parties Consent Decree may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d). Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, PO Box 7611, Washington, DC 20530, and should refer to *United States* v. *Drum Service Company of Florida, et al.,* M.D. FL, Civil No. 98–687–Civ–Orl–28C, DOJ Ref. #90–11–2–266 and #90–11–2–266/1.

The proposed consent decrees may be examined at the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, Atlanta, GA 30303 and the United States Attorney's Office for the Middle District of Florida, Federal Building & U.S. Courthouse, 80 N. Hughey Avenue, Orlando, Florida 32801, c/o Assistant U.S. Attorney Roberto Rodriguez. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, Post Office Box 7611, Washington, DC 20044. In requesting copies please refer to the referenced case and enclose a check in the amount of $58.00 for the Drum Service Consent Decree; $4.75 for the Murphy Consent Decree, and $7.50 for the Other Parties Consent Decree (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–16754 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

United States and the State of Indiana v. Guide Corp. and Crown E.G., Inc.; Notice of Lodging of Consent Decree Pursuant to the Clean Water Act, the Resource Conservation and Recovery Act, the Emergency Planning and Community Right-to-Know Act, and the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy and 28 CFR 50.7, the Department of Justice gives notice that a proposed consent decree with Guide Corporation (''Guide'') in the case captioned *United States and the State of Indiana* v. *Guide Corporation and Crown EG, Ind.,* Civil Action No. IP00–0702–C–D/F (S.D. Ind.) was lodged with the United States District Court for the Southern District of Indiana on June 18, 2001. The proposed consent decree relates to a massive fish kill that occurred in the White River in December 1999 and January 2000, from the City of Anderson, Indiana downstream past the City of Indianapolis, Indiana. Guide operates an automotive lighting parts production facility in Anderson, Indiana (the ''Anderson Facility''), and is alleged to have discharged industrial wastewater from the Anderson Facility that caused the fish kill.

The proposed consent decree would resolve civil claims of the United States and the State of Indiana against Guide under: (1) The Clean Water Act (the ''CWA''), 33 U.S.C. 1251 *et seq.,* and corresponding state law; (2) the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6901 *et seq.,* and corresponding state law; (3) the release reporting provisions of Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, (''CERCLA''), 42 U.S.C. 9603, and section 304 of the Emergency Planning and Community Right-to-Know Act (''EPCRA''), 42 U.S.C. 11004; (4) the natural resource damage provisions of CERCLA Section 107, CWA Section 311(f), and corresponding state law; (5) the response cost recovery provisions of CERCLA Section 107 and corresponding state law; and (6) state common law. To the extent provided by the proposed consent decree, certain specified benefits of the settlement would also extend to four non-defendants, as Additional Covered Persons, namely: Lightsource Parent Corporation (Guide's parent corporation), Vehicle Lighting, Inc. (the parent corporation of Lightsource Parent Corporation), Guide Indiana, LLC (a Guide affiliate and the Anderson Facility's lessee), and General Motors Corporation (the owner of the Anderson Facility).

As required by the proposed consent decree, Guide already has paid $10,025,000 into a Court Registry Account administered by United States District Court for the Southern District of Indiana. If the proposed consent decree is approved and entered by the Court, that $10,025,000 could be disbursed from the Court Registry Account and divided as follows: (1) $2,000,000 in civil penalties would be split evenly between the United States and the State; (2) $2,000,000 in CERCLA response costs and natural resource damage assessment costs would be paid to the State; (3) $25,000 in natural resource damage assessment costs would be paid to the U.S. Department of the Interior; and (4) $6,000,000 would be paid into two ''White River Restoration Funds'' to be established by the State, to fund fish restocking and river restoration projects.

The proposed consent decree also would require that Guide complete a RCRA Compliance Audit Program, designed to ensure that waste materials are not being improperly stored in pipes, equipment, tanks, sumps, and trenches in specified areas at the Anderson Facility. After completing the Compliance Audit Program, Guide would be required to submit a comprehensive Compliance Audit Report to the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be

addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, PO Box 7611, Washington, DC 20044–7611, and should refer to *United States and the State of Indiana* v. *Guide Corporation and Crown EG, Inc.,* Civil Action No. IP00–0702–C–D/F (S.D. Ind.), and DOJ Reference Numbers 90–5–2–1–07043 and 90–5–2–1–07043/1.

An electronic copy of the proposed consent decree is posted on the Indiana Department of Environmental Management's website at www.IN.gov/idem/macs/factsheets/whiteriver. A signed copy of the proposed consent decree, including all appendices, may be examined at: (1) The Office of the United States Attorney for the Southern District of Indiana, 10 West market Street, Suite 2100, Indianapolis, Indiana 46204 (contact Thomas E. Kieper (317–226–6333)); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604 (contact Nicole Cantello (312–886–2870)). Copies of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044–7611. In requesting copies, please refer to the above-referenced case name and DOJ Reference Numbers, and enclose a check made payable to the Consent Decree Library for $18.75 (75 pages at 25 cents pre page reproduction cost).

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–16823 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

United States v. Sterling Minter and JoAnn Minter; Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Sterling Minter and Jo Ann Minter* (W.D.Va.), C.A. No. 7:01CV00449, was lodged on June 19, 2001, with the United States District Court for the Western District of Virginia. The Consent Decree resolves the United States' claims against Sterling Minter and Joan Minter with respect to response costs incurred, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9607, in connection with the clean-up of the Old Salem Tannery Site, located near Salem, Roanoke County, Virginia. The Consent Decree also resolves the United States' civil penalty claim, pursuant to section 106(b) of CERCLA, 42 U.S.C. 9606(b), related to an administrative clean-up order dated November 24, 1992.

Under the Consent Decree, Sterling Minter and JoAnn Minter will pay the Environmental Protection Agency (''EPA'') $100,000 in reimbursement of response costs incurred by EPA in connection with the clean-up of the site. In addition, Sterling Minter will pay $10,000 to resolve EPA's claim, pursuant to section 106(b) Of CERCLA, 42 U.S.C. 9606(b), related to Sterling Minter's failure to comply fully with the November 24, 1992 administrative order.

The Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to proposed Consent Decree. Comments should be addressed to Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States Sterling* v. *Minter and JoAnn Minter,* C.A. No. 7:01CV00449, DOJ Reference No. 90–11–3–06312/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 105 Franklin Road, SW., Suite One, Roanoke, Virginia 24011–2305; and the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $9.00 (.25 cents per page production costs), payable to the Consent Decree Library.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–16771 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 237–2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Executive Office for Immigration Review (EOIR), Department of Justice, proposes modifying ''Records and Management Information System (JUSTICE/EOIR–001),'' last published October 10, 1995 (60 FR 52690, 52695), to add two new routine use provisions.

The first routine use allows contractors and others working on behalf of EOIR to have access to the information in the records to properly assist in the completion of EOIR functions. The second routine use allows disclosure to former employees for purposes of responding to official inquiries by government entities or professional licensing authorities in accordance with the Department of Justice's regulation governing access under such circumstances, 28 CFR 16.300–01. This routine use also allows disclosure to former employees where the Department requires information and/or consultation assistance from the former employee that is necessary for personnel-related or other official purposes.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on the system of records. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by August 6, 2001. The public, OMB and the Congress are invited to submit any comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r) the Department has provided a report to OMB and the Congress.

Dated: June 22, 2001.

Janis A. Sposato,

Acting Assistant Attorney General for Administration.

Justice/EOIR–001

SYSTEM NAME:

Records and Management Information System.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

* * * may be disseminated to the appropriate Federal, State or local agency charged with the responsibility of investigating or prosecuting such

violation or with enforcing or implementing such law.

[Following this sentence insert the two new paragraphs below.]

Relevant information contained in this system of records may also be released to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

[The following section of the text and thereafter does not change.]

Release of information to the news media and the public:

* * * * *

[FR Doc. 01–16825 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Personalization Consortium, Inc.

Notice is hereby given that, on June 1, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Personalization Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Guardent, Inc., Waltham, MA; and 180 Solutions, Inc., Bothell, WA have been added as parties to this venture. Also, SPSS, Chicago, IL; eCustomers, Austin, TX; NextClick: The Personalization Agency, Calgary, Alberta, Canada; Yo.com, New York, NY have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Personalization Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On June 15, 2000, Personalization Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 11, 2000 (65 FR 49266).

The last notification was filed with the Department on March 5, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 29, 2001 (66 FR 17202).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–16772 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Salutation Consortium, Inc.

Notice is hereby given that, on May 23, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Salutation Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Square USA, Inc., Ramsey, NJ has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Salutation Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On March 30, 1995, Salutation Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 27, 1995 (60 FR 33233).

The last notification was filed with the Department on March 2, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 29, 2001 (66 FR 17203).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–16773 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Aseel, Incorporated, Wholesale Division; Denial of Application

On or about May 8, 2000, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Aseel Incorporated, Wholesale Division (Aseel), located in Dallas, Texas, notifying it of an opportunity to show cause as to why the DEA should not deny its application, dated July 7, 1998, for a DEA Certificate of Registration as a distributor of the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, pursuant to 21 U.S.C. 823(h), as being inconsistent with the public interest. The order also notified Aseel that, should no request for hearing be filed within 30 days, the right to hearing would be waived.

The DEA mailed the show cause order on May 11, 2000, to Aseel at the proposed registered location in Dallas, Texas by certified mail. At the same time, a copy of the show cause order was sent by regular first class mail to the Murphy, Texas home address of Aseel's President, Mr. Husham Awadelkariem. The certified letter was returned to DEA by the U.S. Postal Service, marked ''moved, left no address.'' The copy sent by first class mail was not returned, and presumably was delivered.

Subsequently, on May 25, 2000, a DEA Diversion Investigator in the Dallas, Texas office, received a telephone call from Mr. Awadelkariem, who stated he received the show cause order and inquired whether he could limit his distribution of chemicals to convenience stores without a DEA registration. Since that time, no response has been received from the applicant nor any person purporting to represent the applicant. Therefore, the Administrator of the DEA, finding that (1) thirty days have passed since receipt

of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Aseel is deemed to have waived its right to a hearing. After considering relevant material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46 (1999).

The Administrator finds that on August 3, 1998, an application dated July 7, 1998, was received by the DEA Chemical Operations Registration Section on behalf of Aseel for DEA registration as a distributor of the List I chemicals pseudoephedrine, phenylpropanolamine, and ephedrine. Aseel did not file this application in time to qualify for temporary exemption from registration pursuant to 21 CFR 1310.09. Accordingly, Aseel was not authorized to distribute these chemicals before approval of the application for registration.

The Administrator finds that during the period from February 24, 1998 to June 1, 1998, Aseel sold over 122,767 bottles of List I chemicals to an unregistered distributor when Aseel was not listed to do so, in violation of 21 U.S.C. 843(a)(9).

The Administrator also finds that during the period from May 25, 1998, to July 14, 1998, Aseel sold over 21,748 bottles of List I chemicals when Aseel was not licensed to do so, in violation of 21 U.S.C. 843(a)(9).

The Administrator further finds that during the period from January 1998 to May 1998, Aseel purchased in excess of 164,012 bottles of List I chemicals while not registered with DEA, in violation of 21 USC 822(a)(1), which requires *inter alia* that every person who distributes a List I chemical ''shall obtain annually a registration issued by the Attorney General'' and also in violation of the registration requirements set forth at 21 CFR 1309.21(a) and 1310.09.

Finally, the Administrator finds that on November 19, 1999, DEA investigators learned that Aseel was no longer located at the proposed registered location and had been evicted due to non-payment of rent. Aseel subsequently requested that DEA amend Aseel's application to include two prospective storage sites in Dallas. DEA investigators were unable to inspect these sites. The investigation further revealed Aseel no longer has valid state permits to distribute list chemicals.

While Mr. Awadelkariem stated that at one point he had two employees other than himself at Aseel, the Administrator finds that with regard to all the incidents described herein, Mr. Awadelkariem acted as the sole agent for Aseel.

Pursuant to 21 U.S.C. 823(h), the Administrator may deny an application for a DEA Certificate of Registration if he determines that granting the registration would be inconsistent with the public interest. Section 823(h) requires the following factors be considered:

(1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) Compliance by the applicant with applicable Federal, State, and local law;

(3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) Any past experience of the applicant in the manufacture and distribution of chemicals; and

(5) Such other factors as are relevant to and consistent with the public health and safety.

Like the public interest analysis for practitioners and pharmacies pursuant to subsection (f) of section 823, these factors are to be considered in the disjunctive; the Administrator may rely on any one or combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See, e.g. Energy Outlet, FR 14,269 (DEA 1999). See also Henry J. Schwartz, Jr., M.D., 54 FR 16,422 (DEA 1989).

Regarding factor one, the maintenance of effective controls against the diversion of listed chemicals, the Administrator finds that Aseel's proposed registered address has been vacated, and that Aseel has failed to provide the addresses for the two storage buildings where it allegedly currently conducts business. Therefore, no pre-registration inspection has been performed at Aseel's places of business. The Administrator consequently finds no evidence that Aseel has any controls whatsoever against diversion. Furthermore, and as set forth more fully below, the DEA investigation revealed that Aseel failed to exercise discretion in selling list chemicals, and routinely sold list chemicals to individuals and entities it should have known presented diversion risks.

Regarding factor two, the applicant's compliance with applicable law, the Administrator finds that the evidence shows Aseel significantly violated applicable law by distributing over 164,012 bottles of List I chemicals from February 24, 1998 through July 14, 1998, when not licensed to do so, in violation of 21 U.S.C. 843(a)(9).

Regarding factor three, there is no evidence that Aseel or Mr. Awadelkariem has a record of convictions related to controlled substances or to chemicals controlled under Federal or State law.

Regarding factor four, the applicant's past experience in the distribution of chemicals, the Administrator finds that the DEA investigation revealed that during late 1996, Aseel had distributed 94 cases of a List I chemical to an individual who came from California to Dallas to make the purchase. This individual provided no identification, nor any addresses, business or otherwise. The only way Mr. Awadelkariem could contact this individual was *via* pager. During the interview with DEA investigators that elicited this information, and after the investigators explained the illicit uses of List I chemicals, presented Mr. Awadelkariem with the DEA ''Red Notice'', and explained the applicable laws regarding List I chemicals, Mr. Awadelkariem stated he would no longer purchase this List I chemical product again. In April 1997, DEA investigators from the Dallas Diversion Group contacted Mr. Awadelkariem, who voluntarily agreed to stop conducting business regarding List I chemicals.

Subsequently, DEA investigators received documents indicating sales of List I chemicals totaling 132 cases to Aseel during September 9, 1997, to October 1, 1997. When Aseel's sales and purchases records covering this time period were subpoenaed, DEA investigators discovered through sales records that List I chemicals were being sold by Aseel to two companies and that both recipient companies were suspect, having been linked to the diversion of List I chemicals to clandestine laboratories in California. In addition, one of the recipient companies was owned by the same previously mentioned individual from California to whom Aseel had distributed the 94 cases of List I chemicals during the latter part of 1996, and the other recipient company was effectively controlled by this same individual. The Administrator further finds that Mr. Awadelkariem knew this individual truly owned and controlled these two companies by at least May or June 1997. The subpoenaed records further revealed that Aseel had sold a total of 376 cases of List I chemicals to these two suspect companies during the period from July 1997 to September 1997. Follow up investigation revealed that the addresses provided by these

two companies were false. One of the addresses was a used car lot. Interviews with the owner of the car lot revealed that Mr. Awadelkariem would meet with the previously mentioned individual from California at the car lot to consummate business deals for List I chemicals. Shortly after this interview, Mr. Awadelkariem called a DEA investigator and stated that he had received a call from the individual from California, who stated to Mr. Awadelkariem that he was upset with DEA's inquiries, and further that he already had two List I chemical shipments seized by DEA in the past.

In November 1997, Mr. Awadelkariem contacted DEA regarding an alleged suspicious order by an unknown female from California, but the deal was never consummated. Also in November 1997, Mr. Awadelkariem assisted DEA in the seizure of 100 cases of a List I chemical that were eventually forfeited to the United States.

The Administrator further finds that from January 1, 1998, to July 31, 1998, Aseel purchased and distributed over 164,012 bottles of List I chemicals, as determined from subpoenaed documents. Over 100,800 bottles of List I chemicals were shipped by Aseel to a company that had neither a pending nor an approved DEA registration.

Regarding factor five, other factors relevant to and consistent with the public safety, the Administrator finds that, when confronted with his earlier statements that he would stop doing business in List I chemicals, Mr. Awadelkariem stated the he meant ''at the time, he was not going to deal in these products because he had no customers for them.'' The Administrator finds this lack of candor, especially taken together with Aseel's demonstrated cavalier disregard of law and regulations concerning registration and distribution of List I chemicals, makes questionable Aseel's commitment to the DEA regulatory requirements designed to protect the public from diversion of controlled substances and listed chemicals. See Terrence E. Murphy, 61 FR 2841 (DEA 1996).

Therefore, for the above-stated reasons, the Administrator concludes that it would be inconsistent with the public interest to grant the application of Aseel. The applicant has failed to demonstrate that it has effective controls against the diversion of listed chemicals. Additionally, as described above, the evidence indicates that Aseel has violated applicable law regarding the distribution of List I chemicals on several occasions by distributing List I chemicals while not registered with DEA, and by distributing List I chemicals to companies who also were not registered with DEA. Aseel's lack of effective controls against diversion and its lack of commitment to comply with the laws and regulations designed to prevent diversion, exemplified by its failure to exercise discretion in distributing List I chemicals when it knew or should have known such chemicals were being diverted into other than legitimate channels, present a grave risk of future diversion.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by Aseel be denied. This order is effective August 6, 2001.

Dated: June 20, 2001.

Donnie R. Marshall,

Administrator.

Certificate of Service

This is to certify that the undersigned, on June 25, 2001, caused a copy of the Final Order to be mailed, postage prepaid, registered return receipt to Respondent Husham Awadelkariem, 401 Hawthorne Drive, Murphy, Texas 75094–3598.

Karen C. Grant

[FR Doc. 01–16728 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; new collection; community gun violence prosecution.

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by July 20, 2001. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affairs, Attention: Department of Justice Desk Officer, (202) 395–7860, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Paul Kendall, General Counsel the Office of Justice Programs, 810 7th Street, NW., Washington, DC 20531, or facsimile at (202) 307–1419.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information

(1) *Type of Information Collection:* New.

(2) *Title of the Form/Collection:* Community Gun Violence Prosecution Program application on the Grants Management System.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be as or required to respond, as well as a brief abstract:* Primary: State local or Tribal Government. Other: None. The Community Gun Violence Prosecution Program was authorized under Public Law 106–553, 114 Stat. 2762, App.–155 (2000) to provide funding directly to chief local or Tribal Government. Other: None. The Community Gun Violence Prosecution Program was authorized under Public Law 106–553, 114 Stat. 2762, App.–155 (2000) to provide

funding directly to chief prosecutors (state, local and tribal) to hire assistant prosecutors who will focus their attention on the prosecution of cases involving violent crimes committed with guns and other violations of gun statutes involving drug trafficking and gang-related crimes in high firearms-related violence areas.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The time burden of the estimated 1000 respondents to complete the application on-line is 4-hours per application.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete applications for the Community Gun Violence Prosecution Program is 4000 annual burden hours.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff Justice Management Division, Suite 1220, National Place Building, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: June 28, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 01–16798 Filed 7–3–01; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,239 and NAFTA–3642]

DeZurik Corporation, McMinnville, Tennessee; Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for voluntary remand for further investigation of the negative determination in *Former Employees of DeZurik Corporation* v. *U.S. Secretary of Labor* (Court No. 00–07–00319).

On March 30, 2000, the Department issued negative determinations regarding Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance, applicable to workers producing industrial valves at DeZurik Corporation, McMinnville, Tennessee. The notices were published in the **Federal Register** on April 21, 2000; the TAA petition TA–W–37,239 (65 FR 21473) and the NAFTA–TAA petition NAFTA–3642 (65 FR 21475).

On April 15, 2000, the International Association of Machinists (IAM), Local 1941, requested administrative reconsideration of the Department's denial of TA–W–37,239 and NAFTA–3642, which also resulted in affirmation of the initial negative decision. The determination was issued on June 5, 2000, and published in the **Federal Register** on June 15, 2000 (65 FR 32275).

On remand, the Department obtained new information regarding the production of components produced at the McMinnville, Tennessee plant, which were used in the production of the industrial valves sold by DeZurick. Investigation findings on remand show that the company relied on imports of some of the components formerly produced at the McMinnville, Tennessee plant. Other investigation findings on remand revealed that the subject firm has shifted a portion of the production of valves at the McMinnville, Tennessee plant to Canada.

Conclusion

After careful review of the additional facts obtained on remand, I conclude that there were increased imports of articles like or directly competitive with those produced by the subject firm and that there was a shift in production to Canada. In accordance with the provisions of the Trade Act, I make the following certification:

''All workers of DeZurik Corporation, McMinnville, Tennessee, who became totally or partially separated from employment on or after December 6, 1998, through two years from the issuance of this revised determination, are eligible to apply for adjustment assistance under Section 223 and NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 13th day of June 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16846 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of June, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,719; Weyerhaeuser Co., Southern Lumber and Plywood Div., Dierks, AR

TA–W–39,346; Acadia Elastomers Corp., Acadia Polymers Div., Acadia Paragould, Acadia, AR

TA–W–39,722; Lancaster Electro Plating, Lancaster, OH

TA–W–39,264; Cummins Engine Co., Fleetguard/Nelson Div., Neillsville, WI

TA–W–38,682 & A; Cummins Engine Co., Fleetguard/Nelson Div., Viroqua, WI and Black River Falls, WI

TA–W–38,809; Blue Mountain Products LLC, Pendleton, OR

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,341; Dairy Farmers of America, IN., Fergus Falls, MN

TA–W–39,241; Johnson Controls, Sycamore, IL

TA–W–39,360; Kachina Communications, Inc., Cottonwood, AZ

TA–W–39,186; Renfro Hosiery, Mount Airy, NC

TA–W–39,226; Texler, Inc., Macedonia, OH

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,317; Alltel Communications, Inc., Savannah, GA

TA–W–39,400; P.J. Sewing Co., Inc., Ivyland, PA

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

TA–W–39,207; Prairie Wood Products, Prairie City, OR

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38,803; Carlisle Motion Control Industries, Inc., Ridgway, PA: February 23, 2000.

TA–W–39,086; Dunbrooke Industries, Inc., Lexington, MO: April 6, 2000.

TA–W–38,972; KoSa, Shelby, NC: March 22, 2000.

TA–W–39,193; Dani Max, New York, NY: April 7, 2000.

TA–W–38,939; Litton Network Access Systems, A Div. Litton Systems, Roanoke, VA: March 16, 2000.

TA–W–38,455; Plainwell, Inc., Plainwell, MI: December 7, 1999.

TA–W–39,050; SCI Systems, Inc., Augusta, ME: June 23, 2000.

TA–W–39,009; Astaris LLC, Pocatello, ID: April 2, 2000.

TA–W–39,304; Berg Lumber Co., Lewiston, MT: May 7, 2000.

TA–W–39,425; Hoover Precision Products, Inc., Washington, IN: May 24, 2000.

TA–W–39,318; Continental Industries, Mesa, AZ: May 24, 2000.

TA–W–39,029; Atofina Chemicals, Inc., Portland, OR: April 4, 2000.

TA–W–39,011; Texas Boot, Inc., Hartsville, TN and Nashville, TN: June 16, 2001.

TA–W–39,235; Krupp Hoesch Suspensions, Inc., Hamilton, OH: April 27, 2001.

TA–W–39,336; Meridian Automotive Systems, Lapeer Operations, Lapeer, MI: April 4, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of June, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employments and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04741; Berlog, Inc., Warren, OR

NAFTA–TAA–04878; Dairy Farmers of America, Inc., Fergus Falls, MN

NAFTA–TAA–04766; Cummings Engine Co., Fleetguard/Nelson Div., Neillsville, WI

NAFTA–TAA–04534 & A; Cummings Engine Co., Fleetguard/Nelson Div., Viroqua, WI and Black River Falls, WI

NAFTA–TAA–04601; Blue Mountain Products, LLC, Pendleton, OR

NAFTA–TAA–045701; Detroit Tool and Engineering, Lebanon, MO

NAFTA–TAA–04892; Acadia Elastomers Corp., Acadia Polymers Div., Acadia Paragould, Acadia, AR

NAFTA–TAA–04825; Texler, Inc., Macedonia, OH

NAFTA–TAA–04317; Plainwell, Inc., Plainwell, MI

NAFTA–TAA–04541; Weyerhaeuser Co., Southern Lumber and Plywood Div., Dierks, AR

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

NAFTA–TAA–04904; Illinois Tool Works, Smartcycle, Austin, TX

The investigations revealed that criteria (1) has not been met. A significant number or proportion of the workers in such workers' firm or an appropriate subdivision (including workers in any agricultural form or appropriate subdivision thereof) have been totally or partially separated from employment.

NAFTA–TAA–04783; Prairie Wood Products, Prairie City, OR

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04885; Continental Industries, Mesa, AZ: May 14, 2000.

NAFTA–TAA–04847; Oglevee, Ltd, Fredonia, PA: April 30, 2000.

NAFTA–TAA–04916; Hoover Precision Products, Inc., Washington, IN: May 24, 2000.

NAFTA–TAA–04721; Atofina Chemicals, Inc., Portland, OR: April 4, 2000.

NAFTA–TAA–04576; API Gettys, Inc., Including Leased Workers of QPS and Ranstand, Racine, WI: February 19, 2000.

NAFTA–TAA–04893; Kimberly Clark, Conway, AR: May 14, 2000.

NAFTA–TAA–04846; Lear Corp., Interior Systems Div., Lewistown, PA: May 2, 2000.

NAFTA–TAA–04735; SCI Systems, Inc., Augusta, ME: April 6, 2000.

NAFTA–TAA–04934; Cooper Tolls, Inc., Apex, NC: May 30.

I hereby certify that the aforementioned determinations were issued during the month of June, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 25, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16848 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 16, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 16, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 11th day of June, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 06/11/2001]

TA–W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
39,408	Alcoa Fujikura (Co.)	El Paso, TX	05/24/2001	Administrative Service—Harnesses
39,409	General Cable Corp (USWA)	Cass City, MI	05/16/2001	Wire and Cable
39,410	North Star Steel (USWA)	Wilton, IA	05/16/2001	Steel Angles and Flats
39,411	Johnson Electric Auto. (Co.)	Columbus, MS	05/22/2001	Small Motors
39,412	M. Fine and Sons Mfg. (UNITE)	New Albany, IN	05/25/2001	Men's Work Shirts
39,413	Sportswear USA (Co.)	Wallace, NC	05/29/2001	Boy's Suits, Blazers, Pants
39,414	Marshall and Williams (Wkrs)	Providence, RI	05/30/2001	Tenter Clips for Textile Machinery
39,415	Tyco Printed Circuit (Wkrs)	White City, OR	05/22/2001	Printed Circuit Boards
39,416	Pillowtex Fieldcrest (UNITE)	Kannapolis, NC	05/30/2001	Home Furnishings
39,417	Innovex (Wkrs)	Chandler, AZ	05/24/2001	Flexible Interconnect Circuits
39,418	MCMS, Inc. (Wkrs)	Nampa, ID	05/22/2001	Circuit Boards
39,419	Kentucky Electric (Co.)	Ashland, KY	05/30/2001	Steel Bar, Flats
39,420	Price Pfister (Wkrs)	Pacoima, CA	05/09/2001	Water Faucets
39,421	Dunbrook Industries (Co.)	Canton, SD	05/17/2001	Headwear
39,422	Leatex Chemical (Co.)	Philadelphia, PA	06/04/2001	Speciality Chemicals

[FR Doc. 01–16844 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,470]

Clestra Hauserman, Inc., Solon, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 18, 2001, in response to a worker petition which was filed by a company official on behalf of workers at Clestra Hauserman, Inc., Solon, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 25th day of June, 2001.

Edward A. Tomchick,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16849 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,218; TA–W–39,218A]

Compaq Computers, Houston, TX and Flextronics International, San Jose, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 7, 2001 in response to a petition filed on April 23, 2001 on behalf of workers at Compaq Computers, Offline System Support, Houston, Texas; and, Flextronics International, Offline System Support, San Jose, California.

The petitioning workers were not employees of either of the subject firms on the date of their separation. Therefore it is determined that the petition is invalid, and the investigation has been terminated.

Signed in Washington, DC this 25th day of June, 2001.

Edward A. Tomchick,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16850 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 16, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 16, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 20 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington DC this 4th day of June, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 06/04/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
39,363	Pratt and Whitney, HAC (Co.)	Grand Prairie, TX	05/29/2001	Composites
39,364	Spartan Int'l, Rosemont (Wrks)	Jonesville, SC	05/11/2001	Woven Fabrics and Yarn
39,365	Eagle Affiliates (Wrks)	Harrison, NJ	05/14/2001	Houseware Items
39,366	Mattel-Murray (Co.)	Murray, KY	04/27/2001	Toys
39,367	Computrex, Inc. (Co.)	Nicholasville, KY	04/27/2001	Freight Bill Processing
39,368	Siemens Automotive Corp. (Co.)	Johnson City, TN	05/18/2001	Electronic Controls for Airbags
39,369	Hager Hinge Co (Co.)	Greenville, MS	05/16/2001	Door Hinges
39,370	Securing Plastics, Inc. (Wrks)	Miami Lakes, FL	05/17/2001	Plastic Components
39,371	Dev and P, Inc (Wrks)	New York, NY	05/18/2001	Ladies' Apparel
39,372	Rockwell Collins (Co.)	Pomona, CA	05/11/2001	In Flight Entertainment Systems
39,373	Carbide/Graphite Group (Wrks)	St. Marys, PA	05/18/2001	Electrodes
39,374	Signature Cloth (UNITE)	Clifton, NJ	05/18/2001	Textiles Fabrics
39,375	Sun Studs, Inc. (Co.)	Roseburg, OR	05/18/2001	Veneer
39,376	Ocello, Inc (Wrks)	Richland, PA	05/17/2001	Knit Garments—Men, Women & Children
39,377	Nabisco Biscuit (IAMAW)	Niagara Falls, NY	05/18/2001	Triscuit Crackers
39,378	Flextronics (Co.)	Chambersburg, PA	05/18/2001	Outdoor Enclosures—Telecommunication
39,379	Savannah Luggage Works (Co.)	Vadalia, GA	05/14/2001	Luggage
39,380	Spinnaker Coating Maine (Co.)	Westbrook, ME	05/22/2001	Pressure Sensitive Papers
39,381	Electrolux Home Products (Wrks)	Nashville, AR	05/15/2001	Electrical Cords
39,382	Allied Vaughn (Wrks)	Clinton, TN	05/17/2001	Compact Disc and Video Cassettes
39,383	Tridelta Industries, Inc. (Co.)	Mentor, OH	05/18/2001	Pneumatic Controls
39,384	Electrolux, Inc. (Co.)	Piney Flats, TN	05/17/2001	Vaccum Cleaner Motors
39,385	AMI Semiconductor (Wrks)	Pocatello, ID	05/17/2001	Integrated Circuits
39,386	Bennett Pump Co. (Co.)	Springlake, MI	05/17/2001	Hydraulic Fluid Measuring Device
39,387	Steiger Lumber Co (Co.)	Bessemer, MI	05/21/2001	Hardwood
39,388	Carolina Mills, Inc. (Co.)	Lincolnton, NC	05/20/2001	Textile Yarns
39,389	Precision Marshall Steel (Wrks)	Washington, PA	05/12/2001	Finished Tool Steel
39,390	J and A Manufacturing Co (Co.)	Scranton, PA	05/21/2001	Vests and Tuxedo Jackets
39,391	BMH Chronos Richardson (Co.)	Fairfield, NJ	05/17/2001	Packaging Equipment
39,392	Aavid Thermalloy (Co.)	Dallas, TX	05/25/2001	Heat Sinks, & Semi Conductor Accessories
39,393	UCAR Carbon Co., Inc (IUOE)	Columbia, TN	05/23/2001	Graphic Electrodes
39,394	Pittsburgh Gear Works (USWA)	Pittsburgh, PA	05/23/2001	Shafts, Wheels and Gears
39,395	Flynt Fabrics, Inc. (Co.)	Graham, NC	05/24/2001	Circular Knit Fabrics
39,396	Carter Industries, Inc (Wrks)	Brooklyn, NY	05/22/2001	Jackets, Uniforms, Coveralls—Pilots
39,397	Teleflex-Morse (USWA)	Hudson, OH	05/25/2001	Conduit and Cable Components
39,398	Boss Industries, Inc. (Wrks)	Erie, PA	05/16/2001	Plastic Injection Molds
39,399	Lomac LLC (Wrks)	Muskegon, MI	05/18/2001	Dichlorobenzene and Dihydrochloride
39,400	P.J. Sewing Co., Inc. (Co.)	Ivyland, PA	05/24/2001	Sell, Install & Service Sewing Machines
39,401	Industrial Seaming Co (Co.)	Granite Falls, NC	05/24/2001	Crib Sheets and Diaper Stackers
39,402	Chino Mines Co (Wrks)	Hurley, NM	05/25/2001	Copper
39,403	Phelps Dodge Tyrone, Inc. (Wrks)	Tyrone, NM	05/24/2001	Copper Cathodes
39,404	Empire Specialty Steel (USWA)	Dunkirk, NY	05/24/2001	Stainless Steel Bar, Rod, Wire, Tubes
39,405	Vishay Roederstein (Co.)	Statesville, NC	05/23/2001	Electronic Components
39,406	Artesyn Technologies (Wrks)	Redwood Falls, MN	05/21/2001	Power Supplies
39,407	Greer Steel Co (USWA)	Dover, OH	05/07/2001	Strip Steel Products

[FR Doc. 01–16845 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4584 and NAFTA–4584A]

International Paper Castigan Mill, Milford, ME; and International Paper Passadumkeag Mill, Passadumkeag, ME; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of May 10, 2001, counsel on behalf of the company, requests administrative reconsideration of the Department's negative determination regarding eligibility to apply for North American Free Trade Agreement—Transitional Adjustment Assistance (NAFTA–TAA) applicable to workers and former workers of the subject firm plants. The denial notice was signed on March 13, 2001, and was published in the **Federal Register** on April 16, 2001 (66 FR 19522).

The company presents new information regarding U.S. imports of stud grade lumber.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 25th day of June, 2001

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16847 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

Agency Information Collections Activities; Submission for OMB Review, Comment Request; Survey on the Partnerships in the Community Grant Program (Evaluation of IMLS Museum Leadership Initiative Grant Program)

AGENCY: Institute of Museum and Library Services.

ACTION: Notice of request for new information collection approval.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). Currently, the Institute of Museum and Library Services is soliciting comment concerning extending collection entitled, Technology Survey for Libraries and Museums. A copy of this proposed form, with applicable supporting documentation, may be obtained by calling the Institute of Museum and Library Services, Director of Public and Legislative Affairs, Mamie Bittner at (202) 606–8339. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 606–8636.

DATES: Comments must be received by August 6, 2001. The OMB 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.

ADDRESSES: Send comments to: Mamie Bittner, Director of Legislative and Public Affairs, Institute of Museum and Library Services, 1100 Pennsylvania Ave., NW, Room 510, Washington, DC 20506.

SUPPLEMENTARY INFORMATION:

I. Background

Public Law 104–208 enacted on September 30, 1996 contains the former Museum Services Act and the Library Services and Technology Act Public Law 104–208 authorizes the Director of the Institute of Museum and Library Services to make grants to improve museum and library service throughout the United States.

Agency: Institute of Museum and Library Services.

Title: Survey on Partnerships in Museums in Community Grant Program.

OMB Number: none.

Agency Number: 3137.

Frequency: One-time.

Affected Public: Museums.

Number of Respondents: 118.

Estimated Time Per Respondent: 45–60 minutes for survey, 30–45 minutes for pilot.

Total Burden Hours: 135.

Total Annualized capital/startup costs: 0.

Total Annual Costs: $2,187.00.

ADDRESSES: Comments should be sent to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

Mamie Bittner,

Director Public and Legislative Affairs.

[FR Doc. 01–16753 Filed 7–3–01; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel; Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that two meetings of the Combined Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows:

Museums (Creativity and Organizational Capacity categories): July 24–27, 2001, Room 716. A portion of this meeting, from 11 a.m. to 12 p.m. on July 27th, will be open to the public for policy discussion. The remaining portions of this meeting, from 9 a.m. to 6 p.m. on July 24th–26th, and from 9 a.m. to 11 a.m. and 12 p.m. to 2:30 p.m. on July 27th, will be closed.

Dance (Creativity & Organizational Capacity categories): August 6–10, 2001, Room 716. A portion of this meeting, from 9:30 a.m. to 11 a.m. on August 10th, will be open to the public for policy discussion. The remaining portions of this meeting, from 9 a.m. to 6 p.m. on August 6th–9th, and from 11 a.m. to 2:30 p.m. on August 10th, will be closed.

The closed portions of these meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant

applicants. In accordance with the determination of the Chairman of May 22, 2001, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY-TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5691.

Dated: June 28, 2001.

Kathy Plowitz-Worden,

Panel Coordinator.

[FR Doc. 01–16839 Filed 7–3–01; 8:45 am]

BILLING CODE 7537–01–U

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Leadership Initiatives Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that three meetings of the Leadership Initiatives Advisory Panel will be held by teleconference at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C., 20506 as follows:

Presenting Section: from 1:00 p.m. to 4:00 p.m. on Tuesday, July 9, 2001 in Room 703;

Local Arts Agencies Section: from 4:00 p.m. to 4:30 p.m. on Wednesday, July 10, 2001 in Room 726;

Arts Education Section: from 1:00 p.m. to 4:00 p.m. on Wednesday, July 10, 2001 in Room 716.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 22, 2001, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, D.C., 20506, or call 202/682–5691.

Dated: July 2, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations National Endowment for the Arts.

[FR Doc. 01–16965 Filed 7–3–01; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL INDIAN GAMING COMMISSION

Paperwork Reduction Act; Information Collection Activities

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The National Indian Gaming Commission (NIGC), in accordance with the Paperwork Reduction Act of 1995, is submitting to the Office of Management and Budget (OMB) a request to review and extend approval for the information collection activity associated with the payment annual fees by Indian tribes conducting gaming under the Indian Gaming Regulatory Act. The OMB will consider comments from the public on this information collection activity.

DATES: Comments regarding the NIGC's evaluation of the information collection activity and its request to OMB to extend approval for the information collection must be received by August 1, 2001. When providing comment, a respondent should specify the particular collection activity to which the comment pertains.

ADDRESSES: *Send comments to:* Office of Information and Regulatory Affairs (Attn: Desk Officer for the National Indian Gaming Commission), Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503. The NIGC regulation to which the information collection pertains is available on the NIGC website, www.nigc.gov. The regulation is also available by written request to the NIGC (Attn: Ms. Cindy Altimus), 1441 L Street, NW., Suite 9100, Washington, DC 20005, or by telephone request at (202) 632–7003. This is not a toll-free number. All other requests for information should be submitted to Ms. Altimus at the above address for the NIGC.

SUPPLEMENTARY INFORMATION: *Title:* Annual Fees Payable by Indian Gaming Operations. *OMB Number:* 3141–0007. *Abstract:* The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*, authorizes the NIGC to establish a schedule of fees to be paid to the NIGC by each gaming operation under the jurisdiction of the NIGC. Fees are computed using rates set by the NIGC and the assessable gross revenues of each gaming operation. The total of all fees assessed annually cannot exceed $8,000,000. Under its implementing regulation for the fee payment program, 25 CFR part 514, the NIGC relies on a quarterly statement of gross gaming revenues provided by each gaming operation that is subject to the fee requirement. The required information is needed for the NIGC to both set and adjust fee rates and to support the computation of fees paid by each gaming operation. *Respondents:* Indian tribal gaming operations. *Estimated Number of Respondents:* 320. *Estimated Annual Responses:* 1280. *Estimated Annual Burden Hours per Respondent:* 8. *Estimated Total Annual Burden on Respondents:* 2,560 hours.

Jacqueline Agtuca,

Chief of Staff.

[FR Doc. 01–16764 Filed 7–3–01; 8:45 am]

BILLING CODE 7565–01–U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–390–CivP; 50–327–Civ.P; 50–328–CivP; 50–259–CivP; 50–260–CivP; 50–296–CivP; ASLBP No. 01–791–01–CivP EA 99–234]

Atomic Safety and Licensing Board; Tennessee Valley Authority (Watts Bar Nuclear Plant, Unit 1; Sequoyah Nuclear Plant, Units 1 & 2; Browns Ferry Nuclear Plant, Units 1, 2 & 3); Notice of Hearing

June 28, 2001.

Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Richard F. Cole, Ann Marshall Young

This proceeding involves a proposed civil penalty of $110,000, sought to be imposed by the NRC Staff on the Tennessee Valley Authority (TVA or Licensee) for an alleged violation of NRC's employee-protection requirements set forth in 10 C.F.R. 50.7, based upon the asserted discrimination against a former employee for engaging in protected activities. In response to an Order Imposing Civil Monetary Penalty, published at 66 FR 27166 (May 16,

2001), TVA on June 1, 2001, filed a timely request for a hearing. On June 26, 2001, an Atomic Safety and Licensing Board, consisting of Dr. Richard F. Cole, Ann Marshall Young, and Charles Bechhoefer, who serves as Chairman, was established to preside over this proceeding.

Notice is hereby given that, by Memorandum and Order dated June 28, 2001, the Atomic Safety and Licensing Board has granted the request for a hearing submitted by TVA. This proceeding will be conducted under the Commission's hearing procedures set forth in 10 C.F.R. Part 2, Subparts B and G. Parties to this proceeding are TVA and the NRC Staff. The issues to be considered, as set forth in the Order Imposing Civil Monetary Penalty, are (a) whether the Licensee violated the Commission's requirements, as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty, dated February 7, 2001; and, if so, (b) whether, on the basis of such violation, the Order Imposing Civil Monetary Penalty should be sustained.

Documents related to this proceeding, issued prior to December 1, 1999, are available in microfiche form (with print form available on one-day recall) for public inspection at the Commission's Public Document Room (PDR), Room 0–1 F21, NRC One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738. Documents issued subsequent to November 1, 1999 are available electronically through the Agencywide Documents Access and Management System (ADAMS), with access to the public through NRC's Internet Web site (Public Electronic Reading Room Link, <*http://www.nrc.gov/NRC/ADAMS/index.html*>). The PDR and many public libraries have terminals for public access to the Internet.

During the course of this proceeding, the Licensing Board may conduct one or more prehearing conferences and evidentiary hearing sessions. The time and place of these sessions will be announced in Licensing Board Orders. Except as limited by the parameters of telephone conferences (which are in any event to be transcribed), members of the public are invited to attend any such sessions.

Dated: Rockville, Maryland, June 28, 2001.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 01–16774 Filed 7–3–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket 72–40]

Duke Energy Corporation, Oconee Nuclear Site; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.212(a)(2) and 72.214 to Duke Energy Corporation (Duke). The requested exemption would allow Duke to store Babcock and Wilcox (B&W) 15x15 spent nuclear fuel assemblies with a nominal width of 8.536 inches in the NUHOMS®–24P storage system at the Oconee Nuclear Site Independent Spent Fuel Storage Installation (ISFSI).

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated June 8, 2001, Duke requested an exemption from the requirements of 10 CFR 72.212(a)(2) and 72.214 to permit storage of B&W 15x15 spent nuclear fuel assemblies with a nominal width of 8.536 inches in the NUHOMS®–24P storage system at the Oconee Nuclear Site ISFSI. Duke is a general licensee, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K. Furthermore, Duke is currently using the NUHOMS®–24P storage system design approved by NRC under Certificate of Compliance (CoC) No. 1004 to store spent fuel at the ISFSI.

By exempting Duke from both 10 CFR 72.214 and 72.212(a)(2), Duke will be authorized to use its general license to store B&W 15x15 spent nuclear fuel assemblies with nominal widths of 8.536 inches in casks approved under Part 72, as exempted. The proposed action before the Commission is whether to grant these exemptions under 10 CFR 72.7.

The ISFSI is located 30 miles west of Greenville, South Carolina, on the Oconee Nuclear Power Plant site. The Oconee Nuclear Site ISFSI is an existing facility constructed for interim dry storage of spent nuclear fuel.

On June 8, 2001, Transnuclear West Inc. (TN West), the certificate holder, submitted a revised amendment request for CoC No. 1004 to correct the fuel specification tables; Tables 1–1a and 1–1b of the Technical Specifications (TS) for the Standardized NUHOMS® storage system. The NRC staff will address the proposed changes to the CoC in conjunction with its ongoing review of the amendment request previously submitted by TN West on February 23, 2001. However, the staff's review and final action on that pending amendment request will not be completed on a schedule consistent with Duke's stated need for the Oconee Nuclear Site; thus Duke has requested that an exemption be granted by July 9, 2001.

The proposed change would revise Amendment 2 to CoC No. 1004, which became effective on September 5, 2000. Amendment 2 changed the title of one of the parameters in the fuel specification table, (Table 1–1a of the Technical Specifications), from ''Nominal Cross-Sectional Envelope'' to ''Maximum Assembly Width (unirradiated).'' The staff has reviewed the technical and safety bases supporting the approval of Amendment 2 and has determined that the maximum fuel assembly widths are not critical values affecting the basis for the safety analysis. The original certificate and Amendment 1 to CoC No. 1004 approved by the NRC both specified the ''nominal'' fuel assembly width in the fuel specification table, and the design of the B&W 15x15 fuel has not been altered with respect to that dimension. Amendment 2 approved the storage of higher burnup fuel and burnable poison rod assemblies in the NUHOMS®–24P system, and the fuel specification tables were revised to reflect those changes; however, those changes did not involve any change to the ''nominal'' fuel assembly width previously accepted by the staff. The NRC staff has reviewed the exemption request and has determined that storing B&W 15x15 spent fuel assemblies with a nominal width of 8.536 inches in the NUHOMS®–24P storage system at the Oconee ISFSI is consistent with the design basis and would not be inimical to public health and safety.

Need for the Proposed Action: Duke has an imminent need to reduce the inventory of spent nuclear fuel assemblies in the spent fuel pool at the Oconee Nuclear Site prior to upcoming refueling activities that require empty fuel pool storage locations. Furthermore, Duke must load additional B&W 15x15 spent fuel assemblies in the Oconee ISFSI to accommodate those planned and potential refueling activities scheduled for late 2001 that require empty spent fuel pool storage locations Because the 10 CFR Part 72 rulemaking to amend the CoC will not be completed prior to the date that Duke needs to begin loading the NUHOMS®–24P with additional B&W 15x15 spent fuel assemblies, the NRC is granting this exemption based on the staff's review of information submitted by Duke and TN West.

Environmental Impacts of the Proposed Action: The potential environmental impact of using the NUHOMS®–24P storage system was initially presented in the Environmental Assessment (EA) for the Final Rule to add the NUHOMS®–24P to the list of approved spent fuel storage casks in 10 CFR 72.214 (59 FR 65898 (1994)). Furthermore, each general licensee must assess the environmental impacts of the specific ISFSI in accordance with the requirements of 10 CFR 72.212(b)(2). This section also requires the general licensee to perform written evaluations to demonstrate compliance with the environmental requirements of 10 CFR 72.104, ''Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS [Monitored Retrievable Storage Installation].''

The NUHOMS®–24P storage system is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI include tornado winds and tornado generated missiles, design basis earthquake, design basis flood, accidental cask drop, lightning effects, fire, explosions, and other incidents.

Special cask design features of the NUHOMS®–24P storage system include a horizontal canister system composed of a steel dry shielded canister (DSC), a reinforced concrete horizontal storage module (HSM) and a transfer cask (TC). The welded DSC provides confinement and criticality control for the storage and transfer of spent nuclear fuel. The concrete module provides radiation shielding and allows cooling of the DSC and fuel by natural convection during storage. The TC is used for transferring the DSC between the spent fuel pool building and the HSM.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. Without the loss of either containment, shielding, or criticality control, the risk to public health and safety is not compromised.

The staff performed a review of the proposed exemption request and found that the loading of B&W 15x15 spent fuel assemblies with a nominal width as previously specified in the TS does not reduce the safety margin. In addition, the staff has determined that the storage of B&W 15x15 spent fuel assemblies in the NUHOMS®–24P storage system as requested does not pose any increased risk to public health and safety. Furthermore, the proposed action now under consideration would not change the potential environmental effects assessed in the initial rulemaking (59 FR 65898 (1994)).

Therefore, the staff has determined that there is no reduction in the safety margin nor significant environmental impact as a result of storing B&W 15x15 spent fuel assemblies with a nominal width of 8.536 inches in the NUHOMS®–24P storage system at the Oconee Independent Spent Fuel Storage Installation.

Alternative to the Proposed Action: The staff evaluated other alternatives to the transfer of additional B&W 15x15 spent fuel assemblies from the spent fuel pool to the ISFSI and found that these alternatives produced a greater occupational exposure, increased handling and storage costs, and an increased environmental impact as a result of generating additional low-level radioactive waste. The alternative to the proposed action would be to deny approval of the exemption and, therefore, require Duke to conduct refueling activities and subsequent plant operations with limited space available in the spent fuel pool. This lack of space would limit Duke's ability to implement contingency actions, if needed, such as fuel inspection, movement of refueling equipment and full core offload (the temporary removal of all fuel assemblies from the reactor vessel).

Agencies and Persons Consulted: On June 21, 2001, Mr. Henry Porter, Assistant Director of the Division of Waste Management, South Carolina Department of Health and Environmental Control, was contacted about the EA for the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.212(a)(2) and 72.214 so that Duke may store B&W 15x15 spent nuclear fuel in the NUHOMS®–24P storage system at the Oconee ISFSI will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this exemption request, see the Duke exemption request dated June 8, 2001, which is docketed under 10 CFR part 72, Docket No. 72–40.

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 29th day of June 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–16775 Filed 7–3–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 94–7

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. RI 94–7, Death Benefit Payment Rollover Election for Federal Employees Retirement System (FERS), provides FERS surviving spouses and former spouses with the means to elect payment of the FERS rollover-eligible benefits directly or to an Individual Retirement Arrangement.

Approximately 1,850 RI 94–7 forms will be completed annually. We estimate it takes approximately 60 minutes to complete the form. The annual estimated burden is 1,850 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or E-mail to mbtoomey@opm.gov. Please provide a mailing address with your request.

DATES: Comments on this proposal should be received on or before August 6, 2001.

ADDRESSES: Send or deliver comments to:

John C. Crawford, Chief,FERS Division,Retirement and Insurance

Service,U.S. Office of Personnel Management, 1900 E Street, NW, Room 3313,Washington, DC 20415; and

Joseph Lackey,OPM Desk Officer,Office of Information & Regulatory Affairs,Office of Management & Budget,New Executive Office Building, NW,Room 10235,Washington, DC 20503.

For Information Regarding Administrative Coordination Contact:Donna G. Lease, Team Leader,Forms Analysis and Design,Budget and Administrative Services Division,(202) 606–0623,Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–16805 Filed 7–3–01; 8:45 am]

BILLING CODE 6325–50–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44482; File No. 4–429]

Joint Industry Plan; Order Approving Amendment to the Options Intermarket Linkage Plan to Conform the Options Intermarket Linkage Plan to the Requirements of Securities Exchange Act Rule 11Ac1–7

June 27, 2001.

I. Introduction

On March 13, 2001, the American Stock Exchange LLC (''Amex''), Chicago Board Options Exchange, Inc. (''CBOE''), International Securities Exchange LLC (''ISE''), Pacific Exchange, Inc. (''PCX''), and Philadelphia Stock Exchange, Inc. (''Phlx'') (collectively, the ''Participants'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission'') in accordance with Section 11A(a)930 of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 11Aa3–2 thereunder,[2] a proposed amendment to the options intermarket linkage plan (''Linkage Plan''),[3] The amendment proposes to conform the Linkage Plan to the requirements of recently adopted Exchange Act Rule 11Ac1–7, the Trade-Through Disclosure Rule.[4] The proposed amendment to the Linkage Plan was published in the **Federal Register** on April 4, 2001.[5] Three comment letters were received in response to the notice.[6] This order approves the proposed amendment to the Linkage Plan.

II. Description of the Proposed Amendment

On November 17, 2000, the Commission adopted Exchange Act Rule 11Ac1–7 to require a broker-dealer to disclose to its customer when the customer's order for listed options is executed at a price interior to a better quote displayed by another market (''intermarket trade-through''), and to disclose the better published quote available at that time. Under the rules, however, a broker-dealer is not required to disclose to its customer an intermarket trade-through if the broker-dealer effects the transaction on an exchange that participates in an approved linkage plan that includes provisions reasonably designed to limit intermarket trade-throughs.

In the Adopting Release, the Commission noted that to conform to the requirements of the Trade Through Disclosure Rule, a linkage plan must, at a minimum, contain provisions to: (1) Limit participants from trading through, not only the quotes of other linkage plan participants, but also, the quotes of exchanges that are not participants in an approved linkage plan; (2) require plan participants to actively surveil their markets for trades executed at prices inferior to those publicly quoted on other exchanges; and (3) make clear that the failure of a market with a better quote to complain within a specified period of time that its quote was traded-through may affect potential liability, but does not signify that a trade-through has not occurred.[7] The proposed amendment to the Linkage Plan was intended to add such provisions to the Linkage Plan.

First, the proposed Amendment would change the definitions of ''National Best Bid or Offer'' (''NBBO'') and ''Trade-Throughs'' so that the terms would apply to unlinked, as well as linked, exchanges. Second, the proposed amendment would require Participants to establish procedures for conducting surveillance for trade-throughs, both respect to trading through linked and unlinked markets. Third, it would require that Participants adopt uniform rules that make it a violation of a participant's rules for a member to engage in a pattern or practice of trading through bids and offers in other linked markets, unless one of the enumerated exceptions to the Linkage Plan's Trade-Through provisions applies and, in the case of a Block Trade, where the initiating member has satisfied aggrieved parties at the block price. Lastly, the proposed amendment would add a provision to the Linkage Plan that states that a failure to a lodge a Trade-Through complaint will not signify that a Trade-Through has not occurred, but instead, affects only liability.

III. Summary of Comments

The Commission received comment letters from three participants in response to the notice published in the **Federal Register.**[8] In these letters, the Participants expressed concerns regarding the reference in the Notice to footnote 62 of the Adopting Release. The Notice states ''[n]otwithstanding the more limited language in the proposed amendment to the Linkage Plan, each exchange's rules must address trade-throughs of better quotes displayed by both linked and unlinked markets.''[9]

The commenters stated that they believe that the proposed amendment to the Linkage Plan fully complies with the requirements of the Trade-Through Disclosure Rule, and that it is not necessary for the exchanges to adopt rules to address trade-throughs in addition to complying with the requirements of the Linkage Plan, as amended.[10] The commenters argued that the proposed amendment clearly provides that members should not effect trade-throughs, and that participants to the Linkage Plan should conduct surveillance to detect any violations of this mandate.[11] One commenter further noted that Section 4(b) of the Linkage Plan specifically requires that all

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 240.11Aa3–2.

[3] On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket options market linkage (''Linkage Plan'') proposed by the Amex, CBOE, and ISE. *See* Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). Subsequently, the Phlx and PCX agreed to participate in the Linkage Plan. *See* Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70850 (November 28, 2000) and 43574 (November 16, 2000), 65 FR 70851 (November 28, 2000).

[4] 17 CFR 240.11Ac1–7. *See* Securities Exchange Act Release No. 43591 (November 17, 2000), 65 FR 75439 (December 1, 2000) (''Adopting Release'').

[5] *See* Securities Exchange Act Release No. 44106 (March 27, 2001), 66 FR 17977 (April 4, 2001) (''Notice'').

[6] *See* Letter to Jonathan G. Katz, Secretary, Commission, from Joseph B. Stefanelli, Executive Vice president, Derivative Securities, Amex, dated May 7, 2001 (''Amex letter); Letter to Jonathan G. Katz, Secretary, Commission, from Charles Rogers, Executive Vice President, Phlx, dated May 1, 2001 (''Phlx Letter''); and Letter to Jonathan G. Katz, Secretary, Commission, from Edward J. Joyce, President and Chief Operating Officer, CBOE, dated April 26, 2001 (''CBOE Letter'').

[7] *See* Adopting Release, *supra* note 4, at n.2 and accompanying text.

[8] *See* Amex Letter; CBOE Letter; and Phlx Letter, *supra* note 6.

[9] *See* Notice, *supra* note 5, at n.5.

[10] *See* Amex Letter; CBOE Letter; and Phlx Letter, *supra* note 6.

[11] *Id.*

participants enforce the provisions of the Linkage Plan.[12]

Another commenter questioned how else the partipants could address trade-throughs beyond the requirements contained in the proposed amendment.[13] The commenter disagreed that the participants must adopt rules to mandate disciplinary action against members for trading through unliked markets in order to comply with the Trade-Through Disclosure Rule, expressing frustration that this view was not expressed by the Commission before the proposed amendment was submitted.[14]

One commenter expressed concern regarding a requirement that the exchanges impose sanctions on their members for trading through unlinked markets.[15] This commenter stated that while it agreed that members who trade through quotes from unlinked markets without justification or due diligence should be subject to investigation and possible sanction, it would be unfair for the exchanges to adopt rules under which members would be sanctioned if they traded through an unlinked market when investigation revealed that such market was inaccessible to members, or information concerning the validity of that market unreliable.[16] This commenter also stated that upon submitting the proposed amendment to the Commission it did not understand that it also would be required to adopt specific exchange rules providing for sanctions on members that trade through unlinked markets.

Finally, one commenter argued that the Commission's position that the proposed Linkage Plan does not satisfy the rule may severely impact broker-dealers due to the additional cost and potential liability associated with detecting and disclosing possible trade-throughs resulting from a failure to have in place a Commission-approved linkage.[17] This commenter suggested that the compliance date of the rule should be coordinated with the implementation date of the proposed Linkage Plan.

IV. Discussion

The Commission finds that the proposed amendment to the Linkage Plan satisfies the three minimal requirements set out in the Adopting Release to conform the Linkage Plan to the requirements of the Trade-Through Disclosure Rule. Specifically, the Commission finds that by amending the definitions of ''NBBO'' and ''Trade-Throughs'' so that the terms apply to unlinked, as well as linked, exchanges, the proposed amendment would add to the Linkage Plan a provision to limit participants from trading through, not only the quotes of other linkage plan participants, but also, the quotes of exchanges that are not participants in an approved linkage plan. The Commission also finds that the proposed amendment would add to the Linkage Plan a requirement that each participant establish procedures for conducting surveillance for trade-throughs of both linked and unlinked markets. In addition, the Commission finds that the proposed amendment to the Linkage Plan clarifies that the failure of a market with a better quote to complain within a specified period of time that its quote was traded through may affect potential liability, but does not signify that a trade-through has not occurred.

Further, the Commission has carefully considered the comment letters submitted by the CBOE, Phlx, and Amex. The Commission reiterates its statement made in the Adopting Release that, in addition to the minimal provisions that must be included in an intermarket linkage plan to allow broker-dealers effecting transactions on exchanges participating in the plan to be excepted from the disclosure requirements of the Trade-Through Disclosure Rule, each exchange participating in a linkage plan would have to adopt certain rules. The Adopting Release stated that an exchange participating in the Linkage Plan:

> Would have to adopt rules to allow the exchange to sanction specialists or market makers that trade through better prices of other exchanges, maintain policies and procedures that would limit the occurrence of intermarket trade-throughs, and maintain records that would identify intermarket trade-thoughs and any review or remedial action taken by the exchange in response to such intermarket trade-throughs.[18]

The Commission believes that the requirement set forth in the Adopting Release, detailed above, that the Linkage Plan participants adopt rules regarding trade-throughs of better prices of other exchanges, not only linked markets, provided adequate notice to the participants in the Linkage Plan that such rules were expected to be filed for Commission approval. The Commission again restates here that the Commission fully expects the Linkage Plan participants to satisfy this requirement. Moreover, the Commission notes that the concerns raised by commenters are, at this time, purely academic because all of the options exchanges currently are participants in the Linkage Plan.

Finally, the Commission strongly believes that each exchange must have rules to allow it to sanction any member who has the ability to execute a transaction in its market at a price inferior to a price displayed by another exchange. In connection with the requirement set forth in the Adopting Release that each exchange adopt rules to allow it to sanction ''specialists or market makers that trade through better prices of other exchanges,'' the Commission believes that this language cannot be read as limiting the reach of the exchanges' rules to only specialists or market makers in each market. Rather, this provision must be read in conjunction with the other requirements set forth in the Adopting Release and consistent with a plain reading of the Linkage Plan. Specifically, the Commission believes that the requirement in the Adopting Release that, in addition to provisions that the Linkage Plan must contain to conform to the requirements of the Trade-Through Disclosure Rule, each exchange participating in the Linkage Plan has to ''maintain policies and procedures that would limit the occurrence of intermarket trade-throughs,''[19] can only be read to require that such policies and procedures limit the occurrence of intermarket trade-throughs for all trades, other than those trades expressly excluded from the Trade-Through Disclosure Rule, regardless of the member affecting such trade. Moreover, Section 8(c) of the Linkage Plan states that ''the Participants agree that absent reasonable justification and during normal market conditions, *members* in their markets should not effect trade-throughs (emphasis added).''

Finally, after careful review, the Commission finds that the proposed amendment to the Linkage Plan to consistent with the requirement of the Act and the rules and regulations thereunder, Specifically, the Commission believes that the proposed amendment is consistent with Section 11A of the Act,[20] and Rule 11Aa3–2 thereunder,[21] in the it is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove

[12] *See* Amex Letter, *supra* note 6.

[13] *See* CBOE Letter, *supra* note 6.

[14] *See* CBOE Letter, *see also* Amex Letter, *supra* note 6.

[15] *See* Phlx Letter, *supra* note 6.

[16] *Id.*

[17] *See* Amex Letter, *supra* note 6.

[18] *See* Adopting Release, *supra* note 4, at n.62.

[19] *See* Adopting Release, *supra* note 4, at n.62.

[20] 15 U.S.C. 78k–1.

[21] 17 CFR 240.11Aa3–2.

impediments to, and perfect the mechanisms of, a national market system. Moreover, the Commission believes that the Linkage Plan, as amended, satisfies the minimal requirements of the Trade-Through Disclosure rule to except broker-dealers who effect transactions on one of the linked markets from making the required disclosures under the Trade-Through Disclosure Rule, so long as each of the linked markets has adopted the required rules, discussed above.

V. Conclusion

It is Therefore Ordered, pursuant to Section 11A of the Act [22] and Rule 11Aa3–2 thereunder,[23] that the proposed Linkage Plan amendment is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[24]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–16734 Filed 7–03–01; 8:45 am]

BILLING CODE 8010–01–M

[22] 15 U.S.C. 78k–1.

[23] 17 CFR 240.1Aa3–2.

[24] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44491; File No. SR–DTC–00–17]

Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of a Proposed Rule Change To Eliminate DTC's Option To Resell to Deliverers the Securities They Had Previously Delivered by Book Entry to the Account of a Participant That Has Failed To Settle Its Debit Obligation to DTC

June 28, 2001.

I. Introduction

On November 14, 2000, the Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–DTC–00–17) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on April 17, 2001.[2] The Commission received two comment letters in support of the proposal.[3] For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

If a participant fails to pay its settlement obligation to DTC at the end of the day, DTC will use its liquidity resources (all-cash participants fund and bank line of credit) to complete settlement. Currently, DTC's rules provide that if the participant is insolvent and use of the participant's participants fund deposit does not eliminate its net debit obligation, DTC may on the business day following the failure-to-settle either: (1) Resell to deliverers the securities they had delivered to the insolvent participant on the day of the failure (''resale procedure'') or (2) sell in the open market those securities and other collateral in the insolvent participant's account. Under the proposed rule change, DTC would amend its Rule 9(B) to eliminate DTC's option to resell to deliverers the securities they had previously delivered by book-entry to the account of a participant that has failed to settle its debit obligation to DTC.

The resale procedure was included in DTC's rules prior to the industry's conversion to same-day funds settlement and DTC's adoption of associated risk management controls, including the collateral monitor and the imposition of net debit caps.[4] The collateral monitor systematically prevents a participant from accruing a net debit that exceeds the value of the collateral in its account by blocking any transaction that would have that effect. For this purpose, collateral includes: (1) The participant's deposit to the participants fund, (2) the value of securities in the participant's account that it has designated as collateral, and (3) the value of securities that are the subject of deliveries from other participants. The collateral value attributed to securities is equal to their market value minus a ''haircut'' determined by DTC. DTC believes that its risk management controls adequately limit DTC's risk exposure in the event of a participant insolvency and that there is no need to rely upon the resale procedure.

III. Discussion

Section 17A(b)(3)(F) [5] of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that DTC's risk management controls such as collateral monitoring and the use of net debit caps adequately limit DTC's exposure in the event of a participant failure to settle an insolvency situation. The Commission further believes that DTC's right to sell the insolvent's collateral in the open market give DTC a sufficient means to eliminate any unsatisfied net debit obligation of the insolvent participant. Therefore, the Commission finds DTC's decision to eliminate its right to resell securities to deliverers and to rely upon its risk management controls and its right to resell collateral into the open market is consistent with DTC's obligations to assure the safeguarding of securities and funds which are in the custody or control of DTC or for which it is responsible because use of the risk management controls and open market sales should provide DTC with the means to meet its financial obligations in the event of a participant's failure to settle.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–00–17) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–16788 Filed 7–3–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 44172, (April 10, 2001), 66 FR 19820.

[3] Letters from Diane L. Schueneman, First Vice President, Merrill Lynch Investment Managers Operations and Arthur L. Thomas, Chief Operating Officer, Merrill Lynch Securities Services Division, to Dennis Dirks, President, Depository Trust Company (June 7, 2000) (''Merrill Lynch'') and from Jeffrey P. Neubert, President and Chief Executive Officer, New York Clearing House, to John Mancuso, Senior Systems Director, The Depository Trust & Clearing Corporation (September 22, 2000)(''NYCH'').

[4] For a description of same day funds settlement and DTC's adoption of associated risk management controls, refer to Securities Exchange Act Release Nos. 24689 (July 9, 1987), 52 FR 26613 [File No. SR–DTC–87–04] (order granting temporary approval to DTC's same-day fund settlement service), 26051 (August 31, 1988), 53 FR 34853 [File No. SR–DTC–88–06] (order granting permanent approval to DTC's same-day fund settlement service), 27360 (May 16, 1995), 60 FR 27360 [File No. SR–DTC–95–06] (order modifying DTC's same-day funds settlement system to accommodate the overall conversion to same-day settlement for securities transactions), and 36843 (February 14, 1996), 61 FR 6672 [File No. SR–DTC–96–03] (order granting modifications to certain DTC procedures in order to facilitate conversion to entirely same-day funds settlement system).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3341]

State of Minnesota; (Amendment #5)

In accordance with a notice received from the Federal Emergency Management Agency, dated June 26, 2001, the above-numbered Declaration is hereby amended to include McCleod and Pope Counties in the State of Minnesota as disaster areas caused by severe winter storms, flooding and tornadoes occurring between March 23, 2001 and continuing.

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 27, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–16727 Filed 7–3–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3353]

State of Mississippi

Harrison County and the contiguous counties of Hancock, Jackson, Pearl River and Stone constitute a disaster area due to damages caused by Tropical Storm Allison that occurred on June 11, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 27, 2001 and for economic injury until the close of business on March 26, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

The interest rates are:

	Percent
For physical damage:	
Homeowners With Credit Available Elsewhere	6.625
Homeowners Without Credit Available Elsewhere	3.312
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 335308 and for economic injury the number assigned is 9M1100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 27, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–16726 Filed 7–3–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Notice of Teleconferences

AGENCY: Social Security Administration (SSA).

ACTION: Notice of Teleconferences.

DATES:

July 9, 2001, 1:30 pm–3:30 pm (ET)
July 9, 2001, 3:30 pm–5:00 pm (ET)
July 25, 2001, 1:00 pm–3:30 pm (ET)
September 11, 2001, 1:30 pm–4:30 pm (ET)
September 12, 2001, 1:00 pm–3:30 pm (ET)

ADDRESSES: Ticket to Work and Work Incentives Advisory Panel Office, Social Security Administration,400 Virginia Avenue, SW, Suite 700, Washington, D.C. 20024.

TELECONFERENCES:

Monday, July 9, 2001, 1:30 pm–3:30 pm (ET)
Evaluation and Design Committee Conference Call
Call-in number: 1–888–677–1801
Pass code: evaluation
Leader: Theda Zawaiza
Monday, July 9, 2001, 3:30 pm–5:00 pm (ET)
Ticket to Work and Work Incentives Advisory Panel Conference Call
Call-in number: 1–888–677–1801
Pass code: evaluation
Leader: Theda Zawaiza
Wednesday, July 25, 2001, 1:00 pm–3:30 pm (ET)
Planning and Operations Committee Conference Call
Call-in number: 1–888–552–9191
Pass code: 12211
Leader: Tamara Allen
Tuesday, September 11, 2001, 1:30 pm–4:30 pm (ET)
Evaluation and Design Committee Conference Call
Call-in number: 1–888–677–1801
Pass code: evaluation
Leader: Theda Zawaiza
Wednesday, September 12, 2001, 1:00 pm–3:30 pm (ET)
Planning and Operations Committee Conference Call
Call-in number: 1–888–396–9185
Pass code: 12211
Leader: Tamara Allen

SUPPLEMENTARY INFORMATION: *Type of meetings:* These teleconference meetings are open to the public. The interested public is invited to participate by coming to the address listed above or calling into the teleconferences. Public testimony will not be taken.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a series of teleconference meetings of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) Advisory Panel (the Panel) and the Committees thereof. Section 101(f) of Public Law 106–170 establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Agenda: The Panel, the Evaluation and Design Committee, and the Planning and Operations Committee will deliberate on the implementation of TWWIIA, conduct committee activities and administrative business. The agenda for these meetings will be posted on the Internet at *http://www.ssa.gov/work/panel/* one week prior to the teleconference or can be received in advance electronically or by fax upon request. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office.

Contact Information: Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff by mail addressed to Ticket to Work and Work Incentives Advisory Panel Staff, Social Security Administration, 700 Virginia Avenue, SW, Washington, DC, 20024, telephone contact with Kristen Breland at (202) 358–6423, fax at (202) 358–6440 or e-mail to *TWWIIAPanel@ssa.gov.*

Dated: June 29, 2001.

Deborah M. Morrison,

Designated Federal Officer.

[FR Doc. 01–16908 Filed 7–3–01; 10:46 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 3713]

Bureau of Educational and Cultural Affairs: Request for Grant Proposals: Educational Partnerships Program (Formerly College and University Affiliations Program)

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs in the Department of State announces an open competition for the Educational Partnerships Program, previously known as the College and University Affiliations Program. Accredited, post-secondary educational institutions meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to pursue institutional or departmental objectives in partnership with foreign counterpart institutions with support from the Educational Partnerships Program. These objectives should support the overall goal of the Program: To strengthen mutual understanding and cooperation between U.S. and foreign educational institutions on subjects of enduring common interest to the United States, to other countries, and to the institutions participating in the Program.

Program Overview

The Educational Partnerships Program has developed from its predecessor, the College and University Affiliations Program, which since 1982 has provided grants to U.S. colleges and universities for international cooperation. The Program's new name underscores the expectation that the successful pursuit of project objectives will require all institutional partners to be actively engaged with one another. Current and former participants in the Fulbright Senior Scholar Program and other university teachers and administrators with knowledge of educational institutions in other countries are encouraged to build on this knowledge through institutional cooperation with support from the Educational Partnerships Program. The review criteria outlined in this document emphasize the importance of mutual commitment and shared benefits. Potential applicants are discouraged from proposing projects that have been developed previously for other programs unless the projects are reconceived with the overall goals and review criteria for the Educational Partnerships Program clearly in mind.

The Educational Partnerships Program supports institutional linkages in higher education with every world region except the New Independent States of the former Soviet Union. It is anticipated that separate Requests for Grant Proposals for institutional partnerships in higher education with the New Independent States (NIS College and University Partnerships Program and the NIS Community College Partnerships Program) will be published in the summer of 2001. For additional information about these NIS programs please refer to the ''Foreign Country and Location Eligibility'' section of this RFGP. Other RFGPs for educational partnerships may also be published this fiscal year.

This RFGP for the Educational Partnerships Program does not prescribe specific project objectives, but establishes the parameters within which applicants are invited to propose projects. Institutional objectives should be consistent with the Program's goal of equipping the participating institutions with a stronger ability to address, through teaching, research, or outreach, critical issues in the fields eligible in FY 2002: The social, political, and economic sciences; business; journalism and media studies; law; public administration; public health policy and administration; the humanities (excluding the fine arts); the Teaching of English as a Foreign Language; and educational development or administration (excluding educational projects in the physical, technical, and medical sciences). Additional information on themes of special interest in specific world regions may be found under the heading ''Foreign Country and Location Eligibility.''

Institutional Objectives for Applicants

While the benefits of the project to each of the participating institutions may differ significantly in nature and scope based on their respective needs and resource bases, proposals should outline well-reasoned strategies that are designed to meet specific objectives for each participating U.S. and foreign department or institution as a whole.

For example, proposals may outline the parameters and possible content of new courses, new research or teaching specializations or methodologies, new or revised curricula, new programs for educational outreach, or other changes specifically anticipated as a result of the project. Proposals to pursue a limited number of related thematic objectives at each institution are preferred to proposals addressing a large number of unrelated objectives.Proposals that do not benefit all institutional partners are not eligible for funding from this Program.

In addition to demonstrating how each participating institution can assist its partner(s) to meet institutional goals, proposals should also explain how this cooperation will enable each institution to address its own needs. Accordingly, applicants are encouraged to describe the needs and deficiencies as well as the capabilities and strengths of each participating department and institution, and how each institution will contribute to and benefit from the achievement of project objectives. Proposals that realistically assess institutional capacities will be better able to outline compelling objectives that address institutional needs and justify a request for support. To be competitive, proposals should demonstrate that the participating institutions understand one another and are committed to mutual support and cooperation in project implementation.

If the proposed partnership would occur within the context of a previous or ongoing project, the proposal should explain how the request for Bureau funding would build upon the pre-existing relationship or complement previous and concurrent projects. Previous projects should be described, with details about the amounts and sources of support and the results of previous cooperative efforts.

Institutions receiving partnership grant awards will be expected to submit periodic reports on the results of program activities. Proposals should outline and budget for a methodology for project evaluation. The evaluation plan should include an assessment of the current status of each participating department's and institution's needs at the time of program inception with specific reference to project objectives; formative evaluation to allow for mid-course revisions in the implementation strategy; and, at the conclusion of the project, summative evaluation of the degree to which the project's objectives have been achieved together with observations about the project's continuing potential to influence the participating institutions and their surrounding communities or societies. The final evaluation should also include recommendations about how to build upon project achievements. Evaluative observations by external consultants with appropriate subject and regional expertise are especially encouraged.

Costs

The commitment of all partner institutions to the proposed project should be reflected in the cost-sharing which they offer in the context of their respective institutional capacities. Although the contributions offered by U.S. and foreign institutions with relatively few resources may be less than those offered by applicants with greater resources, all participating institutions should identify appropriate cost-sharing. These costs may include estimated in-kind contributions. Consistent with the review criteria listed elsewhere in this RFGP and with specific reference to cost-sharing and institutional commitment to cooperation, proposed cost-sharing will be considered an important indicator of each participating institution's interest in the project and potential to benefit from it.

A U.S. college or university must submit the proposal and must be prepared to serve as grant recipient with responsibility for project coordination. Proposals must include letters of commitment from all institutional partners. Each letter must be signed by an official who is authorized to commit institutional resources to the project.

The Bureau's support may be used to assist with the costs of the exchange visits as well as the costs (up to a maximum of 20 percent of the total grant) of the administration of the project at any partner institution. However, governmental institutions except universities may not charge administrative costs to the grant. Administrative costs include administrative salaries and direct administrative costs but not indirect costs. Although each grant will be awarded to a single U.S. institutional partner, adequate provision in the proposal for the administrative costs of the project at all non-governmental partner institutions, including the foreign partner(s), is encouraged. More information on partner institution eligibility in this competition is found in this RFGP under the headings ''U.S. Partner and Participant Eligibility'' and ''Foreign Partner and Participant Eligibility.''

Salary support for administrative activity may be included within the 20 percent maximum. The Bureau will not fund salaries, stipends, consultant fees or honoraria for participants from the project's program budget. However, fees for translation services and for outside consultants reporting on the status of project objectives are allowable as program expenses.

The proposal may include a request for funding to reinforce the activities of exchange participants through the establishment and maintenance of Internet and/or electronic mail facilities as well as through interactive technology or non-technology-based distance-learning programs. However, the establishment and maintenance of these facilities at governmental organizations in the U.S. or at foreign governmental organizations other than universities is not eligible for funding. Projects focusing primarily on technology or physical infrastructure development are not encouraged, and the amount that may be requested for educational and technical materials should not exceed 20 percent of the Bureau's funding for the project. Proposals that include Internet, electronic mail, and other interactive technologies in countries where these technologies are not easily maintained or financed should discuss how the foreign partner institution will cover their costs after the project ends. Applicants may propose other project activities not specifically mentioned in this solicitation if the activities reinforce the impact of the project.

The maximum award in the FY 2002 competition will be$120,000, with the exceptions noted under the heading ''Foreign Country and Location Eligibility.'' The minimum period of award is two years, and the maximum period of award is three years. Awards may be extended on a no-cost basis beyond the initial grant period by mutual agreement if progress toward project goals is satisfactory. Requests for amounts smaller than the maximum are eligible. Budgets and budget notes should carefully justify the amounts requested. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Grants are subject to the availability of funds for FY 2002. In FY 2000, the last year for which complete data are available, 112 eligible proposals were submitted to the College and University Affiliations Program, and 17 awards were made. The response to Requests for Grant Proposals for the support of partnerships in higher education has been unusually strong in recent years while, except for the New Independent States of the former Soviet Union, the funds available have fallen significantly short of the demand for them. Special FY 2002 funding with higher grant maximums and more favorable grant-to-application ratios is expected for projects in Albania, Algeria, Kosovo, Montenegro, the New Independent States of the former Soviet Union, Serbia outside Kosovo, and Tunisia. Additional details are provided under the heading ''Foreign Country and LocationEligibility.''

U.S. Institution and Participant Eligibility

The lead institution and grant recipient in the project must be an accredited U.S. college or university. Applications from community colleges, minority-serving institutions, undergraduate liberal arts colleges, comprehensive universities, research universities, and combinations of these types of institutions are eligible. The lead U.S. organization in a consortium or other combination of cooperating institutions is responsible for submitting the application. Each application must document the lead organization's authority to represent all U.S. cooperating partners. Secondary U.S. partners may include governmental or non-governmental organizations as well as non-profit service and professional organizations.

Applicants that have not previously received grants under an educational partnership or affiliations program administered by the Bureau are especially encouraged to apply. The Bureau intends to provide at least 20 percent of the awards under the FY 2002 Educational PartnershipsProgram to U.S. colleges and universities that have not received funding from the Bureau under an educational partnership or affiliations program during the previous seven fiscal years (since FY 1995). A list of previously issued educational partnership and affiliations grants can be found on the following website: *http://exchanges.state.gov/education/cuap/history.*

With the exception of translators and outside consultants reporting on the status of project objectives, participation is limited to teachers, advanced graduate students, and administrators from the participating U.S. institution(s). All participants who are funded by the Bureau under the program budget and represent the U.S. institution must be U.S. citizens. Advanced graduate students at the U.S. institution(s) are eligible for support from the project only as visiting instructors or researchers at a foreign partner institution.

Foreign Institution and Participant Eligibility

In other countries, participation is open to recognized institutions of post-secondary education, which may include independent research institutes,

relevant governmental organizations, and private non-profit organizations with project-related educational objectives. Except for translators and outside consultants reporting on the status of project objectives, participation is limited to teachers, administrators, researchers, or advanced students from the participating foreign institution(s). Any advanced student participant must either have teaching responsibilities or be preparing for such responsibilities.Foreign participants must be citizens, nationals, or permanent residents of the country of the foreign partner, and must be both qualified to receive U.S. J–1 visas and willing to travel to the U.S. under the provisions of a J–1 visa during the exchange visits funded by this Program.

Foreign Country and Location Eligibility

To increase the percentage of competitive proposals that can be funded, the number of eligible countries and locations is limited each year. However, country eligibility is expected to rotate within most of the following seven world regions according to the cycles outlined below. Proposals may not include more than one country or location except as noted below under the headings ''Western Hemisphere'' and ''South Asia.'' Countries or locations may be added to those listed in the Request for Grant Proposals for FY 2003 and FY 2004. Separate Requests for Grant Proposals will be issued in the spring of 2002 for FY 2003 and in the spring of 2003 for FY 2004. Although these sections indicate priority concerns and emphases within the world regions listed, applicants are reminded that their proposals should outline anticipated benefits to the U.S. partner(s) as well.

(1) *New Independent States (former Soviet Union):* Institutions interested in partnerships with institutions of higher education in the New Independent States should consult separate Requests for Grant Proposals for the NIS College and University Partnerships Program and for the NIS Community College Partnerships Program. For information about these programs, contact the Humphrey Fellowships and Institutional LinkagesBranch, Office of Global Educational Programs (ECA/A/S/U),Room 349, U.S. Department of State, State Annex 44, 3014th Street, SW., Washington, DC 20547, phone: (202)619–5289, fax: (202) 401–1433.

(2) *Sub-Saharan Africa:* We encourage projects that will strengthen the role of African institutions of higher education in an eligible country's development and that will encourage increased involvement of African universities with other local and international institutions that contribute to African social, political or economic development.

Eligible for FY 2002: Kenya, Mozambique, Namibia, Nigeria, Tanzania, Uganda, and Zimbabwe.

Anticipated eligibility for FY2003: Nigeria, Eritrea, Ethiopia, and Zambia. Subjects to be determined.

Anticipated eligibility for FY 2004: Countries and subjects to be determined.

(3) *Western Hemisphere:* We encourage projects that will strengthen civic, economic, or educational reform, or that address current issues in journalism and media studies, public administration, or the social sciences. Beyond the countries listed below as eligible in FY 2002, we encourage proposals for trilateral cooperation among institutions in the U.S., Canada, and Mexico. In addition, any country in the Western Hemisphere may be proposed in a trilateral configuration with a country listed as eligible for this region in FY 2002. Applicants proposing to involve partners in more than one country should ensure that there are significant benefits to each partner in the project.

Eligible for FY 2002: Costa Rica, El Salvador, Mexico, Guatemala, Honduras, Nicaragua, Panama and Paraguay. Up to two of these listed countries may be included with the U.S. in a project, and any country in the Western Hemisphere may be included with the U.S. and any one of the countries listed.

Anticipated Eligibility for FY2003: Bolivia, Colombia, Dominican Republic, Ecuador, Haiti, Peru, and Venezuela. Subjects to be determined.

Anticipated eligibility for FY2004: Argentina, Barbados, Brazil, Chile, Jamaica, Trinidad and Tobago, and Uruguay. Subjects to be determined.

(4) *East Asia and the Pacific:* We encourage projects that will promote democratic values and practices, that will encourage good governance and responsible administrative practices in either the public sector or the private sector, that will strengthen civil society or the freedom and independence of the media, or that will help to create more transparent, market-oriented economies.

Eligible for FY 2002: People's Republic of China, Republic of Korea, Mongolia, Taiwan, and Thailand.

Anticipated Eligibility for FY 2003: Cambodia, People'sRepublic of China, Indonesia, and Laos. Subjects to be determined.

Eligible for FY 2004: People's Republic of China, Malaysia, Philippines, and Vietnam. Subjects to be determined.

(5) *Europe:* We encourage proposals that will equip universities to assist with the transitions to more market-oriented economies, to democratic political life, to a strengthened civil society, or to responsible administrative practices in the public sector.

Eligible for FY 2002: Bulgaria, Czech Republic, Estonia, Latvia, Lithuania, and Slovakia.

Also eligible for special funding in FY 2002 in designated fields or locations and with higher maximum awards:

Albania (political science only, maximum request $225,000), Kosovo (civic education encouraged, public administration and business administration not encouraged, maximum request$240,000), Montenegro (public administration or business administration only, maximum request $180,000), Serbia outside Kosovo (maximum request $180,000, projects encouraged with institutions outside Belgrade).

Anticipated Eligibility for FY 2003: Former Yugoslav Republic of Macedonia, Poland, and Romania. Subjects to be determined.

Anticipated Eligibility for FY 2004: Bosnia and Herzegovina, Croatia, Hungary, Slovenia, and Turkey. Subjects to be determined.

(6) *North Africa and the Middle East:* We encourage projects that will strengthen civil society, support the development of university-based programs in American Studies or the Teaching of English, support economic development, or encourage responsible, transparent administration in the public sector.

Eligible for FY 2002: Bahrain, Lebanon, Syria, and United Arab Emirates.

Also eligible for special funding in FY 2002 in designated countries and with higher maximum awards: Algeria (maximum request $215,000), Tunisia (maximum request $180,000). Projects with Algeria and Tunisia should contribute to economic modernization in the respective countries.

Anticipated Eligibility for FY 2003: Algeria, Gaza, Qatar, Saudi Arabia, and West Bank. Subjects to be determined.

Anticipated Eligibility for FY 2004: Israel, Jordan, Kuwait, Morocco, and Oman. Subjects to be determined.

(7) *South Asia:* We encourage projects that will promote the development of good governance and responsible administrative practices in either the public sector or the private sector, that will strengthen educational or economic institutions, or that will address issues of social or religious diversity. Due to

the relatively small number of proposals submitted for South Asia in recent years, proposals in FY 2002 may include more than one of the South Asian countries listed in this section. Proposals involving partners in more than one country should ensure that the anticipated benefits of the project to each partner are significant.

Eligible for FY 2002: Bangladesh, India, Nepal, Pakistan, and Sri Lanka.

Anticipated eligibility for FY 2003 and FY 2004: Countries and subjects to be determined.

Ineligibility

A proposal may be deemed technically ineligible if:

(1) It does not fully adhere to the guidelines established in this document and in the Solicitation Package;

(2) It is not received by the deadline;

(3) It is not submitted by the U.S. partner;

(4) One of the partner institutions is ineligible;

(5) The foreign country or geographic location is ineligible.

Grant-Making Authority

Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the UnitedStates and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world. The funding authority for the program cited above is provided through the Fulbright-Hays Act. Additional funding may be provided through separate appropriations that may be made available to the Bureau to support international educational partnerships.

Projects must conform with the Bureau's requirements and guidelines outlined in the solicitation package for this RFGP. The Project Objectives, Goals, and Implementation (hereafter, POGI) and the Project Specific Instructions (hereafter, PSI), which contain additional guidelines, are included in the Solicitation Package. Proposals that do not follow RFGP requirements and the guidelines appearing in the POGI and PSI may be excluded from consideration due to technical ineligibility.

Announcement Title and Number

All communications with the Bureau concerning this announcement should refer to the Educational Partnerships Program and reference number ECA/A/S/U–02–01.

Deadline for Proposals

All copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, D.C. time on Friday, January 11, 2002. Faxed documents will not be accepted (although faxed letters of commitment from non-U.S. institutional partners may be submitted as part of the original proposal), nor will documents postmarked on Friday, January 11, 2002 but received on a later date.

Approximate Grant Duration

Grant activities should begin on or about September 16, 2002.

For Further Information

To request a solicitation package, contact the HumphreyFellowships and Institutional Linkages Branch (EducationalPartnerships Program); Office of Global EducationalPrograms; Bureau of Educational and Cultural Affairs; ECA/A/S/U, Room 349; U.S. Department of State; SA–44, 301 Fourth Street, SW.; Washington, DC 20547; phone: (202) 619–5289, fax: (202) 401–1433. The Solicitation Package includes more detailed award criteria, all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Applicants desiring more information may send a message to one of the following Educational Partnerships regional program officers: For Africa and the Middle East: Mary LouJohnson-Pizarro, e-mail: *mpizarro@pd.state.gov;* for the Western Hemisphere and Europe outside the NIS: Maria Urbina, e-mail: *murbina@pd.state.gov;* and for East Asia and South Asia: Joan Zaffarano, e-mail: *jzaffara@pd.state.gov.*

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at: *http://exchanges.state.gov/education/rfgps.* Please read all information before downloading.

Prospective applicants should read the complete Request for Grant Proposals as published in the **Federal Register** and available on the Bureau's website before addressing inquiries to the Educational Partnerships Program staff or submitting their proposals. Once the RFGP deadline has passed, Department staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions

Applicants must follow all instructions given in the Solicitation Package. The original and 10 copies of the complete application should be sent by the project's lead U.S. college or university to:U.S. Department of State,SA–44, Bureau of Educational and Cultural Affairs,Ref: ECA/A/S/U–02–01,Program Management, ECA/EX/PM, Room 534,301 4th Street, SW.,Washington, DC 20547.

Applicants must also submit the ''Proposal Title Sheet,''''Executive Summary,'' and ''Proposal Narrative'' sections of the proposal as e-mail attachments in Microsoft Word (preferred), WordPerfect, or as ASCII text files to the following e-mail address: partnerships@pd.state.gov. In the e-mail message subject line, include the following: ECA/A/S/U–02–01 and the country or countries of the foreign partner(s) together with the names of the U.S. and foreign partner institutions. To reduce the time needed to obtain advisory comments from the Public Affairs Sections of U.S. Embassies overseas and from binational Fulbright Commissions, the Bureau will transmit these files electronically to these offices.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content.Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and

democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals may be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the SolicitationPackage. All eligible proposals will be evaluated by independent external reviewers. These reviewers, who will be professional, scholarly, or educational experts with appropriate regional and thematic knowledge, will provide recommendations and assessments for consideration by the Bureau. The Bureau will consider for funding only those proposals which are recommended for funding by the independent external reviewers.

Proposals may also be reviewed by the Office of the Legal Advisor or by other offices of the U.S. Department of State. In addition, U.S. Embassy or binational Fulbright Commission officers may provide advisory comment. Funding decisions will be made at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) will reside with the Bureau's grants officer.

Review Criteria

All reviewers will use the criteria below to reach funding recommendations and decisions. Technically eligible applications will be reviewed competitively according to these criteria, which are not rank-ordered or weighted.

(1) Broad and Enduring Significance of InstitutionalObjectives: Project objectives should have significant and ongoing results for the participating institutions and for their surrounding societies or communities by providing a deepened understanding of critical issues in one or more of the eligible fields. Project objectives should relate clearly to institutional and societal needs.

(2) Creativity and Feasibility of Strategy to Achieve Project Objectives: Strategies to achieve project objectives should be feasible and realistic within the projected budget and timeframe. These strategies should utilize and reinforce exchange activities creatively to ensure an efficient use of program resources.

(3) Institutional Commitment to Cooperation: Proposals should demonstrate significant understanding by each institution of its own needs and capacities and of the needs and capacities of its proposed partner(s), together with a strong commitment by the partner institutions, during and after the period of grant activity, to cooperate with one another in the mutual pursuit of institutional objectives.

(4) Project Evaluation: Proposals should outline a methodology for determining the degree to which a project meets its objectives, both while the project is underway and at its conclusion. The final project evaluation should include an external component and should provide observations about the project's influence within the participating institutions as well as their surrounding communities or societies.

(5) Cost-effectiveness: Administrative and program costs should be reasonable and appropriate with cost-sharing provided by all participating institutions within the context of their respective capacities. We view cost-sharing as a reflection of institutional commitment to the project. Although indirect costs are eligible for inclusion as cost-sharing by the applicant, contributions should not be limited to indirect costs.

(6) Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity are included in project objectives for all institutional partners. Issues resulting from differences of race, ethnicity, gender, religion, geography, socio-economic status, or physical challenge should be addressed during project implementation. In addition, project participants and administrators should reflect the diversity within the societies which they represent (see the section of this document on ''Diversity, Freedom, and DemocracyGuidelines''). Proposals should also discuss how the various institutional partners approach diversity issues in their respective communities or societies.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any StateDepartment representative. Explanatory information provided by the Department of State that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 22, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and CulturalAffairs, Department of State.

[FR Doc. 01–16703 Filed 7–3–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3712]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Census of Foreign Students in the United States

SUMMARY: The Educational Information and ResourcesBranch, Office of Global Educational Programs, Bureau of Educational and Cultural Affairs (the Bureau) announces an open competition for a Census of ForeignStudents in the United States. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to conduct a statistical survey (census) of foreign nationals affiliated with institutions of higher learning in the United States. The census should identify in the most economical way possible the number of foreign students and scholars studying, conducting research, or teaching at all accredited universities and colleges in the United States starting in the 2000/2001 academic year; it must provide detailed individual student profile data, country-specific aggregate data in the form of Country Locator Reports, and data about the number of American students studying abroad. Proposals should describe the methodology which will be used to collect the data and how the material will be analyzed and presented to the public. The proposals must also include plans to establish an advisory board to provide assistance in identifying and framing policy issues to be addressed.

Program Information

Overview

As the Federal Department tasked with promoting international educational exchange, the Bureau considers it essential to have an

accurate picture of foreign study and scholarship in the United States, such as that provided by the statistical survey. This survey should provide a detailed and comprehensive picture of the number and characteristics of foreign nationals (excluding permanent residents and refugees) affiliated with American institutions of higher learning and the number of U.S. students studying abroad. Topics of interest include the number of students and scholars, their gender, countries of origin, and fields of study. Information about students' academic level (undergraduate, graduate, post-doctorate), primary source of financial support, financial contributions they make while in the UnitedStates, and location of study should be included. A survey of students in intensive English language programs is also of interest. The Bureau will consider funding a publication, website, database, newsletter, or any other medium presented as a viable vehicle for making census data about the U.S. and foreign student population widely available in a timely manner and in a clear and concise format. Continued support, assuming availability of funding, will be contingent upon accurate data collection, quality of presentation of that data, and prompt publication of the census. The Bureau reserves the right to reproduce, publish or otherwise use any work developed under this grant for Government purposes.

Guidelines

Proposals should include a description of the methodology to be used to canvass colleges and universities for information about their statistics.Provision should be made for securing the highest possible response rate.Data collected from the surveys of foreign students enrolled in regionally accredited U.S. institutions of higher learning should be collected annually with 1,000 copies of the first edition being published in hard-copy and shipped to the Bureau in late fall 2002. For a more detailed analysis and cross tabulation of the characteristics of the foreign student population, individual student profile data should be collected from selected institutions. This individual student profile data should be provided to the Bureau in a format that is country-specific and should show the number of students from a specific country attending selected institutions of higher education in each state of the U.S. Applicants are encouraged to explore electronic collection of this data.

The Bureau is interested in a clear presentation of the data collected as well as a rigorous analysis of the data, which will draw conclusions about trends in international study in the U.S. that can be used to guide policy discussions for both government and academia. An advisory board must be established to provide assistance in identifying and framing policy issues to be addressed; the board should meet at least once a year. Board members would likely be drawn from a broad range of disciplines and organizations such as NAFSA: Association of International Educators and the American Association of Collegiate Registrars and Admissions Officers, and would be expected to provide fresh perspectives on topics that are related to the internationalization of higher education.

Scholarly analyses of census data addressing pertinent policy issues should be included, taking into consideration a wide range of prospective readers and policy makers in government, academia, and business. The publication should include a section on the mechanics and uses of data analysis, highlighting how conclusions can be drawn from the data collected, what some of the limitations of that analysis can be, and how the data can benefit those supplying it, i.e. as a campus advocacy or recruiting tool. Please include with the proposal a complete list of proposed chapter headings and sample analyses.

We welcome innovative approaches to the presentation of material, including possible breakdowns for Historically Black Colleges and Universities and the Hispanic Association of Colleges and Universities. Topics we would be interested in exploring include:

(1) Demonstrated benefits of study abroad, e.g. as seen by employers;

(2) How sociological and economic trends in other countries are reflected in student flows to the U.S.;

(3) The impact of international students and scholars on U.S. academic institutions and departments;

(4) How the international exchange population is affected by U.S. visa policies;

(5) U.S. academics lecturing and researching abroad: the countries/regions they are going to, the fields of study, and who pays for it;

(6) Data on foreign students who participate in U.S. study abroad programs;

(7) International student flows as an element of global trade and further study and analysis to enable judgments on the commercial significance of foreign markets for education and training;

(8) Additional information on programs of other countries promoting international education on a commercial basis; and

(9) Information on U.S. institutions' activities to educate foreign students in their home countries, to complement the data now collected on education of foreign students in the United States;

(10) A survey of foreign faculty teaching in U.S.

Grant should begin on or about October 1, 2001 and run through September 30, 2002.

Budget Guidelines

Grants awarded to eligible organizations with less than four years experience in conducting international exchange programs will be limited to $60,000. The Bureau anticipates awarding one grant amount of $190,000 to support program and administrative costs required to implement this program. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding from private sources in support of its programs.Applicants must submit a comprehensive budget for the entire program. Awards may not exceed $190,000. There must be a summary budget as well as breakdown reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Allowable costs for the program include the following:

(1) Salaries and fringe benefits; travel and per diem;

(2) Other direct costs, inclusive of rent, utilities, etc.;

(3) Overhead expenses and auditing costs. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number

All communications with the Bureau concerning this RFGP should refer to the announcement's title and reference number *ECA/A/S/A 02–01*

FOR FURTHER INFORMATION, CONTACT: The Office of GlobalEducational Programs, Educational Information and Resource Branch, U.S. of Department of State, 301 4th Street, SW., (SA–44), Washington, DC 20547, Tel: (202) 619–5549, Fax: (202) 401–1433, E-mail: *aprince@pd.state.gov* to request a Solicitation Package.

The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program OfficerAnne Prince on all other inquiries and correspondence.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at *http://exchanges.state.gov/education/RFGPs*. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on August 1, 2001. Faxed documents will not be accepted at any time.Documents postmarked by August 1, 2001 but received at a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, SA–44 Bureau of Educational and Cultural Affairs, Reference: ECA/A/S/A–02–01, Program Management, ECA/EX/PM, Room 534, 301 4th St., SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5 diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life.''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges.Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards Census of Foreign Students in the United States resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

(1) Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

(2) Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

(3) Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible.

Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

(4) Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content(orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

(5) Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

(6) Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

(7) Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives are recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

(8) Cost-Effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

(9) Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

(10) Improved Productivity and Innovation: TheProposal should specify and verify the prospect of improved productivity as well as proposed program innovations in implementing the activity.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the UnitedStates and the other countries of

the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 22, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–16702 Filed 7–5–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3716]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Open Grants Competition

SUMMARY: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs of the U.S. Department of State, announces an open competition for an assistance award program. U.S. public or private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501 [c] may apply to develop projects that link their international exchange interests with counterpart institutions/groups in ways supportive of the aims of the Bureau of Educational and Cultural Affairs.

Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Office of Citizen Exchanges or submitting their proposals. Once the RFP deadline has passed, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until after the Bureau program and project review process has been completed.

Announcement Name and Number

All communications concerning this announcement should refer to the Annual Open Grant Program. The announcement number is ECA/PE/C–02–1. Please refer to title and number in all correspondence or telephone calls to the Office of Citizen Exchanges.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions must contact the Office of Citizen Exchanges, ECA/PE/C, Room 216, Bureau of Educational and Cultural Affairs, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, (202) 619–5348, to request detailed application packets which include award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

Program Information

We welcome proposals that directly respond to the following suggestions in each of the following countries. Given budgetary considerations, projects in other countries and for other themes will not be eligible for consideration.

Applicants should carefully review the following recommendations for proposals in specific geographical areas:

Africa (AF)

Proposals are requested for projects that would advance sustainable democracy by building human capital in Sub-Saharan Africa, and strengthening partnerships between the United States and Africa in the thematic categories delineated below. These themes are presented in order to stimulate thinking and planning in areas important to the Office of Citizen Exchanges, but no guarantee is made or implied that grants will be made in all categories.

Proposals for single country, sub-regional and regional projects will be accepted. The Bureau encourages applicants to consider carefully the choice of target countries. In order to prevent duplication of effort, applicants should research the work of development agencies on the target themes, and select countries for which there has been limited investment on the issue, or for which exchange activities would complement—not duplicate—current programs.

ECA seeks programs for Sub-Saharan Africa that address the following themes:

1. Joining Forces to Combat HIV/AIDS
2. Education for Democracy
3. Conflict Management and Resolution
4. Trade and Investment; AGOA
5. Strengthening an Independent Media
6. Environmental Protection; Environmental Education; Wildlife Conservation

(**Please note:** A separate Request for Grant Proposals will be published by the Office of Citizen Exchanges for projects addressing governance partnerships in Sub-SaharanAfrica.)

1. Joining Forces To Combat HIV/AIDS

The Bureau welcomes proposals for creative community-based initiatives that will promote better health care and prevent the spread of HIV/AIDS. Projects should explore the need to develop and reward leadership in these efforts, to improve community health education, and to remove barriers that impede a cooperative multi-sectoral response to HIV/AIDS. Projects should address some of following topics: Prevention and stigma reduction strategies for people living with HIV/AIDS, especially women and youth; engagement of political, religious, cultural and other leaders in public education efforts; grassroots mobilization and advocacy. Of special interest to the Bureau would be projects addressing the link between cultural practices, the empowerment of women and girls, and the spread of HIV/AIDS in Africa.

2. Education for Democracy

The Bureau welcomes proposals that strengthen civic education in Africa. Proposals should include development of curricula (in close cooperation with African partners), as well as training of teachers in participatory classroom methodologies. Curricula should focus on the role that individuals (in particular, youth) should and can play in a democracy. Issues to be addressed would include the meaning of civil society, the separation of powers, the role of non-governmental organizations, components of democracy, issues of national identity, democratic and team-centered approaches to decision-making, etc. The exchange should encompass both the theoretical and the experiential, with participants working with and learning from American teachers and young leaders. Of special interest to ECA are curricula that focus on leadership development for at-risk youth. Another special interest is school-based programs aimed as inculcating a culture of lawfulness that counters crime and corruption by educating young people on their civil, moral, and legal obligations to society.

3. Conflict Management and Resolution

If peace is to have meaning, citizens of the region must address one another in constructive ways, overcoming the

fears and resentments that have built up over time. A project should include stakeholders from different nations, ethnic groups, or religious communities in an effort to expand the dialogue for coexistence. The Bureau is especially interested in proposals that highlight the role of civil society—including women and young leaders—in resolving conflicts and participating in negotiations for implementation of peace accords.

4. Trade and Investment; AGOA

The African Growth and Opportunities Act (AGOA), signed into law in May of 2000, offers qualifying African countries (there are 35 as of this time) preferential access to U.S. markets for their industries. We invite proposals to 'jumpstart' the AGOA process by providing medium and small African business entrepreneurs and members of business association's exposure to AGOA and to the American market in order to increase capacity to develop new African-U.S. trade linkages. Proposed programs should include activities to enhance participants' understanding of American business norms and actual practices, provide them with knowledge of U.S. customs operations, product distribution and retailing, and, finally, help them develop business linkages and relationships with manufacturers and businesses in their respective sectors.

5. Strengthening an Independent Media

We invite proposals to build professionalism in the media—i.e., gaining an appreciation of and skill for objective reporting; developing subject specialization (e.g. justice/legal issues); giving fair coverage to positive as well as negative news; separating comment from news coverage; avoiding inflammatory presentations; maintaining independence from special interests; etc. Concomitantly, attention must be given to laws that constrain freedom of information and to forces that urge journalists, editors, producers and publishers to censor themselves, lest governments punish the media for having conveyed the message. Program activities should emphasize hands-on activities such as professional internships, small group training and specially tailored projects, rather than academic seminars. Of special interest are programs on political reporting in a multi-party democracy.

6. Environmental Protection; Environmental Education; Wildlife Conservation

Environmental degradation undermines the quality of human life. It is closely linked, both directly and indirectly, with issues of public health (air and water pollution; solid waste management) and economic welfare (preservation of natural sites; eco-tourism; agricultural productivity; the rational management of natural resources). Environmental protection and conservation are trans-boundary issues, faced by all countries/entities. Projects are sought that enhance public awareness of the threat posed by environmental deterioration, that facilitate efforts to combat the threat by mobilizing either governmental or non-governmental organizations, and that work at multiple levels to educate and to develop solutions. Of special interest are projects that would build the capacity of national park systems, strengthen local economies, and promote regional/cross-border cooperation in the Great Lakes region (Rwanda, Uganda and the Democratic Republic of Congo), as well as projects to clean up major cities in other countries.

Contact for AF programs: Curtis Huff, 202/619–5972; e-mail *chuff@pd.state.gov* or James Ogul, 202/205–0535; e-mail: *jogul@pd.state.gov.*

East Asia and the Pacific (EAP)

For China

1. Rule of Law: Projects, which include the development of an independent judiciary, the enforcement of laws concerning intellectual property rights (IPR), government accountability and alternative dispute resolution (ADR). The objective is to expose officials, journalists, lawyers and other relevant professionals to the concepts and practice of law in the U.S.

2. WTO Implementation: Projects, which include TRIPS compliance, IPR enforcement, regulatory transparency, sector reforms and measures that government and business can take to ease the displacement of workers in the process of economic liberalization.

3. Volunteerism: Projects which emphasize the role that volunteer groups play in giving voice to citizens' concerns and how U.S. organizations have succeeded in developing effective volunteer networks in the U.S.

4. Women in Society: Projects which foster a dialogue on effectively addressing the common challenges women face in both countries, including the combating of family violence, a rapidly growing concern in China.

The need to involve individuals and organizations in the Western region of China's vast interior should be reflected in successful proposals, particularly in the Rule of Law and WTO proposals.

For Indonesia

1. Conflict resolution: Projects focused on the promotion of cultural and religious tolerance in an ethnically diverse society. Activities located in regions outside of Java, such as Aceh, Maluku, Irian Jaya/Papua are especially welcomed, as are those emphasizing the role of the media in promoting tolerance and the resolution of conflict.

2. Media: Projects, which emphasize the role that a free and professional media play in a democracy. Activities taking place outside of Jakarta are recommended, as is the involvement of media organizations such as the Press Council, the Alliance of Indonesian Journalists and Media Watch.

3. Rule of Law: Projects concentrated on the use of the legal system to improve the protection of human rights. Potential participants include: members of the Constitution Drafting Committee on the development of human rights law; lawyers and/or judges on the use of the court system to protect human rights; a human rights NGO on the provision of legal services for the indigent. Also favorably looked upon would be a project on the issues of reconciliation and justice, with the need for both.

For Malaysia

1. Intellectual Property Rights (IPR): Projects to design courses on recent developments in IPR law and cyber law. Malaysia, according to the USTR, is a main producer and exporter of pirated products, partially due to its lack of expertise in IPR law and low prosecution rates for IPR offenses. An institutional affiliation with the University of Malaya Law Faculty, including faculty exchanges and a possible distance education component, would help confront rampant IPR piracy and also contribute to a greater understanding of the U.S. legal system. Projects that incorporate workshops and training on these issues for staff of the Attorney General's office and the judiciary are also welcomed.

2. Judicial Reform: Projects to aid in the implementation of recent legal reforms, especially alternative dispute resolution and case management. Other high priority projects relate to judicial accountability, including training on the role of an independent judiciary, appropriate conduct for judges and institutional mechanisms for ensuring judicial independence and impartiality.

3. Mutual Understanding: Projects designed to strengthen meaningful exchange between young Malaysians and Americans, especially on issues pertaining to globalization, human

rights and democracy. Because the numbers of Malaysians studying in the U.S. have recently and dramatically decreased, a generation of young professionals will soon have no direct knowledge or understanding of U.S. society. However, there is also growing interest in the Islamic community in the U.S.; thus a project focused on Islam and interfaith dialogue would help dispel what is perceived as the USG's ''anti-Islamic'' agenda.

For Mongolia

1. Media in a New Democracy: Projects that emphasize the role of a free and independent press in strengthening a new democracy and media strategies to accomplish that goal. Upgrade professional skills of journalists in order to bolster their role in the building of democracy. Training could emphasize standards of objectivity and media ethics and issues such as anti-corruption.

2. Promoting Democratic Government: Projects that demonstrate how a democratic government functions from the community to the national level. Designed for mid to upper level government officials and Parliamentarians relatively unfamiliar with the democratic process, these programs should focus on such issues as deregulation, the role of the media in a democracy, separation of powers and the government's role in social and economic development.

For the Philippines

1. Projects focused on the Philippines' capacity to assess and remedy environmental problems and on the formulation and enforcement of regulations that protect threatened land, coastal and marine resources. Since the Philippines has received international priority for assistance in reducing greenhouse gas emissions, projects that promote the use of clean fuels and renewable energy to improve efficiency in energy generation, transmission, distribution and usage are also welcomed.

2. Economic Prosperity: Projects focused on increasing market access through the liberalization of trade and investment and on expanding awareness of the potential benefits of globalization and the interconnectedness of the world economy are welcomed. As the poorest market economy in the region, the Philippines would benefit from improved economic access to the American market and U.S. exports and investments in the Philippines would also benefit. Projects that assist in the design and funding of a social welfare net for those at the bottom of the economic ladder are also solicited.

For Vietnam

1. Bilateral Trade: Proposals in the public administration of trade regimes, such as training for customs officials, product promotion of both exports and imports, port administration, accountability, tracking systems development, etc.

2. Public Health Administration: Projects that support low-cost sanitation efforts and basic health education.

ECA contact for EA programs: Steve Lebens, 202/260–5485; E-Mail{SLebens@pd.state.gov}

Near East and North Africa (NEA); South Asia (SA)

Proposals that respond to the following suggested themes and organizational approaches will be considered Near East, North Africa, and South Asia. Not all countries listed in parentheses as potential participants under the theme must be included in the exchange, and proposals for single-country projects will receive full consideration. Project proposals that bring together representatives from three or more countries will receive priority consideration. Additionally, not all components mentioned in relation to a given theme must be addressed in a proposal; the paragraphs below are intended as a stimulus to critical thinking, not as immutable frameworks.

The countries/entities comprising the NEA and SA Areas are listed below. Currently there is no U.S. mission in Afghanistan, Iran, Iraq, or Libya. Please consider countries listed (specific interest) as potential exchange partners in projects that address the theme, but recognize that all themes may be appropriate for region-wide (any country or group of countries) consideration.

Countries/Entities of the Near East and North Africa—Algeria; Bahrain; Egypt; Iran; Iraq; Israel; Jordan; Kuwait; Lebanon; Libya; Morocco; Oman; Qatar; Saudi Arabia; Syria; Tunisia; the United Arab Emirates (UAE); the West Bank and Gaza; Yemen

Countries of South Asia—Afghanistan; Bangladesh; Bhutan; India; the Maldives; Nepal; Pakistan; Sri Lanka

1. Citizen Participation and Advocacy (Building and Strengthening Non-governmental Organizations)

For India; Bangladesh; Pakistan; Nepal; Egypt; Morocco; Israel, the West Bank and Gaza; Lebanon; Syria; Saudi Arabia; Kuwait; the UAE:

Social and political activism, encouraged, focused, and channeled through non-governmental organizations, is a basic underpinning of democratic society. Strengthening NGO advocacy skills, management, grassroots support, recruitment and motivation of volunteers, fundraising and financial management, media relations, and networking for mutual support and reinforcement will strengthen democratic/civil society trends in the region. Among other emphases, this project should focus on answering questions about the proper role of NGO's, about facilitating Internet communication and about developing cooperation between educators and NGO's and between government agencies and NGO's for community action. It is essential that organizations submitting proposals in this category recognize that democratic activism is viewed with distrust by some of the governments in the area and that foreign involvement with local NGO's must be carefully thought out and approached with subtlety and sensitivity, as such involvement may be viewed with suspicion. Close consultation with American Embassy/Consulate officers is critical.

2. Women's Activism, Organizational Skills, and Political Leadership

For Egypt; India; Israel; Lebanon; Saudi Arabia; Kuwait; UAE; Bahrain; Oman; Qatar; Yemen:

This theme is also appropriate for a South Asia regional exchange or a regional project involving the countries of the Arabian Gulf. Throughout the region, women exercise disproportionately little political and social influence. While some women's groups have organized themselves and actively campaign for equal rights and a greater say in local issues, women need to learn how to develop consensus on issues and build a constituency, mobilize support—both urban/political and grassroots—raise money at the municipal, state, and national levels, and how to win elections. Once elected, at either the state or the national level, how can they most effectively represent the interests of their constituents? What can women activists do to affect policy as well as practice in the areas of health care, education, domestic violence, and equal treatment under the law? Elected women need skills training in budget, human resource management, policy analysis, legislative drafting, and fighting corruption.

3. Environmental Protection; Environmental Education; Urban Environment

For Egypt; Israel; the West Bank and Gaza; Lebanon; Bahrain; India; Nepal:

Environmental degradation undermines the quality of human life. It is closely linked, both directly and indirectly, with issues of public health (air and water pollution; solid waste management) and economic welfare (preservation of natural sites; ecotourism; agricultural productivity; the rational management of natural resources; the balance between industrial growth and environmental concerns, especially in urban areas). Pollutant-laden air and impure groundwater are trans-boundary issues, faced by all countries/entities. Projects are sought that enhance public awareness of the threat posed by environmental deterioration, that facilitate efforts to combat the threat by mobilizing either governmental or non-governmental organizations, that engage municipal officials, planners, and service providers, and that work at multiple levels to educate and to develop solutions. Of special concern to India is the need for increased awareness and training regarding the treatment and disposal of hazardous, often medical/bio-medical waste.

4. Professionalism in Media and the Strengthening of Journalistic Independence

For Israel; Jordan; the Wet Bank and Gaza; Lebanon; Tunisia; Morocco; India; Nepal; and Pakistan:

The development of professionalism in media—gaining an appreciation for the importance of objective reporting; developing subject specialization; applying rational management techniques to newspaper publishing; etc.—remains an area in which serious efforts must be expended if the fourth estate is to fulfill its potential as a pillar of democratic society. Concomitantly. Laws throughout the region constrain press freedoms' and journalists' editors' and publishers are forced to self-censor, lest governments punish the media for having conveyed the message. Projects are needed to address professionalism and to focus on training and advice to individuals and organizations devoted to the protection of press freedoms and to the defense of journalists and their right to practice their profession with integrity.

5. Rule of Law/Administration of Justice

For Nepal and Egypt:

A well-trained, independent judiciary is fundamental to a democratic political and social system. The integrity of the judicial process, affecting public confidence in the ability of the judicial process to deliver justice, must be protected from political interference. Public perception of unequal and unfair treatment before the bench of women, members of ethnic minority communities and the poor is widespread. Even well qualified and well-intentioned judges are obstructed in their efforts to deliver justice by case backlog, by procedural delay, and by insufficient authority to exercise judicial discretion in court management. It is important that judges of both lower and higher courts be introduced to the principles and practices of U.S. jurisprudence and that such fundamental procedures as alternate dispute resolution, early neutral evaluation, case management, the acceptance of guilty pleas, continuous trial proceedings, and arbitration/mediation.

For Pakistan or South Asia Regional:

In many countries the legal profession is itself a major impediment to legal reform.

Members of the bar take to the streets in semi-violent protest when the judiciary suggests reforms. Local bar associations function more as clubs than as professional institutions. Judges feel vulnerable to the legal profession and cannot formally relate to its practitioners. Proposals are sought from American institutions with experience in training members of the bench and the bar to work together to resolve such issues as performance standards (efficiency; competence; fairness of administration), ethical standards (impropriety; corruption; discrimination against specific groups, such as women or minorities), and other related concerns. The goal of such a project would be to enhance the professionalism of the judiciary, the quality of the relationship between the judiciary and the bar, and, by extrapolation, to raise the quality of the administration of justice.

For Jordan:

A project is sought to institute private sector or university-based programs to train paralegals and court administrators. Participants might be unemployed or underemployed university graduates. It would be essential to work with the Ministry of Justice, the judiciary, and the bar association to assure that the trained graduates could be integrated into the court system, with the goal of contributing to the more efficient functioning of the judicial process.

6. Public Health

Issues of public health are central to the social well-being and to the economic productivity and stability of a country. Some such issues are directly related to the physical environment; others are more appropriately addressed through the introduction of programs or the institution of educational/training designed to modify the behavior of individual citizens.

For India:

Programs are sought that will result in the modification of current practices having a deleterious impact on public health, such as inadequate or nonexistent to water treatment and purification, inadequate exhaust standards, food processing facilities, waste collection and disposal (including biomedical waste), unsterile practices at hospitals, the absence of screening at blood banks, the operation of aging smokestack industries, etc.

For Israel; the West Bank and Gaza:

Statistics in Israel indicate an alarming increase in incidents of violence in Israeli society, particularly school violence and domestic violence. Similar patterns appear to exist in the West Bank and Gaza. Educators posit that the overall violence of the Israeli-Palestinian confrontation has a spillover effect, with students acting out in the schools what they witness in the streets and at home. An exchange both to investigate the causes of increased in-school violence and to develop educational programs focused on youth and young adults—the most common perpetrators and victims of the violence—would be welcomed.

7. Combating Narcotic Abuse and Developing Positive Approaches to Rehabilitation and Re-integration

For Israel; Jordan; India:

Narcotics trafficking and abuse is an increasing problem for countries in the Near East and South Asia. There is a need for a regional project, to include educators, community leaders, medical practitioners, and drug rehabilitation experts, to work with American counterparts in building a strategy to contain the spread of drug use. Emphasis should be placed on dealing with the issue on a community level, and there should be a focus on rehabilitation and the re-integration into society of former addicts through such undertakings as job skills training programs and family and community support efforts including initiatives and mechanisms for minimizing the likelihood of relapse.

For India:

NGO's in India dealing with substance abuse have adopted diverse approaches to treatment, follow-up, aftercare, and rehabilitation. The greatest problem they face is the relapse of recovering addicts. The three major NGO's in this field in Calcutta are interested in working with American specialists who can provide updated

strategies of relapse prevention. Similarly these NGO's need to develop low-cost but effective ''care and support'' programs for HIV positive individuals, including counseling training.

8. Good Governance

For Morocco and Nepal:

Although concepts such as good governance and ethics, transparency, responsiveness, and the fight against corruption play an increasing role in public debates, in the media, and in regional conferences, there is little evidence of reform. The populace, experiencing abuses of power and corruption on a daily basis, lacks confidence in its institutions. A proposal is sought that would assist in the development of mechanisms of control to counteract corruption. The American NGO would work with indigenousNGO's, citizens' rights groups, journalists, human rights organizations, and government officials to determine how best to expose and combat corruption. Success in making government at all levels accountable and transparent would contribute greatly toward the development of democratic institutions and civic responsibility and would encourage increased foreign investment.

For India and Jordan:

With the creation of new governmental units in some countries and the increasing need for more sophisticated knowledge and skills among legislators and professional parliamentary staff in others, there is a need for training both elected officials and professional staff in management and research skills, legislative drafting, program analysis, and computer skills.

9. Conflict Management/Resolution

For Jordan:

The absence of local or neighborhood dispute resolution centers staffed by individuals trained in mediation, minor disputes, often within families or between neighbors, may escalate into formal conflict, enter the legal system, and evolve into win-lose situations. A project is sought to establish and provide support—training; administrative skills development—for local alternative dispute resolution efforts.

For Israel; the West Bank and Gaza; India; Pakistan; Lebanon; Sri Lanka:

A community that must expend its time, its energy, and its material resources on offensive or defensive combat is unable to develop or maintain a civil basis for democratic institutions. Projects are sought that will focus on redefining inter-communal conflict in specific situations and, through facilitating dialogue—among teachers, professionals, businesspersons, journalists, community activists—promote better understanding among parties in conflict.

10. Human Rights

For Nepal:

Following the establishment of democracy, the government of Nepal made various commitments to ensure the rights of women and children. Diverse organizations are available to work with American specialists in the areas of child labor and trafficking in women and children. A proposal is sought to work with Nepalese counterparts in combating child labor and in promoting the rights of women and children in an environment in which trafficking remains a major threat.

ECA/PE/C/NEA contact for NEA and SA programs: Thomas Johnston, 202/619–5325;{*tjohnsto@pd.state.gov*} or Susan Krause, 202/619–5332; {skrause@pd.state.gov}

Western Hemisphere Affairs (WHA)

The Bureau of Western Hemisphere Affairs includes the countries of Canada, Mexico, Central and South America, and the Caribbean.

For All of WHA

We welcome proposals which contribute to strengthening democratic institution building; administration of justice, including exchanges of judges and prosecutors and between associations and NGOs promoting justice; law enforcement, including community-based anti-gang or anti-drug organizations; and economic reform, free trade and regional economic integration, sustainable development, environmental education, public administration, and municipal government for all countries in the region. In addition, we welcome proposals that improve civil rights for Afro-Latino minorities in the region, with special attention to the goals of economic development and full participation in their nation's democratic institutions and civic life. For the countries mentioned below, some preference may be given to proposals that track closely the following suggestions:

For Mexico

We welcome proposals that would create opportunities for Mexican and U.S. cities to better understand how effective communities can and do resolve problems via strategic planning and implementation. Project activities might focus on how municipal teams, including government officials, educational leaders, NGOs, business leaders, etc., join forces to develop approaches to economic development or solutions to major problems (environment, crime, drug use, etc.) Ideally, participants will be involved in this kind of strategic committee and will share ideas, successes, and challenges from the two countries.

For Brazil

We welcome proposals for projects designed to work with the Brazilian judiciary and legal establishment on implementing alternative dispute resolution, particularly mediation, in the country.

For El Salvador

We welcome proposals that involve participants in development of public environmental education campaigns in which the private sector, media and NGOs play important roles in the fields of promoting and implementing programs on resource conservation, recycling in areas outside the major metropolitan areas and sustainable development. Special focus should be devoted towards the strengthening of local Salvadoran environmental NGOs, many of which do not have the personnel or resources to support large-scale public environmental education projects. Competitive proposals should emphasize preventive maintenance and regular cleaning of water drainage systems during the rainy season (May–November).

For Costa Rica, Honduras and Panama

We welcome proposals that involve participants in developing environmental education programs in schools and to the public with use of the media and/or with selected municipalities, capitalizing on the new interest of fledgling NGO environmental groups. Hurricane Mitch's destruction raised awareness throughout Central America of the potential for deforestation to intensify the severity of natural disasters. A particularly vulnerable area is the Panama Canal Watershed, whose protection is vital to ensuring adequate water supply for the functioning of the Canal. InPanama there is growing public awareness that the time for action is now and that education is the key. Therefore, for Panama we welcome proposals that focus on environmental education in the public schools as well as community-based projects on recycling, resource conservation, and sustainable development.

For Nicaragua and Guatemala

We welcome projects that work to strengthen institutions of government whose work has a direct impact on the quality of a country's democracy and to increase their transparency, accountability, and responsiveness, and effectiveness of operations. Especially welcome would be proposals that address anti-corruption methods. Projects might focus on local government or elements of executive branches, legislatures, or judicial systems. One example might be an exchange for local mayors to see innovations in city government and citizen participation in municipal affairs, with a return visit by a group of U.S. mayors and city managers and municipal experts to hold larger workshops on the same theme.

For Peru

We welcome proposals on decentralization and resource management issues for local government. Competitive proposals should include an exchange for a group of local mayors and other decentralization specialists who would meet with U.S. local government representatives, businesses and neighborhood groups in order to gain a more in-depth understanding of local government in the U.S.

For Jamaica

We welcome proposals that would create opportunities for Jamaican communities to better understand how to resolve problems via citizen participation and multi-sectoral cooperation. Project activities might focus on how municipal teams, including NGOs, civic and educational leaders, government officials, business leaders, media, etc., join forces to develop approaches to economic development or solutions to major problems (crime, HIV/AIDS, domestic violence, drug use, environment, etc.). Of special interest are programs that encourage participation and leadership by women and youth at risk.

For Haiti

We welcome proposals for the strengthening of civil society organizations.

ECA/PE/C/WHA/EAP contact for WHA programs: Laverne Johnson, 202/619–5337; E-Mail {LJohnson@pd.state.gov}

Central and Eastern Europe (CEE) and the NewlyIndependent States (NIS)

Requests for proposals involving the following countries will be announced in separate competitions: CEE—Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, Slovak Republic, and Slovenia; NIS—Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Proposals involving these regions WILL NOT be accepted under this competition.

Western Europe (WEU)

Proposals involving this region WILL NOT be accepted under this competition.

Selection of Participants

All grant proposals should clearly describe the type of persons who will participate in the program as well as the process by which participants will be selected. It is recommended that programs in support of U.S. internships include letters tentatively committing host institutions to support the internships. In the selection of foreign participants, the Bureau and U.S. Embassies abroad retain the right to review all participant nominations and to accept or deny participants recommended by grantee institutions. However, grantee institutions should describe in detail the recruitment and selection process they recommend. The grantee institution will also provide the names of American participants and brief (two pages) biographical data on each American participant to the Office of Citizen Exchanges for information purposes. Priority will be given to foreign participants who have not previously traveled to the United States.

Guidelines

The Office of Citizen Exchanges works with U.S. private sector and governmental, non-profit organizations on cooperative international group projects that introduce American and foreign participants to each others' social, economic, and political structures and international interests. The Office supports international projects in the United States or overseas involving leaders or potential leaders in the following fields and professions: urban planners, jurists, specialized journalists (specialists in economics, business, environmental, political analysis, international affairs), business professionals, NGO and community leaders, environmental specialists, parliamentarians, educators, economists, and other government officials

The themes addressed in exchange programs must be of long-term importance rather than focused exclusively on current events or short-term issues. In every case, a substantial rationale must be presented as part of the proposal, one that clearly indicates the distinctive and important contribution of the overall project, including, where applicable, the expected yield of any associated conference. Projects that duplicate what is routinely carried out by private sector and/or public sector operations will not be considered. All applicants should contact the Office of Citizen Exchanges to discuss program concepts prior to proposal submission. In addition, applicants are encouraged to contact the Public Affairs Sections in U.S. Embassies to discuss proposed activities and their relevance to mission priorities.

Bureau-supported projects may include internships; study tours; short-term, non-technical training; and extended, intensive workshops taking place in the United States or overseas. Examples of possible program activities include:

1. A U.S.-based program that includes: orientation to program purposes and to U.S. society; study tour/site visits; professional internships/placements; interaction and dialogue; hands-on training; professional development; and action plan development.

2. Capacity-building/training-of-trainer (TOT) workshops to help participants to identify priorities, create work plans, strengthen professional and volunteer skills, share their experience to committed people within each country, and become active in a practical and valuable way.

3. Seed/small grants to indigenous non-profit organizations to support community-based educational projects that build upon exchange activities and that address issues of local concern. Projects may include a component for a Seed/Small Grants Competition (often referred to as 'sub-grants' or 'secondary grants'). This requires a detailed plan for recruitment and advertising; description of the proposal review and award mechanism; a plan for how the grantee would monitor and evaluate small grant activity; and a proposed amount for an average grant. The small grants should be directly linked to exchange activities.

4. Site visits by U.S. facilitators/experts to monitor projects in the region and to provide additional training and consultations as needed.

5. Content-based Internet training/cyber-training to encourage citizen participation in workshops, fora, chats, and/or discussions via the Internet that will stimulate communication and information sharing among key opinion leaders on priority topics as a form of

cost sharing. Proposals that include Internet utilization must reflect knowledge of the opportunities and obstacles that exist for use of information technologies in the target country or countries, and, if needed, provide hardware, software and servers, preferably as a form of cost sharing. Federal standards are under review and their adoption may impact on the implementation of these programs.

The Office of Citizen Exchanges strongly encourages the coordination of activities with respected universities, professional associations, and major cultural institutions in the U.S. and abroad, but particularly in the U.S. Projects should be intellectual and cultural, not technical. Vocational training (an occupation other than one requiring a baccalaureate or higher academic degree; i.e., clerical work, auto maintenance, etc., and other occupations requiring less than two years of higher education) and technical training (special and practical knowledge of a mechanical or a scientific subject which enhances mechanical, narrowly scientific, or semi-skilled capabilities) are ineligible for support. In addition, scholarship programs are ineligible for support.

The Office does not support proposals limited to conferences or seminars (i.e., one to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only insofar as they are part of a larger project in duration and scope that is receiving Bureau funding from this competition. The Office does support workshops, seminars and training sessions that are an integral part of a larger project. No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States.

Additional Guidance

The Office of Citizen Exchanges offers the following additional guidance to prospective applicants:

1. The Office of Citizen Exchanges encourages project proposals involving more than one country. Pertinent rationale that links countries in multi-country projects should be included in the submission. Single-country projects that are clearly defined and possess the potential for creating and strengthening continuing linkages between foreign and U.S. institutions are also welcome.

2. Proposals are subject to review and comment by the U.S. Embassy representative in the relevant country, and pre-selected participants will also be subject to Embassy review and approval.

3. Programs should clearly identify any counterpart organization(s) mentioned in the proposal and provide evidence of the organization's participation.

4. The Office of Citizen Exchanges will consider proposals for activities that take place exclusively in other countries when U.S. Embassies are consulted in the design of the proposed program and in the choice of the most suitable venues for such programs.

5. Office of Citizen Exchanges grants are not given under this RFGP to support projects whose focus is limited to technical or vocational subjects, or for research projects, for publications funding, for student and/or teacher/faculty exchanges, for sports and/or sports related programs. Nor does this office provide scholarships or support for long-term (a semester or more) academic studies. Competitions sponsored by otherBureau offices are also announced in the **Federal Register**.

For projects that would begin after December 31, 2002, competition details will be announced in the **Federal Register** on or about June 1, 2002. Inquiries concerning technical requirements are welcome prior to submission of applications.

Funding and Cost Sharing

Although there are not set funding limits, proposals for less than $165,000 will receive preference. Organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000. Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location, or activity in order to facilitate Bureau decisions on funding. While an all-inclusive budget must be provided with each proposal, separate component budgets are optional. Competition for Bureau funding support is keen.

The selection of grantee institutions will depend on program substance, cross-cultural sensitivity, and ability to carry out the program successfully. Since Bureau grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, and other institutions, will be deemed highly competitive. The Recipient must provide a minimum of 33 percent cost sharing of the total project cost.

The following project costs are eligible for consideration for funding:

1. Travel costs. International and domestic airfares; visas; transit costs; ground transportation costs. Please note that all air travel must be in compliance with the Fly America Act. There is no charge for J–1 visas for participants in Bureau sponsored programs.

2. Per Diem. For the U.S. program, organizations have the option of using a flat $160/day for program participants or the published U.S. Federal per diem rates for individual American cities. For activities outside the U.S., the published Federal per diem rates must be used. Note: U.S. escorting staff must use the published Federal per diem rates, not the flat rate. Per diem rates may be accessed at http://www.policyworks.gov/.

3. Interpreters: If needed, interpreters for the U.S. program are available through the U.S. Department of State Language Services Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. Bureau grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $160/day per diem for each Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget. Locally arranged interpreters with adequate skills and experience may be used by the grantee in lieu of State Department interpreters, with the same 1:4 interpreter to participant ratio. Costs associated with using their services may not exceed rates for U.S. Department of State interpreters.

4. Book and cultural allowance: Foreign participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a participant book allowance of $50. U.S. program staff members are not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Honoraria generally do not exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal. Subcontracts should be itemized in the budget.

6. Room rental. Room rental may not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop, and translate materials for participants.

8. Equipment. Proposals may contain limited costs to purchase equipment crucial to the success of the program, such as computers, fax machines and copy machines. However, equipment costs must be kept to a minimum, and costs for furniture are not allowed.

9. Working Meal. The grant budget may provide for only one working meal during the program. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. Interpreters must be included as participants.

10. Return travel allowance. A return travel allowance of $70 for each foreign participant may be included in the budget. This may be used for incidental expenses incurred during international travel.

11. Health Insurance. Foreign participants will be covered under the terms of a U.S. Department of State-sponsored health insurance policy. The premium is paid by the U.S. Department of State directly to the insurance company. Applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. Administrative Costs. Costs necessary for the effective administration of the program may include salaries for grant organization employees, benefits, and other direct or indirect costs per detailed instructions in the Solicitation Package. Note: the 20 percent limitation of ''administrative costs'' included in previous announcements does not apply to this RFP. Please refer to the Solicitation Package for complete budget guidelines.

Review Process

All proposals will be forwarded to panels of Bureau officers for advisory review. The program office will review each proposal. U.S. Embassy officers will also review proposals, where appropriate. Proposals may also be reviewed by the Office of the Legal Advisor or by other offices in the Department of State. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for grants resides with the Bureau's GrantsOfficer.

Review Criteria

The Bureau will consider proposals based on their conformance with the objectives and considerations already stated in this RFP, as well as the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, precision, and relevance to the Agency mission.

2. *Program Planning/Ability to Achieve Program Objectives:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.

3. *Multiplier Effect/Impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. *Support of Diversity:* Proposals should demonstrate the substantive support of the Bureau's policy on diversity. Program content (training sessions, resource materials, follow-on activities) and program administration (participant selection process, orientation, evaluation, resource/staff persons) should address diversity in a comprehensive and innovative manner. Applicants should refer to the Bureau's Diversity, Freedom and Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

5. *Institutional Capacity/Reputation/Ability:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's or project's goal. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Office of Contracts. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) that ensures that Bureau-supported programs are not isolated events.

7. *Evaluation Plan:* Proposals should provide a plan for a thorough and objective evaluation of the program/project by the grantee institution.

8. *Cost-Effectiveness/Cost Sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Deadline for Proposals

The Bureau of Educational and Cultural Affairs must receive all copies by 5 p.m. Washington, DC time on Friday, October 5, 2001. Faxed documents will not be accepted at any time. Documents postmarked by the due date but received at a later date will not be accepted. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. This action is effective from the publication date of this notice through October 5, 2001, for projects where activities will begin between April 1, 2002 and December 31, 2002.

To Download a Solicitation Package Via Internet

The Solicitation Package may be downloaded from Department of State's website at http://exchanges.state.gov/education/rfgps/. Please read all information before beginning to download.

Addresses

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, REF: ECA/PE/C/–02–1 Annual Open Grant Competition, Program Management, ECA/EX/PM, 301 4th Street, SW., Room 534, Washington, DC 20547.

Applicants must also submit to E/XE the ''Executive Summary'' and ''Proposal Narrative'' of each proposal on a 3.5″ diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to U.S. embassies overseas for their review, with the goal of reducing the time it takes to get the respective Embassy's comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the

advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; * * * to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the need of the program and the availability of funds. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been fully appropriated by the Congress, allocated, and committed through internal Bureau procedures. Grant awards will be announced after February 1, 2002.

Dated: June 28, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–16836 Filed 7–3–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3714]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Education for Development and Democracy: U.S.-Africa Governance Partnerships

Summary

The Near East/South Asia/Africa Division of the Office of Citizen Exchanges, of the Bureau of Educational and Cultural Affairs (ECA) announces an open competition to build and strengthen U.S.-Africa partnerships in the government sector. U.S.-based public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to conduct international exchange programs. Grants are subject to the availability of funds under the Education for Development and Democracy Initiative.

Please note: Proposals for civil society, professional and business linkages will not be considered under this competition.

Programs and projects must comply with Bureau requirements and guidelines outlined in the Solicitation Package: this includes the Request for Grant Proposals (RFGP) and the Proposal Submission Instructions (PSI).

Announcement Title and Number

All communications with the Bureau concerning this Request for Grant Proposal (RFGP) should refer to the announcement title ''Education for Development and Democracy: U.S.-AfricaGovernance Partnerships'' and reference number ECA/PE/C/NEA–AF–02–08.

Overview

The Bureau welcomes proposals for governance partnerships linking U.S. professionals with judicial, executive and legislative institutions in Africa to strengthen their effective, accountable, and transparent service to the public. The partnership concept is emphasized as a mutually beneficial, direct and efficient method of promoting education, democracy, and free market economics. Partnerships promote the interests and long-term commitment of African and American participants going beyond U.S. government financing. Partnerships also help to establish a strong network of counterpart institutions in the U.S. and Africa, which invigorate and inform each other, enable collaborations and joint projects, and promote the exchange of information and resources.

Education for Development and Democracy Initiative (EDDI)

EDDI is an African-led development program with special emphasis on girls and women, concentrating on improving the quality and access to education; enhancing the availability of technology; and increasing citizen participation in government to accelerate Africa's integration into the world community of free-market democracies. In addition to governance projects, it promotes sustainable partnerships among African education and democracy organizations and between them and their sister organizations in the United States to educate children, involve communities, implement new business modes, and extend quality educational services.

Guidelines

Proposals for governance partnerships should include a bi-lateral, multi-phase, integrated approach to program activities, which build sequentially from exploratory work to cooperative action plans and concrete outcomes. TheOffice of Citizen Exchanges encourages applicants to be creative in planning project activities. Proposals should include practical, hands-on, community-based initiatives, designed to achieve concrete objectives in the field. The proposal should not focus on theoretical/academic workshops, seminars, studies or research.

In an effort to increase mutual understanding and build long-lasting linkages between our countries, proposals should include, to the fullest extent possible, equal numbers of American and African participants in international travel. In addition, applicants are encouraged to include American participants who are new to international exchanges and/or to the target countries.

The Bureau encourages applicants to consider carefully the choice of target countries. In order to prevent duplication of effort, applicants should

research the work of development agencies (such as USAID, UN agencies) on the target themes, and select countries for which there has been limited investment on the issue. Applicants are welcome to contact the Public Affairs Sections (PAS) in U.S. Embassies in Africa, and the Office of Citizen Exchanges, to discuss proposed activities and their relevance to mission priorities.

Applicants may design single-country or multiple-country projects. The Bureau offers the following programming ideas and suggestions.

Judicial Reform and the Administration of Justice

A well-trained, independent judiciary is fundamental to a democratic political and social system. The judiciary must be protected from political interference in legal proceedings and public perception of unequal and unfair treatment before the bench of women, members of ethnic minority communities, and the poor. Even well qualified and well-intentioned judges are obstructed in their efforts to deliver justice by case backlog, by procedural delay, and by insufficient authority to exercise judicial discretion in court management. It is important that judges of both lower and higher courts be introduced to the principles and practices of U.S. jurisprudence and that such fundamental procedures as alternative dispute resolution, early neutral evaluation, case management, plea bargaining, continuous trial proceedings, and arbitration/mediation be familiar to them. The Bureau invites proposals that strengthen the integrity of the judicial process, and that consequently build public confidence in the ability of the judicial process to deliver justice.

Legislative Research and Legislative Drafting

In many countries of Sub-Saharan Africa, newly elected legislators take office with little practical experience to prepare them in writing new laws. There are ''infant'' drafting programs at a few South African universities (Pretoria, Stellenbosch), but more help is needed in South Africa and throughout the region. Legislators, however, do not work on their own; the breadth, depth and utility of the laws they write are dependent on the input from aides or researchers who search for models or ''best practices'' from elsewhere. We believe programs meant to help both legislators and legislative researchers would be useful. A program aimed at legislators could bring in experts to work with local universities, organizations or government institutions in developing legislative-training programs. If neighboring posts are interested, they could send academic or ''political'' participants to drafting workshops held in the host country. ECA also welcomes proposals with a focus on training legislative researchers. Participants would be trained for 3–4 months performing research and policy analysis. Participants may include employees of foreign governments, employees of political parties, or university students.

Legislative Management

The Bureau invites proposals with the purpose of promoting and improving the effectiveness of African legislatures through development of procedural and organizational options and opportunities, which serve themselves, the public, and other elements of government. These proposals might address matters such as staff organization and management, public accessibility and accountability, constituent relations, public information and media relations, and enhancing transparency of the legislative process. Also of interest are proposals that explore the impact of legislation on national and state budgets or address the role of legislatures in fiscal and programmatic oversight.

Local Government Administration

The Bureau is interested in programs that will enhance management skills of local government officials and administrators. Applicants must demonstrate expertise and knowledge of the political landscape and how the system of local government functions in the target country or countries. Programs may include a combination of U.S.-based internships, in-country workshops, roundtables, panel discussions, case studies and specially tailored projects. Suggested topics include accountability to and communication with constituencies; relationship with provincial and national governments; fiscal management; working with the press; negotiation skills and conflict resolution; consensus building; coalition building (particularly related to bloc or partisan communications); ethics in government; working with diverse populations; conducting issue-related casework; drafting legislation and implementing policy; promoting public participation in local government decision making.

Program activities for the above-listed themes may include:

1. A U.S.-based program that includes: Orientation to program purposes and to U.S. society; study tour/site visits; professional internships/placements; interaction and dialogue; hands-on training; professional development; and action plan development.

2. Capacity-building/training-of-trainer (TOT) workshops in Africa to help participants to identify priorities, create work plans, strengthen professional and volunteer skills, share their experience to committed people within each country, and become active in a practical and valuable way.

3. Site visits by U.S. facilitators/experts to monitor projects in the region and to provide additional training and consultations as needed.

4. Content-based Internet training/cyber-training to encourage citizen participation in workshops, fora, chats, and/or discussions via the Internet that will stimulate communication and information sharing among key opinion leaders on priority topics. Internet and Cyber Training should be only one component of an overall program, not the main focus of the proposal.

Additional Guidance

Content-Based Internet Training: As noted above, the Bureau encourages applicants to use the Internet to assist African counterparts in networking, communicating and organizing on the above-listed priority issues. Proposals that include content-based Internet training must reflect knowledge of the opportunities and obstacles that exist for use of information technologies in the target country or countries, and, if needed, provide hardware, software and servers, preferably as a form of cost sharing. Internet and Cyber Training should be only one component of an overall program, not the main focus of the proposal.

In-Country Partners: Applicants should identify the U.S. and African partner organizations and individuals with whom they are proposing to collaborate. Specific information about the African partners' activities and accomplishments is required and should be included in the section on ''Institutional Capacity.'' Resumes for individuals mentioned in the proposal should be included, including proposed U.S. and African staff, trainers, consultants, etc.

Multiplier Effect/Impact: Programs should be designed so that the sharing of information and training that occurs during the grant period will continue long after the grant period is over. Proven methods of sustainability include, but are not limited to: a model TOT program that would include initial training, practice presentation sessions

for the African participants, followed by training activities coordinated and implemented by the African participants in their home countries; a commitment to create or support in-country training/resource centers; a curriculum program that would include teacher training, lesson plan development, and cooperation with ministries of education and related education administrators on implementation; development of online communities, professional networks or professional associations; regularly published electronic and/or hard-copy newsletters.

Evaluation: Short- and long-term evaluation is critical to the success of any professional development program. In accordance with the Government Performance and Results Act (GPRA) of 1993, Federal Agencies must create strategic plans, set performance goals, and develop methods for measuring how well the goals of this program are realized. The grantee would be required to work closely with the Bureau to fulfill this responsibility. Applicants are asked to submit an evaluation plan that would address the GPRA requirements and assess the long-term impact and effectiveness of this program. The evaluation plan should include a summation of goals and results desired, and an indication of what types of information would be used to determine if these goals were met or results achieved, as well as a description of how the applicant would gather and evaluate this information. Please include with the proposal any evaluation tools (survey/focus group questions) that would be used as part of the overall plan.

Selection of Participants

To be competitive, proposals should include a description of an open, merit-based participant selection process, including advertising, recruitment and selection. A sample application should be submitted with the proposal. Applicants should expect to carry out the entire selection process, but the Bureau and the Public Affairs Sections of the U.S. Embassies abroad should be consulted. The Bureau and the U.S. Embassies retain the right to nominate participants and to approve or reject participants recommended by the grantee institution. Priority must be given to foreign participants who have not traveled to the United States. ECA encourages applicants to design programs for non-English speakers, as appropriate. The Bureau is particularly interested in projects that focus on or include persons with disabilities in any of the above-listed themes. Please refer to the sections on ''Budget Guidelines'' and ''Review Criteria'' for additional information.

Visa Regulations

Foreign participants on programs sponsored by The Bureau are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to the Proposal SubmissionInstructions (PSI) for further information.

Public Affairs Section (PAS) Involvement

The Public Affairs Sections of the U.S. Embassies (formerly known as USIS posts) play a key role throughout every phase of project development. Posts evaluate project proposals; coordinate planning with the grantee organization and in-country partners; facilitate in-country activities; nominate participants and vet grantee nominations; observe in-country activities; debrief participants; and evaluate project impact. Posts are responsible for issuing IAP–66 forms in order for overseas participants to obtain necessary J–1 visas for entry to the United States. They also serve as a link to in-country partners and participants.

Project administration and implementation are the responsibility of grantee. The grantee must inform the PAS in participating countries of its operations and procedures and coordinate with and involve PAS officers in the development of project activities. The PAS should be consulted regarding country priorities, current security issues, and related logistical and programmatic issues.

Budget Guidelines

A total of $835,000 will be available to support multiple grant awards. The funding available under this competition will be disbursed through grants to several organizations. Although no funding limit exists, organizations are strongly encouraged to submit proposals that do not exceed $225,000. Proposals that do not exceed $225,000 will be given priority. Organizations with less than four years of experience in managing international exchange programs are limited to $60,000.

The Bureau encourages applicants to provide maximum levels of cost sharing and funding from private sources in support of its programs.

Applicants are strongly encouraged to consult with African partners in the design of the proposal budget. Competitive proposals will demonstrate a thorough and realistic understanding of the costs for in-country administration, communication, transportation, per diem, etc.

Format: Applicants must submit a comprehensive line item budget based on the model in the Proposal Submission Instructions, but are encouraged to provide the optional separate sub-budgets for each program component, location or activity in order to facilitate decisions on funding. Applicants should include a budget narrative or budget notes for clarification of each line item.

Cost sharing: Since the Bureau's grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other sources of cost sharing, including financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, and other institutions will be considered highly competitive. Please refer to the statement on cost sharing in the Proposal Submission Instructions.

The following program costs are eligible for funding consideration:

1. Transportation. International and domestic airfares (per the Fly America Act), transit costs, ground transportation costs, and visas for U.S. participants to travel to African countries (visas for African participants to travel to the U.S. for travel funded by the Bureau's grant assistance are issued at no charge).

2. Per Diem. For U.S.-based programming, organizations should use the published Federal per diem rates for individual U.S. cities. For activities in Africa, the Bureau strongly encourages applicants to budget realistic costs that reflect the local economy. Domestic and foreign per diem rates may be accessed at: *http://www.policyworks.gov/.* Applicants may opt to provide ''home-stay'' accommodations as a way to reduce per diems costs and as a way to enhance cross-cultural understanding.

3. Interpreters. Local interpreters with adequate skills and experience may be used for program activities. Typically, one interpreter is provided for every four visitors who require interpreting, with a minimum of two interpreters. The Bureau grants do not pay for foreign interpreters to accompany delegations from their home country. Salary costs for local interpreters must be included in the budget. Costs associated with using their services may not exceed rates for U.S. Department of State interpreters. The Bureau strongly encourages applicants to use local interpreters. U.S. Department of State Interpreters may be used for highly technical programs with the approval of the Office of Citizen Exchanges. Proposal budgets should contain a flat $170/day per diem for each U.S.

Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter, reimbursements for taxi fares, plus any other transportation expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.

4. Book and cultural allowance. Foreign participants are entitled to a one-time cultural allowance of $150 per person, plus a book allowance of $50. Interpreters should be reimbursed up to $150 for expenses when they escort participants to cultural events. U.S. program staff, trainers or participants are not eligible to receive these benefits.

5. Consultants. Consultants may be used to provide specialized expertise or to make presentations. Daily honoraria cannot exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal. Subcontracts should be itemized in the budget.

6. Room rental. Room rental may not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop and translate materials for participants. The Bureau strongly discourages the use of automatic translation software for the preparation of training materials or any information distributed to the group of participants or network of organizations. Costs for good-quality translation of materials should be anticipated and included in the budget. Grantee organizations should expect to submit a copy of all program materials to the Bureau.

8. Equipment. Proposals may contain costs to purchase equipment for Africa-based programming such as computers, fax machines and copy machines. Please note, however, that the Bureau encourages cost sharing for these expenses. Costs for furniture are not allowed. Equipment costs must be kept to a minimum.

9. Working meal. Only one working meal may be provided during the program. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. Interpreters must be included as participants.

10. Return travel allowance. A return travel allowance of $70 for each foreign participant should be included in the budget. The allowance may be used for incidental expenses incurred during international travel.

11. Health Insurance. Foreign participants will be covered under the terms of a Bureau-sponsored health insurance policy. The premium is paid by the Bureau directly to the insurance company. Applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. Administrative Costs. Costs necessary for the effective administration of the program may include salaries for grantee organization employees, benefits, and other direct and indirect costs per detailed instructions in the PSI. Applicants are encouraged to provide administrative costs for African partner organizations to cover their in-country costs. While there is no rigid ratio of administrative to program costs, priority will be given to proposals whose administrative costs are less than twenty-five (25) per cent of the total requested from the Bureau. Proposals should show strong administrative cost-sharing contributions from the applicant, the African partner and other sources.

Please refer to the Proposal Submission Instructions (PSI) for complete budget guidelines.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered, and all are important in the proposal evaluation:

1. Program Planning and Ability to Achieve Objectives: Program objectives should be stated clearly and precisely and should reflect the applicant's expertise in the subject area and the region. Objectives should respond to the priority topics in this announcement, clearly meet the strategic objectives of EDDI, and relate to the current conditions in the target country or countries. Objectives should be reasonable, attainable, and tied to the anticipated outcomes of the project. A detailed work plan should explain step-by-step how objectives would be achieved and should include a timetable for completion of major tasks. The substance of project planning, orientation sessions, workshops, presentations, consultations, site visits and seed/sub-grant projects should be included as attachments (i.e. sample agendas, draft applications, etc.). Responsibilities of U.S. and in-country partners should be clearly described.

2. Institutional Capacity: The proposal should include: (1) The U.S. institution's mission and date of establishment; (2) detailed information about the capacity of any partner institutions, and the history of the partnership(s); (3) an outline of prior awards—U.S. government and private support received for the target theme/region; and (4) descriptions of experienced staff members and other resource persons who would implement the program. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals. The narrative should demonstrate proven ability to handle logistics. The proposal should reflect the institution's expertise in the subject area and knowledge of the conditions in the target country/region(s). Specific information about the African partners' activities and accomplishments is required and should be included in the section on ''Institutional Capacity.'' Resumes for individuals mentioned in the proposal should be included, including proposed U.S. and African staff, trainers, consultants, etc.

3. Cost Effectiveness and Cost Sharing: Overhead and administrative costs for the proposal, including salaries, honoraria and subcontracts for services, should be kept to a minimum. Applicants are encouraged to cost share a portion of overhead and administrative expenses. Cost sharing, including contributions from the applicant, U.S. or African partners, and other sources, should be included in the budget. Although no minimum cost sharing is stipulated in this competition, previous grantees have routinely covered more than 20 percent of total project costs.

4. Program Evaluation: The proposal must include a plan and methodology to evaluate the program's successes, both as activities unfold and at the program's conclusion. ECA recommends that the proposal include a draft survey questionnaire or other technique (such as a series of questions for a focus group) to link outcomes to original program objectives. The evaluation plan should include a summation of goals and results desired, and an indication of what types of information would be used to determine if these goals were met or results achieved, as well as a description of how the applicant would gather and evaluate this information. Please include with the proposal any evaluation tools (survey/focus group questions) that would be used as part of the overall plan.

5. Multiplier Effect/Impact: The proposal should show how the program would strengthen long-term mutual understanding and institutionalization of program objectives. Applicants should describe how responsibility and ownership of the program would be transferred to the African participants to ensure continued activity and impact. ECA places a priority on programs that include convincing plans for sustainability.

6. Follow-on Activities: The proposal should provide a plan for continued follow-on activity (beyond the ECA grant period), ensuring that ECA-supported programs are not isolated events. Follow-on activities sponsored by the applicant should be clearly outlined.

7. Support of Diversity: The proposed project should demonstrate substantive support of the Bureau's policy on diversity. Program content (training sessions, resource materials, follow-on activities) and program administration (participant selection process, orientation, evaluation, resource/staff persons) should address diversity in a comprehensive and innovative manner. Applicants should refer to ECA's Diversity,Freedom and Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

8. Multiplier Effect/Impact: Programs should be designed so that the sharing of information and training that occurs during the grant period will continue long after the grant period is over. Proven methods of sustainability include, but are not limited to: A model TOT program that would include initial training, practice presentation sessions for the African participants, followed by training activities coordinated and implemented by the African participants in their home countries; a commitment to create or support in-country training/resource centers; a curriculum program that would include teacher training, lesson plan development, and cooperation with ministries of education and related education administrators on implementation; development of online communities, professional networks or professional associations; regularly published electronic and/or hard-copy newsletters.

Highly competitive proposals usually have the following characteristics: An active, existing partnership between a U.S. organization and African institution(s); a proven successful track record for conducting program activity; cost-sharing from U.S. and African sources, including donations of air fares, hotel and/or housing costs, ground transportation, interpreters, room rentals, etc.; experienced staff with relevant language ability; a clear, convincing plan outlining exactly how the program components will be carried out and how permanent results will be accomplished as a result of the grant; and a follow-on plan that extends beyond the Bureau grant period. Please refer to the section on Review Criteria in the RFGP for additional information.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants) resides with the Bureau's Grants Officer.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries* * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' Funding authority for the program cited above is provided through the Fulbright-Hays Act and the Education for Development and Democracy Initiative (EDDI).

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

To Download a Solicitation Package Via Internet

The entire Solicitation Package (includes two documents: the RFGP and the PSI) may be downloaded from the Bureau's website at *http://exchanges.state.gov/education/RFGPs* or the division's website at *http://exchanges.state.gov/education/citizens/africa.* Please read all information before downloading.

For Further Information, Contact

The Office of Citizen Exchanges, ECA/PE/C/NEAAF, Room 220, U.S. Department of State, 301 4th Street, S.W., Washington, DC 20547, attention: Orna Blum, telephone: (202) 260–2754 and fax number: (202) 619–4350, Internet address: *oblum@pd.state.gov.*

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and

Cultural Affairs by 5 p.m. Washington, D.C. time on Friday, September 7, 2001. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions given in the Application Package. The applicant's original proposal and ten (10) copies (unbound) should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/NEA–AF–02–08, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format or Microsoft Word format. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal U.S. Department of State procedures.

Dated: June 22, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs,Department of State.

[FR Doc. 01–16704 Filed 7–3–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3715]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: U.S.-China Youth Exchange Initiative

SUMMARY: The Youth Programs Division, Office of Citizen Exchanges, of the Bureau of Educational and Cultural Affairs announces an open competition for the U.S.-China YouthExchange Initiative. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to support institutional partnerships and to administer a reciprocal youth exchange between secondary schools in the United States and in China. This program will develop linkages between schools and communities in the U.S. and China for the purpose of mutual education and the development of student participation in community affairs. The Bureau expects to award one grant, not to exceed $475,000, to support exchanges for seven school partnerships and technology assistance for 25 partnerships.

Program Information

Overview

The focus of this youth exchange program is to support the partnership of schools and communities in China with schools and communities in the United States and to foster interaction and lasting relationships between these partnered schools through reciprocal student and educator exchanges with strong academic content and through Internet connections. This initiative, begun in December 2000 as a pilot project, will support student participation in community affairs and will advance mutual understanding between the youth and teachers of the U.S. and China.

The long-term goals of the principal program are to: (1) Develop lasting, sustainable institutional ties between U.S. and Chinese schools and communities; (2) support student involvement in community affairs; (3) advance mutual understanding between the youth and teachers of the U.S. and China; and (4) promote partnerships developed through governmental, educational, and not-for-profit sector cooperation that serve the needs and interests of the schools and communities.

The program has several defining features to help the participating schools develop their partnership:

- Each partnership has a project theme and the students and teachers in the two schools work on a joint project throughout the school year related to this theme.
- The two schools develop a relationship over the course of an academic year, through the planning process and the work on their joint project, which is highlighted by exchanges of three to five weeks in duration. Exchanges take place while the host school is in session.
- The student and teacher exchanges must be reciprocal.
- The program includes educators (teachers and/or administrators) in order to involve them in all aspects of the partnership and to provide them access to resources for curriculum development and educational training.

In 2000, the Bureau of Educational and Cultural Affairs (ECA) provided a grant for a pilot project with two components: The recruitment and selection of schools and the implementation of a pilot partnership with a reciprocal exchange and joint project activity. Through this pilot project, an open recruitment process is underway in both the United States and China for applications from school and community representatives. Based on these applications, the grantee organization for this pilot project, in consultation with ECA, will select the top 25 applicants in each country, match the schools (unless they apply as partners), and rank order these selected schools. This list of selected schools will be available to all applicants in August.

Since ECA and the U.S. Mission in China plan to expand this program incrementally over the next few years, the funding under this assistance award is expected to support seven partnerships, i.e., exchanges of about 75–80 students and teachers from each country. The grant is subject to renewal for the program's expansion, depending on the availability of funding and the grantee organization's performance.

Partnerships will focus on a theme relevant to their communities; students will work together to complete a joint project related to that theme. Support for Internet connectivity and computer training is also an important component of the program so that the paired schools can communicate throughout the school year and work on these joint projects. The three- to five-week exchange visits to the partner community will involve studying at the host school, working on the thematic project, participating in cultural activities, and spending time with host families. An enhancement program will be provided for the Chinese participants.

The recipient of this grant will be responsible for the oversight and coordination of all programmatic and logistical aspects, including coordination with partnering organizations, local committees, and school representatives; oversight of open, merit-based participant selection processes and of the orientations, facilitation of the academic content of the partnership activities, and management of the enhancement program.

Guidelines

Dates: The grant will begin on or about November 15, 2001. Facilitation of communication between the partnered schools should begin immediately. The exchanges may take place in Spring 2002 and/or Fall 2002.

As is the case with all Bureau exchange programs, actual funding for

future activities is contingent upon the Congressional Appropriation and Authorization Process and final availability of funds. Upon successful implementation of this portion of the program and pending the availability of funds, ECA reserves the right to amend the grant to support future program activities.

Because future funding and other factors will limit the growth of this program, the rank-ordered list of the schools will be used as a guide in approaching schools for participation in subsequent years. ECA expects to work up to the participation of as many as 50 schools over the course of the initiative.

Eligible applicant organizations will have the following:

- Experience working in China
- A demonstrated track record of conducting youth exchange
- Experience with managing international institutional linkages and/or experience developing the program content for short-term exchanges
- An established partnership with an educational organization based in China or its own branch office there.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Important Note: The complete solicitation package includes a copy of the application form that schools/local committees are using to apply for participation in the program through the pilot project currently underway. Having this form will enhance the ability of organizations to respond to this solicitation. Please contact the Youth Programs Division as soon as possible to have a copy of this application form sent to you and to provide contact information. By providing complete organizational information and the name of a point of contact, we will be able to send you the list of selected schools once it is available. We expect to be able to provide this to applicants no later than August 20, 2001.

Budget Guidelines

The Bureau expects to provide an assistance award in an amount not to exceed $475,000 to one organization to support the program and administrative costs required to implement this program. Organizations with less than four years of experience in conducting international exchange programs are not eligible for this competition.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding from private sources in support of its programs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/PY–01–85.

FOR FURTHER INFORMATION CONTACT: The Youth Programs Division, ECA/PE/C/PY, Room 568, U.S. Department of State, 301 4thStreet, SW., Washington, DC 20547, telephone (202) 619–6299; fax (202) 619–5311; e-mail address: *clantz@pd.state.gov* to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Carolyn Lantz on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/RFGPs. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m., Washington, DC time, on Friday, September 7, 2001. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and seven copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/PY–01–85, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the U.S. Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and CulturalAffairs. Final

technical authority for assistance awards resides with the Bureau's Grants Officer.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 26, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–16611 Filed 7–3–01; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–2523.

Comments should be sent to the Agency Clearance Officer no later than September 4, 2001.

Type of Request: Regular submission.

Title of Information Collection: TVA Aquatic Plant Management.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 2,000.

Estimated Total Annual Burden Hours: 400.

Estimated Average Burden Hours Per Response: 0.2 (12 minutes).

Need For and Use of Information: TVA committed to involving the public in developing plans for managing aquatic plants in individual TVA lakes under a Supplemental Environmental Impact Statement completed in August 1993. This proposed survey will provide a mechanism for obtaining input into this planning process from a representative sample of people living near each lake. The information obtained from the survey will be factored into the development of aquatic plant management plans for mainstream Tennessee River lakes.

Jacklyn J. Stepenson,

Senior Manager, Enterprise Operations, Information Services.

[FR Doc. 01–16826 Filed 7–3–01; 8:45 am]

BILLING CODE 8120–08–U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Agency Information Collection Activities: Submission for OMB Review

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection requests described in this notice to the Office of Management and Budget (OMB) for review and approval. We published a **Federal Register** notice with a 60-day public comment period on these information collections on March 16, 2001 (66 FR 15316). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 6, 2001.

ADDRESSES: You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

SUPPLEMENTARY INFORMATION:

1. *Title:* Voucher for Federal-aid Reimbursements.

OMB Control Number: 2125–0507 (Expiration Date: September 30, 2001).

Abstract: The Federal-aid Highway Program includes provisions for the reimbursement to States for expenditure of State funds for eligible Federal-aid highway projects. The Voucher for Work Performed Under Provisions of the Federal-Aid and Federal Highway Acts, As Amended (Form PR–20) is utilized by the States to provide project financial data regarding the expenditure of State funds and to request progress payments from the FHWA.

Respondents: 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

Estimated Total Annual Burden: Approximately 12,300 vouchers per year. Each voucher requires an estimated 30 minutes completion time. The total annual burden for all respondents is estimated to be 6,150 hours.

For Further Information Contact: Ms. Debra Bargar, 202–366–2877, Department of Transportation, Federal Highway Administration, Office of Budget and Finance, 400 Seventh Street,

SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

2. *Title:* Develop and Submit Utility Accommodation Policies

OMB Control Number: 2125–0514 (Expiration Date: September 30, 2001).

Abstract: State Departments of Transportation are required to develop and submit to FHWA a policy statement on the authority of utilities to use and occupy highway rights-of-way; the State's authority to regulate such use; and the policies and/or procedures employed for accommodating utilities within the rights-of-way of Federal-aid highway projects. Upon FHWA's approval of the policy statement, the State DOT may take any action required in accordance with the approved policy statement without case-by-case review by the FHWA. In addition, the utility accommodation policy statements that have been approved previously by the FHWA are periodically reviewed by the State DOTs to determine if updating is necessary to reflect policy changes.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Once initially, then updates for review as required at the States' discretion.

Estimated Total Annual Burden: The average burden for updating an existing policy is 280 hours per response. The estimated total annual burden, based upon an estimated 5 updates per year, is 1,400 hours.

For Further Information Contact: Mr. Paul Scott, 202–366–4104, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

3. *Title:* Eligibility Statement for Utility Adjustments.

OMB Control Number: 2125–0515 (Expiration Date: September 30, 2001).

Abstract: State Departments of Transportation are required to submit to the FHWA a statement which establishes the State DOT's legal authority or obligation to pay for utility adjustments. The FHWA has previously reviewed and approved these eligibility statements for each State DOT. The statements are used as a basis for Federal-aid reimbursement in utility relocation costs under the provisions of 23 U.S.C. 123. Updated statements may be submitted for review at the States' discretion where circumstances have modified (for example, a change in State statute) the extent to which utility adjustments are eligible for reimbursement by the State or those instances where a local State DOT's legal basis for payment of utility adjustments differs from that of the State.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Once initially, then updates for review as required at the States' discretion.

Estimated Total Annual Burden: The average burden for preparing and submitting an updated eligibility statement is 18 hours per response. The estimated total annual burden, based upon 5 updated eligibility statements per year, is 90 hours.

For Further Information Contact: Mr. Paul Scott, 202–366–4104, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

4. *Title:* Certificate of Enforcement of Heavy Vehicle Use Tax.

OMB Control Number: 2125–0541 (Expiration Date: September 30, 2001).

Abstract: Title 23, United States Code, Section 141(c), provides that a State's apportionment of funds under 23 U.S.C. 104(b)(5) shall be reduced in an amount up to 25 percent of the amount to be apportioned during any fiscal year beginning after September 30, 1984, if vehicles subject to the Federal heavy vehicle use tax are lawfully registered in the State without having presented proof of payment of the tax. The annual certification by the State Governor or designated official regarding the collection of the heavy vehicle use tax serves as the FHWA's primary means of determining State compliance. The FHWA has determined that an annual certification of compliance by each State is the least obtrusive means of administering the provisions of the legislative mandate. In addition, States are required to retain for one year Schedule 1, Form 2290, (or other suitable alternative provided by regulation). FHWA periodically conducts compliance reviews to determine if the annual certification is adequate to ensure effective administration of 23 U.S.C.141(c).

Respondents: 51 State Transportation Departments, including the District of Columbia.

Frequency: Annually.

Estimated Total Annual Burden: The average burden to submit the certification and retain required records is 12 hours per respondent. The estimated total annual burden is 612 hours.

For Further Information Contact: Ms. Gloria Williams, 202–366–5032, Department of Transportation, Federal Highway Administration, Policy Service Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202–512–1661. Internet users may reach the Federal Register's home Office's database at *http://www.access.gpo.gov/nara.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: June 28, 2001.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 01–16731 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Bellevue, King County, WA; Cancellation of Notice of Intent

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised cancellation of notice of intent (FR document 97–13308; Filed 5–20–97).

SUMMARY: The FHWA is issuing this revised notice to rescind the previous Notice of Intent issued on May 9, 1997 (appeared in the **Federal Register** on May 21, 1997), to prepare an environmental impact statement (EIS) for the proposed highway project in Bellevue, King County, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Mathis, Federal Highway Administration, Evergreen Plaza Building, Suite 501, 711 South Capitol Way, Olympia, Washington, 98501–1284, Telephone: (360) 753–9413; John Okamoto, WSDOT Northwest Region Administrator, 15700 Dayton Avenue North, P.O. Box 330310, Seattle,

Washington 98133–9710, Telephone: (206) 440–4691, or Len Pavelka, City of Bellevue Senior Transportation Planner, PO Box 90012, Bellevue, Washington 98009–9012 (425) 452–2035.

SUPPLEMENTARY INFORMATION: The FHWA, with the co-lead agencies of the Washington State Department of Transportation (WSDOT) and the city of Bellevue, issued a Notice of Intent on May 9, 1997 to prepare an EIS on a proposal to provide additional eastbound and westbound access to SR 520 between Interstate 405 and 148th Avenue NE in Bellevue, Washington.

Following an alternative screening process, the Bellevue City Council acted on October 23, 2000 upon a recommendation by the project Interdisciplinary team and confirmed the selection of the ''No Action'' alternative as the preferred alternative for this project. Further work on the EIS was terminated.

The decision was based on three primary factors: (1) A review of the technical analysis summarized in the Transportation Technical Report revealed a very low benefit to cost relationship, (2) the analysis showed that the interchange alternatives at 124th Avenue NE and 130th Avenue NE would have a negligible effect on reducing congestion to meet the project purpose, and (3) the TransLake Washington EIS is evaluating long-term needs for SR 520. The EIS intends to evaluate interchanges between I–405 and Redmond. The TransLake Washington EIS may recommend widening or other interchange improvements to the corridor or recommendations that would be constrained by a new interchange in the Bel-Red area of SR 520.

Costs for the build alternatives were estimated to range from $35 million to $80 million. These latest cost estimates were substantially higher than previous estimates and exceeded available funds to construct any type of added access improvements to/from SR 520.

In further response to the Council action, the City removed the project from its short-range (6 year) Capital Investment Program. The City is also removing the project from its mid-range (12 year) transportation programming document, the Transportation Facilities Plan.

Authority: Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program.

Issued on: June 27, 2001.

James A. Leonard,

Urban Transportation and Environmental Engineer, Olympia, Washington, for the Division Administrator.

[FR Doc. 01–16831 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Blacklands Railroad

[Docket Number FRA–2000–8366]

The Blacklands Railroad (BLR) of Sulphur Springs, Texas, has petitioned for a permanent waiver of compliance for one locomotive from the requirements of the Safety Glazing Standards, 49 CFR part 223, which requires certified glazing. BLR states that this locomotive is used in light switching service and operates over 65 miles of track from Greenville, Texas, through Commerce, Sulphur Springs, Texas. BLR also states that it has an additional 10 miles of trackage rights over the Union Pacific Railroad for interchange in its Mt. Pleasant yard. The average track speed is 10 to 15 mph with a maximum speed of 20 mph.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2000–8366) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.—5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, D.C. on June 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–16833 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Boone & Scenic Valley Railroad

[Docket Number FRA–2001–9607]

The Iowa Railroad Historical Society has petitioned on behalf of Boone & Scenic Valley Railroad for a permanent waiver of compliance from the requirements of the Railroad Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses, Title 49 Code of Federal Regulations § 223.11 which requires locomotives, other than yard locomotives, built or rebuilt prior to July 1, 1980, to be equipped with glazing which meets the requirements of appendix ''A'' of this part by June 30, 1984.

The Boone & Scenic Valley Railroad is a nonprofit railroad operating four locomotives, all of which are historic in nature. The locomotives will be used to switch approximately four freight cars a month to service two industries. The locomotives presently operate an excursion train over 11.95 miles of right-of-way northwest of Boone, Iowa and 1.66 miles of right-of way through Boone to the Boone Industrial Park. The Boone & Scenic Valley Railroad is connected to the Union Pacific Railroad

by a transfer that is guarded by a Union Pacific derail. Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Docket Number FRA–2001–9607) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Washington, D.C., 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Issued in Washington, D.C. on June 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–16832 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

RIN 2127–AI23

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correction; extension of comment period.

SUMMARY: On June 4, 2001, we published a Notice reporting that we had submitted to OMB a request for an extension of a previously approved collection of information. That Notice is contained within document 01–13798 and is located at 66 FR 30046. The approved collection of information pertained to a statutorily-mandated rule requiring that any person who knowingly and willfully sells or leases a defective or noncompliant tire for use on a motor vehicle, with actual knowledge that the manufacturer of the tire has notified its dealers of the defect or noncompliance, report that sale or lease to us.

The Notice published on June 4, 2001, contained several errors, which we believe require correction. The purpose of today's Notice is to notify the public of the errors and the correct information, and provide the public an additional thirty (30) days within which to submit any comments in relation to the collection of information and the requested extension. Specifically, the June 4, 2001 Notice is modified in the following ways:

Under the section labeled **SUPPLEMENTARY INFORMATION**, the text of the subsection labeled ''Type of Request'' should be changed to read: Extension of a currently approved collection for three years from the approval date.

In the same **SUPPLEMENTARY INFORMATION** section, the text of the subsection labeled ''Abstract,'' should be replaced with the following text:

> This information collection is statutorily mandated. NHTSA anticipates using the information collected to inform purchasers of those defective or noncompliant tires of the existence of the defect or noncompliance, to investigate sales and leases of tires that are defective or noncompliant, and/or facilitate the providing of a remedy to the purchasers of such tires. Respondents are expected to be tire dealers and retailers.

The text of the subsection labeled ''Affected Public'' located within the **SUPPLEMENTARY INFORMATION** portion of the Notice, should be replaced with the following text:

> Any person who knowingly and willfully sells or leases a defective or noncompliant tire for use on a motor vehicle with actual knowledge that the manufacturer of the tire has notified dealers of the defect or noncompliance. Persons who sell or lease new or used motor vehicles equipped with defective or noncompliant tires are not subject to this reporting requirement with respect to vehicle sales. Motor vehicle lessors and rental companies are also excluded.

In light of the above changes, the comment period with respect to this action has been extended for an additional 30 days. Accordingly, all comments must be submitted on or before August 6, 2001. As requested in the June 4, 2001 notice, comments must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Issued on: June 28, 2001.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

[FR Doc. 01–16780 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Correction; extension of comment period.

SUMMARY: On June 13, 2001, we published a Notice to report that we had submitted to the Office of Management and Budget (OMB) a request for an extension of a previously approved collection of information. That notice is contained in notice document 01–14834, is located at 66 FR 31974, and has OMB control number 2127–0609. The approved collection of information pertained to a statutorily-mandated rule requiring NHTSA to establish by regulation what constitutes a ''reasonable time'' and a sufficient manner of ''correction'' under the Criminal Penalty Safe Harbor Provision in section 5 of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act (Pub. L. 106–414).

The Notice published on June 13, 2001, contained an error which we believe requires correction. The purpose of this Notice is to notify the public as to the error, to correct it, and to provide the public with an additional thirty (30) days within which to submit any comments in relation to the collection of information. Specifically, the Notice of June 13, 2001 is modified in the following manner:

On page 31975, in the fifth paragraph of the first column, the section labeled ''Affected Public'' was previously published with the following text: ''foreign manufacturers of motor vehicles and motor vehicle equipment located outside of the United States, which are importing these items into the United States.'' This section should be changed to read as follows: ''This collection of information would apply to any person who seeks a ''safe harbor'' from potential criminal liability under 49 U.S.C. 30170. Thus, the collection of information could apply to motor vehicle and motor vehicle equipment manufacturers, any officers or

employees thereof, and other persons who respond, or have a duty to respond, to an information provision requirement pursuant to 49 U.S.C. 30166 or a regulation, requirement, request or order issued thereunder.''

In light of the above change, the date for comments to be submitted, which was previously published in the **Federal Register** in the last paragraph of the third column on page 31974, is extended and changed from ''on or before July 13, 2001'' to read ''on or before August 6, 2001.''

As requested in the Notice of June 13, 2001, comments are to be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Issued on: June 28, 2001.

John Womack,

Acting Chief Counsel.

[FR Doc. 01–16781 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements To Support Rural Pickup Truck Safety Initiative

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of discretionary cooperative agreements to increase seat belt and child safety seat education and use among pickup truck occupants in rural areas.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a cooperative agreement program to provide funding to two communities in support of the Buckle Up America (BUA) campaign. Created in 1997, two major goals exist for this campaign: (1) To increase the national seat belt use rate from 71 percent (November 2000) to 90 percent by 2005 and (2) to decrease the number of child passenger fatalities (0–4 years of age) by 25 percent by 2005 (using 653 fatalities in 1996 as a baseline). NHTSA solicits applications from rural community-based organizations or coalitions interested in developing and implementing a community demonstration project characterized by a public information and education program coupled with highly visible law enforcement efforts designed to increase seat belt and child restraint use among pickup truck occupants in rural areas. Rural organizations or rural community-based coalitions that promote injury prevention and safety programs are encouraged to apply. For the purposes of this notice, the word community can be interpreted to mean a single community, a county, or a specific geographic area that meets the population criteria specified in this notice.

DATES: Applications must be received by the office designated below on or before 2:00 p.m. on Thursday, August 9, 2001.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Rose Watson, 400 7th Street, S.W.. Room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–01–H–05266.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Rose Watson, Office of Contracts and Procurement, by e-mail at *rwatson@nhtsa.dot.gov*, or by telephone at (202) 366–9557. Programmatic questions should be directed to Mr. Edward Pacchetti, Occupant Protection Division (NTS–12), NHTSA, 400 7th Street, S.W., Room 5118, Washington, D.C., 20590, by e-mail at *epacchetti@nhtsa.dot.gov*, or by phone at (202) 366–5198. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

SUPPLEMENTARY INFORMATION:

Background

Motor vehicle crashes are the single leading cause of death for Americans 1–24 years of age and the third leading cause of death for Americans 25–44 years of age. In 1999, traffic crashes claimed over 41,000 lives and produced over three million injuries. These crashes resulted in approximately $150 billion in economic costs, including $17 billion in medical care and emergency services expenses and $107 billion in lost productivity and property loss. In April 1997, the Buckle Up America (BUA) Campaign was established to increase the seat belt and child safety seat use rate nationwide. The BUA Campaign advocates a four-part strategy: (1) Building public-private partnerships; (2) enacting strong legislation; (3) maintaining high visibility enforcement; and (4) conducting effective public education. Central to the campaign's success is the implementation of two major law enforcement mobilizations each year. These mobilizations, known as Operation ABC: *A*merica *B*uckles Up *C*hildren, are held in conjunction with the Air Bag & Seat Belt Safety Campaign in May and November, during the Memorial Day and Thanksgiving Day holidays.

According to NHTSA data, there were 6,125 fatalities among pickup truck occupants in 1999. One major reason for this high number of fatalities is the relative lack of seat belt and child restraint use among pickup truck occupants. Research has shown that seat belts reduce the risk of fatal injury by 60 percent for light truck occupants; this effectiveness increases to 80 percent in rollover crashes of these vehicles. Despite this evidence showing seat belt effectiveness, pickup truck occupants continue to have significantly lower rates of use than occupants of other vehicle types. The national seat belt use rate among pickup truck occupants in November 2000 was only 59 percent, compared to 74 percent for passenger car occupants. The rate of seat belt use among pickup truck occupants varies significantly among geographical regions: 68 percent in the West, 58 percent in the Midwest, 56 percent in the South, and 45 percent in the Northeast. Nationwide, 69 percent of light truck occupants killed in 1999 were unrestrained, compared to 51 percent of passenger car occupants who were killed during that same year while unrestrained. NHTSA data further reveal that 41 percent of light truck occupants killed in 1999 were ejected from their vehicles, compared to 21 percent of passenger car occupants killed in 1999.

For the purposes of the two demonstration projects to be awarded, NHTSA is focusing on initiatives to increase seat belt use among pickup truck occupants in rural communities. Sixty-one percent of traffic fatalities (25,453 of 41,611 total fatalities) occurred on rural roadways in 1999. A 1996 NHTSA report showed that a larger proportion of fatal crashes in rural areas involve light trucks compared to fatal crashes in urban areas (21 percent and 14 percent, respectively). Another NHTSA report referencing State data recounted that young, rural male pickup drivers in Kentucky and Texas consistently had low rates of seat belt use. This latter report suggested that there were numerous obstacles to overcome when conducting outreach to this population. Such obstacles included the false belief that being unbelted in a crash is actually safer than being belted, social norms that discourage belt use, and a fatalistic view of life that questions the effectiveness of seat belts. Another problem that has

been identified among pickup truck occupants is the practice of riding in the cargo areas of these vehicles. Each year, almost 200 people die as a result; approximately half of those who die are children and teenagers. These data underscore the importance of program activity designed to increase seat belt and child restraint seat use among pickup truck occupants in rural areas.

Objectives

The principal purpose of this cooperative agreement program is to increase seat belt and child restraint use among pickup truck occupants in rural communities. Cooperative Agreements will be awarded in two geographically separate communities for this purpose. Each project will consist of a two-part strategy of public information and education supported by a highly visible law enforcement component. The objective of increasing restraint use and decreasing fatalities and injuries of pickup truck occupants will be met by:

1. *Developing and Implementing a Community-Wide Public Information and Education Campaign.* The cooperative agreement recipient will be expected to coordinate an intense, community-wide public information and education campaign that focuses on the effectiveness of seat belts and child safety seats in preventing deaths and injuries in motor vehicle crashes. This campaign should convey the importance of being properly restrained whenever riding in any vehicle, but the need for pickup truck occupants to be properly restrained at all times shall be given special emphasis due to the low seat belt use rate of these occupants compared to occupants of other vehicle types. This campaign will utilize culturally relevant messages for rural pickup truck occupants that encourage seat belt and child safety seat use on every trip. The dangers of allowing passengers to ride in pickup truck cargo areas should also be highlighted. Most importantly, the public information and education campaign will convey the message that seat belt use and child restraint laws in the community are enforced. The recipient will be expected to form partnerships with representatives in educational, judicial, law enforcement, public health, and media agencies and organizations within the community to disseminate these campaign messages. Additional partnerships with local emergency medical services and local business communities should also be developed. Partnerships should also be developed with organizations representing diverse populations within the community. Such agencies and organizations can then work within their respective professional areas to provide education and generate support for the campaign.

2. *Periodic ''Waves'' of High Visibility Enforcement.* In addition to the community-based public information and education campaign described above, a plan that emphasizes periodic waves of high visibility enforcement of seat belt and child restraint laws will be developed. To forge such a plan, this cooperative demonstration project should seek assistance from the Governor's SHSA representative, State police, and local law enforcement officials in the demonstration community. It is important to emphasize that during the law enforcement component of the project, law enforcement activities shall focus on increasing restraint use equally among occupants of all vehicle types, not solely among pickup truck occupants. Enforcement activities shall include, but not be limited to, participation in the national Operation ABC Mobilizations held each May and November.

The case for conducting high visibility enforcement of seat belt and child restraint laws is well documented. An example of the combined approach of law enforcement and media saturation is South Carolina's Click It or Ticket Campaign, initiated in November 2000. During a 14-day period, over 200 law enforcement agencies participated in a monumental enforcement effort that was coupled with frequent media messages. Ninety-five percent of motorists surveyed reporting reading, seeing, or hearing Click It or Ticket messages by the final week of the campaign. As a result, seat belt use increased significantly—from 66 percent to 74 percent. Seat belt use among males, a key pickup truck driver population, increased from 59 percent to 68 percent. This increase in seat belt use contributed to a 30 percent reduction in fatalities in South Carolina compared to the same period during 1999. On the community level, an example of a successful initiative using media saturation and enforcement strategies to increase seat belt use occurred in Elmira, New York. During an intense media and enforcement campaign in October 1999, the seat belt use rate increased from 63 percent to 90 percent in three weeks. A report documenting Elmira's success can be accessed at http://www.nhtsa.dot.gov/people/outreach/traftech/tt246.htm.

NHTSA Involvement

NHTSA will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and administration of the cooperative agreements and to coordinate activities between the cooperative agreement recipients and NHTSA;
2. Provide information and technical assistance from government sources, within available resources and as determined appropriate by the COTR; and
3. Act as a liaison between the cooperative agreement recipients and with other government and private agencies as appropriate.

Availability of Funds and Period of Support

It is anticipated that two cooperative agreements, in the amount of $175,000 each, will be awarded to provide for a performance period of 15 months. The application should address what is proposed and can be accomplished during this period which includes evaluation and preparation of the final report. NHTSA estimates that the award of the two cooperative agreements will occur by September 30, 2001.

Federal monies allocated for cooperative agreements are not intended to cover all of the costs that will be incurred in the process of completing a demonstration project. Therefore, applicants should describe their commitment of financial and/or in-kind resources that will be used to complete their proposed demonstration project. Allowable uses of federal funds shall be governed by the applicable federal cost principles.

Eligibility Requirements

To be eligible to participate in this cooperative agreement program, an applicant must be an agency or organization serving a rural area that is poised to conduct a community-wide public information and education campaign and to participate in or coordinate law enforcement mobilizations designed to increase seat belt and child restraint use. Community-based coalitions or organizations that promote injury prevention, especially traffic safety may apply. Such rural community coalitions/organizations include, but are not limited to: law enforcement agencies, public health and safety organizations, education organizations, media groups, organizations representing diverse populations, local private-sector organizations, and non-profit organizations. Applicants must represent a rural demonstration

community with a population of at least 75,000 but not exceeding 150,000 based upon Census 2000 data of the U.S. Census Bureau. Also, the community should not be closer than 100 miles to a major metropolitan area, which is defined as a city of more than 250,000 people.

Application Procedure

Each applicant must submit one original and two copies of their application package to: NHTSA, Office of Contracts and Procurement (NAD–30), ATTN: Rose Watson, 400 7th Street, S.W., Room 5301, Washington, D.C. 20590. Submission of four additional copies will expedite processing, but is not required. Applications must be typed on one side of the page only. Applications must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–01–H–05266. Only complete application packages received by 2 p.m. on Thursday, August 9, 2001 will be considered.

Application Contents

1. The application package must be submitted with OMB Standard Form 424 (Rev. 7–97), Application for Federal Assistance, including 424A, Budget Information-Nonconstruction Program, and 424B Assurances-Nonconstruction Programs, with the required information filled in and the certified assurances included. The OMB Standard Forms SF–424, SF–424A and SF424B may be downloaded directly from the OMB Internet website at *http://www.whitehouse.gov/omb/grants/.* While the Form 424–A deals with budget information, and Section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed costs. A supplemental sheet should be provided which presents a detailed breakdown of the proposed costs (direct labor, including labor categories, level of effort and rate; direct material, including itemized equipment; travel and transportation, including projected trips and number of people traveling; subcontracts/subgrants with similar cost detail, if known; and overhead costs), as well as any resources which the applicant and/or other coalition participant proposes to contribute in support of this effort.

2. The application package must also include a program narrative statement which does not exceed 20 pages, excluding letters of endorsement and resumes, and which addresses the following:

a. A description of the rural demonstration community which includes demographic information and a description of law enforcement agencies that have traffic enforcement jurisdiction in the community. The proportion of pickup trucks in the demonstration community in relation to other vehicle types (passenger cars, minivans and SUVs) in that community should be provided based on data regarding the number of registered vehicles in the community.

b. A detailed explanation of the proposed plan to develop and conduct a community-wide public information and education campaign regarding the extreme importance of seat belt and child safety seat use among occupants of all vehicle types, but especially among pickup truck occupants. The plan shall identify strategies for participation in Operation ABC Mobilizations and plans to conduct waves of highly publicized seat belt and child passenger safety enforcement. A description of efforts to address training needs (i.e., differential enforcement or diversity sensitivity) should be included; such knowledge would help law enforcement officers in partnering with the community when the demonstration project is underway. This section shall include a list of project activities in chronological order to show the schedule or planned accomplishments and their target dates. The applicant shall identify the various participating community agencies/organizations and their involvement in the demonstration project. Letters of support from participating community partners shall be included. Documentation of existing public and/or political support must be included (e.g., endorsement of applicable law enforcement agencies, community health organizations, Mayor or other chief executive officer, etc.). In addition, a letter demonstrating support and coordination with State plans must be provided by the Governor's Representative or his/her designee in the State Highway Safety Agency (SHSA).

c. An evaluation section which describes how the recipient will evaluate and measure the project activities and outcomes. Increases in observed seat belt and child safety seat use among pickup truck occupants are the ultimate measures of success. However, evaluation of the specific elements of the public education and information component and law enforcement component of the program should be performed to provide an assessment of the program's effectiveness.

(1) Data for measuring the activities and effectiveness of the public information and education campaign include, but are not limited to: (i) Level of earned media coverage; (ii) level of paid media coverage, and (iii) results of pre- and post-program surveys (on-site or telephonic) regarding awareness of occupant restraint issues, especially those for pickup truck occupants. Data sources should be identified and collection and analysis approaches should be described. Sample data collection forms and instructions (in-person, telephone, and seat belt observation survey forms) are available from NHTSA that can be customized by the recipient. A booklet entitled Achieving a High Seat Belt Use Rate: A Guide for Selective Traffic Enforcement Programs is available at *http://www.nhtsa.dot.gov/people/injury/research/index.html.*

(2) Data for measuring the activities and effectiveness of law enforcement efforts include, but are not limited to: (i) The number of seat belt and child safety seat citations issued; (ii) the number of officer hours or special enforcement efforts during the mobilization or enforcement periods, DWI arrests, and other non-traffic related crimes; (iii) increases in the number of law enforcement personnel trained to enforce occupant protection laws; (iv) community participation in Operation ABC Mobilizations; (v) increased perception of ongoing enforcement and public education activities (may be obtained from the on-site or telephone surveys conducted to measure effectiveness of the public information and education campaign in the preceding paragraph); (vi) incentive programs to complement enforcement efforts, and (vii) pre- and post-program observational seat belt surveys. Data sources should be identified and collection and analysis approaches should be described.

d. A detailed description of the applicant's previous involvement in community-based coalitions to promote injury prevention and especially traffic safety in the past and how this experience will assist the applicant in the demonstration project. The applicant should describe any prior media campaigns and/or work with media professionals in conducting public outreach, as well as any past participation in highly publicized enforcement or participation in Operation ABC Mobilizations. Prior experience in working with educational, judicial, law enforcement, and public health and safety organizations within the demonstration community should be described, as well as partnerships with organizations representing diverse populations within the community.

e. A personnel section which identifies the proposed project coordinator and other key personnel necessary to perform the public information campaign, enforcement activities and evaluation component shall be provided. This section shall include a description of their qualifications, the nature of their contribution, their respective organizational responsibilities, and the proposed level of their effort.

Review Process and Criteria

Initially, each application will be reviewed to confirm that the applicant meets the eligibility requirements and that the application contains all of the information required by the Application Contents section of this notice. Each complete application from an eligible applicant will then be evaluated by a NHTSA Technical Evaluation Committee. The applications will be evaluated using the following criteria:

1. Project Plan: The overall soundness and feasibility of the rural demonstration community project plan and the potential effectiveness of the described public information and education campaign and highly visible law enforcement activities to increase seat belt and child safety seat use among occupants of pickup trucks (50 percent).

2. The applicant's planned partnerships with other community agencies/organizations promotes the requisite participation among those groups considered necessary to conduct an effective community demonstration project. In addition, the applicant's prior successful experience with community-based coalitions demonstrates the necessary organizational skills to effectively coordinate the proposed project (30 percent).

3. The proposed personnel resources demonstrate effective project coordination capability and the requisite breadth of expertise to successfully perform the described activities that will result in increasing seat belt and child safety seat use among occupants of pickup trucks (20 percent).

Terms and Conditions of Award

1. Prior to award, the recipients must comply with the certification requirements of 49 CFR part 20, Department of Transportation New Restriction on Lobbying, and 49 CFR Part 29, Department of Transportation Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

2. During the effective period of the cooperative agreements awarded as a result of this Notice, the agreements shall be subject to NHTSA's General Provisions for Assistance Agreements (7/95).

3. Reporting Requirements and Deliverables:

a. Quarterly Reports, which shall be due 15 days after the end of each quarter, shall be submitted to document project efforts and results. The reports should include up-to-date information summarizing accomplishments during the quarter including: data gathered to-date (such as earned and paid media events, observation and awareness surveys, and enforcement data); obstacles or problems encountered and proposed solutions; noteworthy activities, events or successes; and funds and in-kind contributions expended to date. The quarterly reports will form the basis for the final report to disseminate the lessons learned and successes of the recipient. The COTR will approve invoices upon receipt of each quarterly report.

b. Draft Final Report: The recipient shall prepare a draft Final Report that includes a complete description of the overall project implementation, including a project time-line; the activities conducted, including partners; data collection efforts; evaluation methodology; and findings from the program evaluation. In terms of information transfer, it is important to know what worked and what did not work, under what circumstances, and what can be done to avoid potential problems in future projects. The report should provide information that will be helpful in assembling a ''Best Practices'' guide for use by other communities. The grantee shall submit the draft Final Report to the COTR 60 days prior to the end of the performance period. The COTR will review the draft report and provide comments to the grantee within 30 days of receipt of the document.

c. Final Report: The grantee shall revise the draft Final Report to reflect the COTR's comments. The revised final report shall be delivered to the COTR 15 days before the end of the performance period. For the final report, the Grantee shall supply the COTR:

—A camera ready version of the document as printed.

—A copy, on appropriate media (diskette, Syquest disk, etc.), of the document in the original program format that was used for the printing process.

Note: Some documents require several different original program languages (e.g., PageMaker was the program format for the general layout and design and Power Point was used for charts and yet another was used for photographs, etc.). Each of these component parts should be available on disk, properly labeled with the program format and the file names. For example, Power Point files should be clearly identified by both a descriptive name and file name (e.g., 1994 Fatalities—chart1.ppt).

—A complete version of the assembled document in portable document format (PDF) for placement of the report on the world wide web (WWW). This will be a file usually created with the Adobe Exchange program of the complete assembled document in the PDF format that will actually be placed on the WWW. The document would be completely assembled with all colors, charts, side bars, photographs, and graphics. This can be delivered to NHTSA on a standard 1.44 diskette (for small documents) or on any appropriate archival media (for large documents) such as a CD ROM, TR–1 Mini cartridge, Syquest disk, etc.

—Four additional hard copies of the final document.

d. The recipients may be requested to conduct an oral presentation of their respective project activities for the COTR and other interested NHTSA personnel. For planning purposes, assume that these presentations will be conducted at the NHTSA Office of Traffic and Injury Control Programs, Washington, DC. An original and three copies of briefing materials shall be submitted to the COTR.

Issued on: June 28, 2001.

Rose A. McMurray,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 01–16763 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–9848]

Notice of Receipt of Petition for Decision that Nonconforming 1997 Chevrolet Cavalier Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1997 Chevrolet Cavalier passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that the 1997 Chevrolet Cavalier that was not originally manufactured to comply with

all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 6, 2001.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

Bayway Auto, Inc. of Elizabeth, New Jersey (''BWA'') (Registered Importer 98–166) has petitioned NHTSA to decide whether 1997 Chevrolet Cavalier passenger cars, originally manufactured for sale in the Middle-East, are eligible for importation into the United States. The vehicle which BWA believes is substantially similar is the 1997 Chevrolet Cavalier that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, General Motors, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1997 Chevrolet Cavalier passenger car to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

BWA submitted information with its petition intended to demonstrate that the non-U.S. certified 1997 Chevrolet Cavalier, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1997 Chevrolet Cavalier is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 108 *Lamps, Reflective Devices and Associated Equipment,* 109 *New Pneumatic Tires,* 110 *Tire Selection and Rims,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

The petitioner also states that a vehicle identification number plate affixed to the vehicle meets the requirements of 49 CFR Part 565, that the anti-theft device meets the requirements of 49 CFR Part 541, and that the bumpers and bumper support structure satisfy the Bumper Standard found at 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) replacement of the speedometer/odometer assembly unit with the U.S.-model component.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's seating position or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer; (c) replacement of the driver's and passenger's side air bags and knee bolsters with U.S.-model components if the vehicle is not already so equipped. The petitioner states that the vehicles are equipped with combination lap and shoulder restraints which adjust by means of an automatic retractor and release by means of a single push button in both front designated seating positions, with combination lap and shoulder restraints which release by means of a single push button in both rear outboard designated seating positions, and with a lap belt in the rear center designated seating position.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 28, 2001.

Marilynne Jacobs,

Director Office of Vehicle Safety Compliance.

[FR Doc. 01–16730 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

[Docket No. RSPA–98–4470]

Pipeline Safety: Meeting Notification—Technical Hazardous Liquid Pipeline Safety Standards Advisory Committee

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of technical hazardous liquid pipeline safety standards advisory committee meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1) notice is given of a public meeting of the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) to be conducted by the Research and Special Programs Administration's (RSPA), Office of Pipeline Safety (OPS). The meeting will be held on Monday, August 13, 2001 from 10:00 a.m. to 12:00 p.m.

The THLPSSC is a statutorily mandated advisory committee that advises RSPA's OPS on proposed safety standards and other safety policies for hazardous liquid pipelines. The committee consists of 15 members—five each representing government, industry, and the public.

RSPA issued a final rule, ''Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators With 500 or More Miles of Pipeline),'' which was published on December 1, 2000(65 FR 75378). In the final rule, RSPA sought comment on 49 CFR Section 195.452(h) because it varied considerably from the proposed rule. A copy of the final rule can be found on the Internet—OPS Docket Management System *http://dms.dot.gov* (Docket Number 6355). The THLPSSC will discuss comments received and vote on Section 195.452(h) as published on December 1, 2000.

The THLPSSC will also discuss and vote on the proposed rule ''Pipeline Integrity in High Consequence Areas (Hazardous Liquid Pipelines With 500 Miles or Less of Pipeline),'' which was published on March 25, 2001 (66 FR 15821). A copy of the proposed rule can be found on the Internet—OPS Docket Management System *http://dms.dot.gov* (Docket Number 7408).

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Juan Carlos Martinez at (202) 366–1933.

FOR FURTHER INFORMATION CONTACT: Cheryl Whetsel, OPS, (202) 366–4431 or Richard Huriaux, OPS, (202) 366–4565, regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: Members of the public may attend the meeting in person at the Department of Transportation, Nassif Building, Room 7128, 400 Seventh Street, SW, Washington, DC 20590. Due to limited space, anyone wishing to attend or participate should notify Juan Carlos Martinez, at (202) 366–1933, not later than July 30, 2001.

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on June 28, 2001.

Stacey L. Gerard,

Associate Administrator.

[FR Doc. 01–16729 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–01–8972; Notice 1]

Pipeline Safety: Intent to Consider Waiver and Environmental Assessment of Waiver for Transwestern Pipeline Company

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of intent to consider waiver and environmental assessment of waiver.

SUMMARY: The Office of Pipeline Safety (OPS) is conducting a Risk Management Demonstration Program with pipeline operators to determine how risk management might be used to complement and improve the existing Federal pipeline safety regulatory process. OPS selected Enron Transportation Services Company/Transwestern Pipeline Company (ETS/TW) as a candidate for participation in the Demonstration Program; subsequently, OPS and ETS/TW held discussions as part of an approval process. OPS has not yet approved ETS/TW's application. ETS/TW identified a portion of its system where it believed performing alternative risk control activities in lieu of compliance with current regulations would result in a comparable margin of safety and environmental protection. At an intermediate stage in the project approval process, ETS/TW requested OPS waive certain regulatory requirements relating to class location changes for three pipeline segments. ETS/TW indicated that it would carry out the proposed alternative risk control activities in lieu of compliance with these regulations.

This Notice announces OPS's intent to consider granting a waiver from 49 CFR 192.611 to allow ETS/TW to perform the proposed alternative risk control activities. Among the factors that are crucial to OPS's decision to consider granting the waiver are ETS/TW's selection as a candidate for the Risk Management Demonstration Program and ETS/TW's subsequent participation in a consultation process with OPS. In addition, OPS has found that the overall effect of the proposed waiver is consistent with pipeline safety, because ETS/TW's proposed activities achieve a margin of safety and environmental protection comparable to that achieved by compliance with 49 CFR 192.611. Within 90 days of OPS's adoption of new rules related to integrity management of natural gas pipelines [1], ETS/TW will be required to re-evaluate the effects of its proposed alternative risk control activities so that OPS can determine whether the terms of the waiver continue to be appropriate and whether the overall effect of the waiver remains consistent with pipeline safety. This Notice also provides an environmental assessment of ETS/TW's proposed alternative activities. Based on this environmental assessment, OPS has preliminarily concluded that this waiver will have no significant environmental impacts. OPS seeks public comment on the proposed waiver and the environmental assessment, so that it may consider and address these comments before making a final decision on this matter.

ADDRESSES: OPS requests that comments to this Notice or about this environmental assessment be submitted on or before August 6, 2001 so they can be considered before a final determination is made whether to grant the waiver to ETS/TW. Written comments should be sent to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments should identify the docket number RSPA–01–8972. Persons should submit the original comment document and one (1) copy. Persons wishing to receive confirmation of

[1] OPS is considering additional regulations to enhance pipeline integrity in high consequence areas for natural gas transmission pipelines. Additional information on integrity management rule-related activities is available on the OPS web site at http://ops.dot.gov.

receipt of their comments must include a self-addressed stamped postcard. The Dockets Facility is located on the plaza level of the Nassif Building in Room 401, 400 Seventh Street, SW., Washington, DC. The Dockets Facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays. You may also submit comments to the docket electronically. To do so, log on to the DMS Web at http://dms.dot.gov. Click on Help & Information to obtain instructions for filing a document electronically.

FOR FURTHER INFORMATION CONTACT: Elizabeth Callsen, OPS, (202) 366–4572, regarding the subject matter of this Notice. Contact the Dockets Unit, (202) 366–5046, for docket material. Comments may also be reviewed online at the DOT Docket Management System website at http://dms.dot.gov/.

SUPPLEMENTAL INFORMATION:

1. Background

In 1996, the Secretary of Transportation was authorized to establish risk management demonstration projects in partnership with operators of gas and liquid pipeline facilities, pursuant to U.S.C. § 60126. In 1997, OPS announced that Enron Transportation Services Company affiliate Florida Gas Transmission Company (FGTC) and eleven other pipeline companies would be candidates for participation in the Risk Management Demonstration Program.[2,3] Subsequently, Enron Transportation Services Company (ETS) informed OPS that Transwestern Pipeline Company (TW) would replace FGTC as its candidate for the program.[4] Following the selection of candidate companies, a consultation process commenced, in which an OPS Project Review Team (PRT) and ETS/TW held discussions regarding ETS/TW's participation in the Demonstration Program. The consultation process involved OPS's technical scrutiny of ETS/TW's safety practices and pipeline integrity.

During the course of the consultation process, ETS/TW identified three pipeline segments in its system where it proposed to conduct risk control alternative activities (the ''Activities'') in lieu of the class location change requirements in 49 CFR 192.611. ETS/TW provided documents describing its proposed Activities for the three segments (the ''waiver segments''). The PRT and ETS/TW agreed that it would be appropriate to address the proposed substitution of the Activities for compliance with 49 CFR 192.611 via waiver.[5] This document summarizes OPS's review of the proposed Activities and evaluates whether the terms of the waiver would be consistent with pipeline safety pursuant to 49 U.S.C. 60118(c).

2. OPS Evaluation of ETS/TW's Proposed Alternative Risk Control Activities

Representatives from OPS Headquarters and Southwestern Region evaluated ETS/TW's proposed Activities. OPS met with ETS/TW to discuss the current risk assessment and risk control processes ETS/TW uses, how these processes were used to identify and define the Activities, and the analysis of the protection achieved by the Activities compared to the protection 49 CFR 192.611 provides. The evaluation also included an environmental assessment, which is described in Appendix A of this Notice.

The ETS/TW System transports pressurized natural gas, which is lighter than air and flammable. If released as a result of a pipeline leak or rupture, natural gas can potentially ignite causing fires or explosions. Protection of the public and environment by the prevention of pipeline leaks and ruptures is the highest priority for OPS and ETS/TW. A major review criterion for this evaluation is whether the Activities ETS/TW has proposed will achieve a margin of safety and environmental protection comparable to that achieved through compliance with 49 CFR 192.611. It is the preliminary opinion of OPS that implementing the proposed Activities will result in a comparable margin of safety and environmental protection.

Once OPS has considered comments it receives in response to this Notice, OPS will make a final determination regarding whether to grant a waiver to ETS/TW to allow implementation of the Activities in lieu of compliance with 49 CFR 192.611.

3. Alternative Risk Control Activity Locations

The proposed Activities focus on controlling the risks in three pipeline segments located near Church Rock, NM, in the northwest corner of the state not far from the Arizona border. These waiver segments are located on the main transmission line in segment L–154 and on a parallel loop line in segment L–254. The waiver segments lie in McKinley County, New Mexico. The stationing and lengths of the three segments are:

Main line L–154: From M.P. 1173+06 to M.P. 1195+94 (2,288 feet)
Main line L–154: From M.P. 1226+92 to M.P. 1232+ − 5 (513 feet)
Loop line L–254: From M.P. 1247+47 to M.P. 1261+12 (1365 feet)

4. Description of Waiver: Alternative Risk Control Activities Designed To Provide Comparable Margin of Safety

4.1 Current Regulatory Requirements

This section describes the current regulatory requirements in 49 CFR § 192.611 governing actions that must be taken by a pipeline operator when population density increases along a pipeline.

OPS categorizes all locations along natural gas pipelines according to the population densities near the pipelines (see 49 CFR 192.5). Locations with the lowest population density (10 or fewer buildings intended for human occupancy within an area that extends 220 yards on either side of the centerline of any continuous one mile length pipeline) are designated as Class 1. As the population along a pipeline increases, the class location increases. For example, Class 2 locations have more than 10 but fewer than 46 buildings intended for human occupancy. Class 3 locations have 46 or more buildings intended for human occupancy, or are areas where a pipeline lies within 100 yards of either a building or small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12 month period. Class 4 locations are any class location unit where buildings with four or more stories above ground are prevalent (e.g. large office buildings).

All three of the ETS/TW waiver segments (identified in Section 3) have changed from Class 1 to Class 3 due to the addition and clustering of mobile homes in the area.

Pipeline safety regulations impose more stringent design and operational requirements as the class location increases. When a class location changes to a higher class (e.g., from class 2 to class 3), the operator must reduce the operating pressure on the pipeline to provide an additional margin of safety. The operator may be

[2] Candidates for the Pipeline Risk Management Demonstration Program [62 Federal Register 143, July 25, 1997].

[3] Pipeline Safety: Remaining Candidates for the Pipeline Risk Management Demonstration Program [62 Federal Register 197, October 10, 1997].

[4] Letter from William R. Cordes and Stanley C. Horton, Transwestern Pipeline Company to R.B. Felder, OPS, December 18, 1998.

[5] ETS/Transwestern Risk Management Demonstration Project, PRT Meeting Summary, March 9, 2000.

able to avoid reducing pressure, in some cases, if a pressure test on the pipe has confirmed that a prescribed safety margin exists. In these cases, if a previous pressure test has not confirmed the prescribed safety margin, then the operator must test the pipe to confirm the margin. In other cases, the operator must reduce the pressure or replace the pipe with new pipe.

ETS/TW has stated that in order to provide reliable natural gas service to its customers, it cannot permanently reduce the operating pressure along the waiver segments. Consequently, in order to meet pipeline safety regulations, ETS/TW would be required to replace the pipe in the three waiver segments. By replacing the existing pipe with new pipe that has the prescribed design factor, ETS/TW could eliminate the possibility that defects in the original materials and construction, as well as corrosion that may have occurred since installation, would result in a failure.

4.2 ETS/TW's Proposed Alternative Risk Control Activities

For each waiver segment, ETS/TW proposes to perform the following alternative risk control activities, with the objective of providing a margin of safety and environmental protection comparable to pipe replacement:

1. Internally inspect the waiver segments using geometry and magnetic flux leakage in-line inspection tools. (Current regulations do not require internal inspection). These tools reliably identify most indications of wall loss (e.g. corrosion), as well as dents and gouges from initial construction damage or third party excavators working along the pipeline right-of-way. ETS/TW has performed these internal inspections and the OPS Southwestern region has reviewed the inspection results.

2. Internally inspect an extended length of pipe (the ''extended segments'') bordering each waiver segment to further extend the benefits of the integrity analysis. The extended segments cover the distance between Compressor Stations 5 and 4 on both the main line and the loop line, a distance of approximately 129.5 miles.

3. Repair indications of corrosion, existing construction damage, and existing outside force damage identified by the internal inspection. ETS/TW used more conservative investigation and repair criteria in the waiver segments than is currently required by the regulations. The criteria call for investigation and repairs of small dents and anomalies that are well below the size at which a challenge to pipeline integrity might be expected.

4. Implement improved measures to prevent third-party damage to the pipelines in the waiver segments. These measures include installation of a new style of right-of-way marker at closer intervals, increasing vehicular and aerial surveillance from monthly to semi-monthly, and increased interaction with local contractors who would be most likely to dig in the area of the pipeline.

5. Perform monitoring of the waiver segments using portable waveform monitoring instrumentation that supplements and enhances the monitoring now required by regulation. These surveys will be compared with the results of the internal inspection of the lines.

In addition, ETS/TW proposes to conduct the following risk control activities on portions of its pipeline outside the waiver segments to supplement protection provided by the pipeline safety regulations:

6. Conduct a corrosion technology evaluation project comparing various corrosion monitoring technologies. This project will provide information to ETS/TW, and to OPS, regarding the relative effectiveness of different monitoring techniques on conditions endemic to line pipe in the Southwest. ETS/TW will survey additional portions of its pipeline using techniques shown by the corrosion technology evaluation project to be most effective.

7. Internally inspect an additional length of pipe on the main line between compressor stations 6 and 8, a distance of approximately 143.5 miles. These segments contain pipe known to have lower toughness. Current regulations do not require inspection of these segments, pipe replacement, or pressure reduction. These internal inspections are to be conducted by Fall 2001.

8. Repair indications of corrosion, existing construction damage, and existing outside force damage identified by the internal inspection based upon ETS/TW procedures. The criteria call for investigation and repairs of small dents and anomalies that are well below the size at which a challenge to pipeline integrity might be expected.

9. Install subsidence monitoring equipment at each main line valve and pigtrap assembly from Compressor station #6 to Compressor station #8, an area where possible subsidence contributes to the risk from the pipeline. Subsidence will be monitored in these locations for a minimum of two years.

Many of these Activities have been completed. OPS will condition any waiver to require completion of Activities that have not been completed at the time the waiver is issued.

OPS has compared the expected risk reduction produced by the Activities to that which would be achieved by compliance with 49 CFR 192.611 and has concluded that in the waiver segments the Activities will likely achieve a margin of safety and environmental protection comparable to that which would be achieved through compliance with 49 CFR 192.611. Furthermore, because of the resources saved by not having to replace pipe in the waiver segments, ETS/TW will be able to assess the integrity of additional portions of its system, which reduces the overall risks along the ETS/TW pipeline system. This will result in superior safety performance overall.

5. OPS's Proposed Action

Based on OPS's evaluation of ETS/TW's proposed Activities, OPS is considering granting ETS/TW a waiver from the pressure confirmation and pipe replacement requirements of 49 CFR 192.611. A waiver would require ETS/TW to implement the proposed Activities in lieu of compliance with this requirement. In addition, ETS/TW along with OPS, would monitor the Activities' effectiveness.

No more than 90 days after OPS adopts new rules related to integrity management of natural gas pipelines, ETS/TW will be required to re-evaluate the rule's effect on this waiver so that OPS can determine whether the terms of the waiver continue to be appropriate and the overall effect of the waiver remains consistent with pipeline safety. If OPS determines that the terms of the waiver are no longer appropriate or that the overall effect of the waiver is inconsistent with pipeline safety, OPS will revoke the waiver and require ETS/TW to comply with 49 CFR 192.611.

6. Regulatory Perspective

Why Is OPS Considering This Waiver?

OPS has determined that the terms of the waiver are appropriate and that the overall effect of the waiver is consistent with pipeline safety. The following factors were considered when making this determination:

1. The proposed Activities will provide a comparable margin of safety and protection for the environment and the communities in the vicinity of ETS/TW's pipelines;

2. The three waiver segments have a good integrity history, with no leaks recorded during operation or hydrostatic testing.

3. ETS/TW has internally inspected a total of 129.5 miles of pipe, including the waiver segments. ETS/TW will additionally inspect a total of 143.5

miles. These activities add protection against pipeline failures from corrosion, manufacturing and construction defects, and outside third-party damage along this full 273 mile length. Compliance with 49 CFR 192.611 would require replacement of pipe or requalification tests within the waiver segments only (less than 1 mile of pipe), with no added protection for the additional segments. The ETS/TW Activities provide added protection by including the additional segments.

4. ETS/TW was selected as a candidate for the Risk Management Demonstration Program and has participated in a consultation process with OPS, which included an enhanced sharing with OPS of information related to the integrity of ETS/TW's pipeline.

How Will OPS Oversee the Activities?

OPS retains its authority to enforce ETS/TW's compliance with the pipeline safety regulations. OPS is only considering whether to grant a waiver from compliance with 49 CFR 192.611 at those three segments where ETS/TW has demonstrated that its proposed Activities achieve a comparable margin of safety and environmental protection. Should any information subsequently indicate that the terms of the waiver are no longer appropriate or that the overall effect of the waiver is inconsistent with pipeline safety, then OPS retains its authority to revoke the waiver and require ETS/TW to again comply with 49 CFR 192.611.

This Notice is OPS's final request for public comment before OPS makes a final decision on whether to grant the waiver to ETS/TW.

Issued in Washington, DC, on June 20, 2001.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 01–16782 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–32 (Sub–No. 90)]

Boston and Maine Corporation—Abandonment—in Essex County, MA, and Rockingham County, NH

On June 15, 2001, the Boston and Maine Corporation (B&M) filed with the Surface Transportation Board (Board) an application for permission to abandon and discontinue service on a line of railroad known as the Manchester and Lawrence Branch extending from milepost 1.4 in Lawrence, MA, to milepost 4.4 in Salem, NH, a distance of 3 miles, in Essex County, MA, and Rockingham County, NH. The line traverses U.S. Postal Service ZIP Codes 01840, 01841, 01843, 01844 and 03079. Applicant has indicated that there are no agency stations located on the line.

The line does not contain federally granted rights-of-way. Any documentation in B&M's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment (case-in-chief) was filed with the application.

The line of railroad has appeared on B&M's system diagram map or has been included in its narrative in category 1 since December 27, 2000.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

Any interested person may file with the Board written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case), by July 30, 2001. All interested persons should be aware that, following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.[1] Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by July 30, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27). Applicant's reply to any opposition statements and its response to trail use requests must be filed by August 14, 2001. *See* 49 CFR 1152.26(a).

Persons opposing the abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Persons seeking information concerning the filing of protests should refer to 49 CFR 1152.25. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide:

(i) An offer of financial assistance (OFA) for continued rail service under 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);

(ii) Recommended provisions for protection of the interests of employees;

(iii) A request for a public use condition under 49 U.S.C. 10905; and (iv) A statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

All filings in response to this notice must refer to STB Docket No. AB–32 (Sub-No. 90) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) Robert B. Culliford, Iron Horse Park, North Billerica, MA 10862. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is set forth above.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will

[1] Applicant notes that a portion of the line from milepost 1.4 to approximately milepost 3.72 is owned by the Massachusetts Bay Transportation Authority, an agency of the Commonwealth of Massachusetts, and that B&M provides service over this portion pursuant to an exclusive freight easement.

be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 27, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–16695 Filed 7–3–01; 8:45 am]

BILLING CODE 4910–00–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 921; ATF 0 1130.10]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 25, Beer

To: All Bureau Supervisors

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officials and prescribes the subordinate ATF officials with whom persons file documents which are not ATF forms.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to beer. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. *Cancellation.* ATF O 1100.99B, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 25, Beer, is cancelled.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120–01 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701–9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR Part 25 to subordinate officials. Also, this ATF order prescribes the subordinate officials with whom applications, notices, and reports required by 27 CFR Part 25, which are not ATF forms, are filed. The attached table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officials. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order has been attached.

5. *Questions.* If you have questions about this ATF order, contact the Regulations Division (202–927–8210).

Bradley A. Buckles,

Director.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

Regulatory section	Officers authorized to act or to receive document
§ 25.3(a)	Chief, Regulations Division.
§ 25.22	Director of Industry Operations.
§ 25.23(b)	Chief, Regulations Division.
§ 25.23(c)	Section Chief, National Revenue Center (NRC), upon recommendation of Area Supervisor.
§ 25.24(a)(7)	Area Supervisor.
§ 25.25(a)	Section Chief, NRC, upon recommendation of Area Supervisor.
§ 25.31	Inspector, Specialist or Special Agent.
§ 25.42(a)	Inspector, Specialist or Special Agent.
§ 25.42(c)	Area Supervisor.
§ 25.51	Inspector, Specialist and Special Agent to inspect. Area Supervisor to assign officers.
§ 25.52(a)(1), (3), (4) and (5)	Chief, Regulations Division. If alternate method or procedure does not affect an ATF approved formula, or import or export recordkeeping, Chief, NRC, may act upon the same method or procedure that has been approved by the Chief, Regulations Division.
§ 25.52(a)(2)	Chief, Regulations Division.
§ 25.52(b)(1)	Area Supervisor.
§ 25.52(b)(2) and (3)	Director of Industry Operations.
§ 25.52(d)	For alternate method or procedure, Chief, Regulations Division. If alternate method or procedure does not affect an ATF approved formula, or import or export recordkeeping, Chief, NRC, may act upon the same method or procedure that has been approved by the Chief, Regulations Division. For emergency variation, Director of Industry Operations.
§ 25.61(a)	Section Chief, NRC, upon recommendation of Area Supervisor.
§ 25.61(c)(1)	Area Supervisor or Unit Supervisor, NRC.
§ 25.63	Section Chief, NRC, upon recommendation of Area Supervisor, to affix the signature of the Director.
§ 25.64	Inspector, Specialist or Special Agent.
§ 25.66(c)	Area Supervisor, Unit Supervisor, NRC, or Technical Section Supervisor.
§ 25.66(d)	Inspector, Specialist or Special Agent.
§ 25.68(b)	Inspector, Specialist or Special Agent.
§ 25.71(a)(2) and (b)(1)	Area Supervisor or Section Chief, NRC.
§ 25.72(b)(2)	Section Chief, NRC.
§ 25.74	Section Chief, NRC.
§ 25.75	Section Chief, NRC, upon recommendation of Area Supervisor.
§ 25.77	For notice (ATF F 5130.10), Section Chief, NRC, upon recommendation of Area Supervisor, to affix the signature of the Director. For bond and consent of surety, Section Chief, NRC.
§ 25.81(c)	Area Supervisor.
§ 25.81(e)	Area Supervisor.
§ 25.85	Section Chief, NRC, upon recommendation of the Area Supervisor, to affix the signature of the Director.
§ 25.91(c) and (d)	Section Chief, NRC.
§ 25.95	Section Chief, NRC.
§ 25.96	Section Chief, NRC.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS—Continued

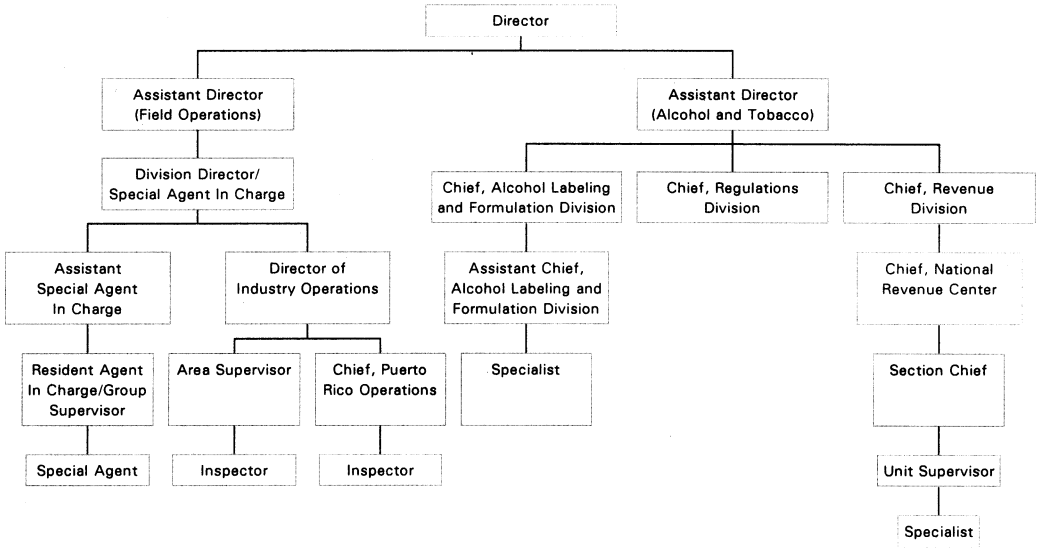
Regulatory section	Officers authorized to act or to receive document
§ 25.101(a)	Section Chief, NRC.
§ 25.101(b)	Assistant Director (Alcohol and Tobacco).
§ 25.103	Section Chief, NRC.
§ 25.104	Section Chief, NRC.
§ 25.105	Section Chief, NRC.
§ 25.114(a)	Section Chief, NRC.
§ 25.127	Inspector, Specialist or Special Agent.
§ 25.141(b)(2)	Inspector, Specialist or Special Agent to make determination. Chief, Alcohol Labeling and Formulation Branch to receive notice.
§ 25.142(b)(2)	Inspector, Specialist or Special Agent to make determination. Chief, Alcohol Labeling and Formulation Branch to receive notice.
§ 25.142(c)	Specialist, Alcohol Labeling and Formulation Division.
§ 25.144(b)	Area Supervisor.
§ 25.152(a)	Section Chief, NRC.
§ 25.155	Specialist, Alcohol Labeling and Formulation Division.
§ 25.158(c)	Section Chief, NRC.
§ 25.165(b)(1) and (3), and (e)	Section Chief, NRC.
§ 25.167(a)	Section Chief, NRC.
§ 25.173(a)	Section Chief, NRC.
§ 25.182	Area Supervisor.
§ 25.184(d)	Area Supervisor.
§ 25.196(b)	Area Supervisor.
§ 25.213(b)	Area Supervisor.
§ 25.213(c)	Inspector, Specialist or Special Agent.
§ 25.222(a) and (b)	Area Supervisor.
§ 25.223(a)	Area Supervisor.
§ 25.223(b)	Area Supervisor to require ATF officer to verify, to delay destruction and to impose conditions. Inspector, Specialist and Special Agent to verify.
§ 25.225(b)(2)	Area Supervisor.
§ 25.251(c)	Inspector, Specialist or Special Agent.
§ 25.252(c)	Inspector, Specialist or Special Agent.
§ 25.272(a)	Section Chief, NRC.
§ 25.272(b)	Area Supervisor or Unit Supervisor, NRC.
§ 25.272(c), (d) and (e)	Section Chief, NRC, upon recommendation of Area Supervisor.
§ 25.273	Section Chief, NRC, upon recommendation of Area Supervisor, to approve application. Inspector, Specialist or Special Agent to inspect.
§ 25.274(a)	Section Chief, NRC.
§ 25.276(c)	Area Supervisor to prescribe records. Inspector, Specialist or Special Agent to inspect.
§ 25.277	Section Chief, NRC.
§ 25.281(c)	Unit Supervisor, NRC.
§ 25.282(b)	Unit Supervisor, NRC.
§ 25.282(c)	Area Supervisor or Unit Supervisor, NRC.
§ 25.282(d)	Unit Supervisor, NRC.
§ 25.282(e)	Area Supervisor.
§ 25.282(f)	Area Supervisor or Unit Supervisor, NRC.
§ 25.283(d)	Area Supervisor or Unit Supervisor, NRC.
§ 25.284(b)	Area Supervisor.
§ 25.284(d)	Unit Supervisor, NRC.
§ 25.291(c)(2)(ii)	Inspector, Specialist or Special Agent.
§ 25.291(d)(3)	Area Supervisor.
§ 25.294(c)	Inspector, Specialist or Special Agent.
§ 25.297(b)(4)	Area Supervisor or Unit Supervisor, NRC.
§ 25.300(a)	Inspector, Specialist or Special Agent.
§ 25.300(c)	Director of Industry Operations.
§ 25.300(d)(3)	Inspector, Specialist or Special Agent 2.

BILLING CODE 5810–31–P

ATF O 1130.10

Table of Authorities, Documents to Be Filed, and Authorized Officials

ATF Organization



This is not a complete organizational chart of ATF

[FR Doc. 01–16815 Filed 7–3–01; 8:45 am]

BILLING CODE 5810–31–C

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 922; ATF 0 1130.9]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Parts 20, 21 and 22

To: All Bureau Supervisors.

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officials and prescribes the subordinate ATF officials with whom persons file documents which are not ATF forms.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to distilled spirits plants. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. *Cancellation.* ATF O 1100.67D, Delegation Order—Delegation to the Comptroller of Authorities of the Director in 27 CFR Part 20, Distribution and Use of Denatured Alcohol and Rum, ATF O 1100.91C, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 20, Distribution and Use of Denatured Alcohol and Rum, ATF O 1100.90A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 21, Formulas for Denatured Alcohol and Rum, and ATF O 1100.87B, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 22, Distribution and Use of Tax-Free Alcohol, are canceled.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120–01 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701–9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR Parts 20, 21 and 22 to subordinate officials. Also, this ATF order prescribes the subordinate officials with whom applications, notices, and reports required by 27 CFR Parts 20, 21 and 22, which are not ATF forms, are filed. The attached table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officials. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order has been attached.

5. *Questions.* If you have questions about this ATF order, contact the Regulations Division (202–927–8210).

Bradley A. Buckles,

Director.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

Regulatory section	Officer(s) authorized to act or receive document
20.11—Bulk Conveyance	Chief, National Revenue Center (NRC), to approve othercontainers for bulk quantities upon recommendation of Area Supervisor or Chief, Puerto Rico Operations.
20.21(a)	Chief, Regulations Division.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS—Continued

Regulatory section	Officer(s) authorized to act or receive document
20.22(a)	Chief, Regulations Division. If the alternate method does not affect an ATF approved formula, or import or export recordkeeping, Chief, NRC, may act upon the same alternate method that has been approved by the Chief,Regulations Division.
20.22(b)	Director of Industry Operations.
20.22(c)	Chief, Regulations Division, to withdraw an alternate procedure or method or Director of Industry Operations to withdraw an emergency variation.
20.23	Chief, Nonbeverage Products Sections.
20.24	Section Chief, NRC, to act on claims of more than $5,000 of tax.
20.24	Unit Supervisor, NRC, to notify claimant of $5,000 or less of tax.
20.25	Unit Supervisor, NRC, (by affixing the signature of the Director) upon the recommendation of the Area Supervisor for a permit other than in Puerto Rico.
20.25	Chief, Puerto Rico Operations (by affixing the signature of the Director) for a permit in Puerto Rico.
20.26	Chief, Puerto Rico Operations, or Unit Supervisor, NRC.
20.27	Inspector, Specialist or Special Agent.
20.28(a)	Inspector, Specialist or Special Agent.
20.28(b)	Director of Industry Operations.
20.37	Inspector, Specialist or Special Agent.
20.40(c)	Inspector, Specialist or Special Agent.
20.41(c)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.42 (a)(11)	Chief, Puerto Rico Operations, Area Supervisor, or UnitSupervisor, NRC.
20.42(b)	Chief, Puerto Rico Operations, or Unit Supervisor, NRC.
20.43(a)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.44	Director of Industry Operations.
20.45(c)(1)	Area Supervisor, Chief, Puerto Rico Operations, or UnitSupervisor, NRC.
20.47(c)	Inspector, Specialist or Special Agent.
20.48(b) and (c)	Chief, Nonbeverage Products Section, to approve formulas and statements of process.
20.48(b)	Unit Supervisor, NRC, (by affixing the signature of the Director) upon the recommendation of the Area Supervisor for a permit other than in Puerto Rico, or Chief, PuertoRico Operations.
20.48(b)	Chief, Puerto Rico Operations (by affixing the signature of the Director) for a permit in Puerto Rico.
20.50	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.51	Director of Industry Operations.
20.56(a)(1)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.56(b) and (c)(1)	Unit Supervisor, NRC, Area Supervisor or Chief, Puerto Rico Operations.
20.56(c)(3)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.57(b)(1) and (2)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.60	Unit Supervisor, NRC, (by affixing the signature of the Director) upon the recommendation of the Area Supervisor for a permit other than in Puerto Rico, or Chief, Puerto Rico Operations.
20.60	Chief, Puerto Rico Operations (by affixing the signature of the Director) for a permit in Puerto Rico.
20.61	Unit Supervisor, NRC, (by affixing the signature of the Director) upon the recommendation of the Area Supervisor for a permit other than in Puerto Rico, or Chief, Puerto Rico Operations.
20.61	Chief, Puerto Rico Operations (by affixing the signature of the Director) for a permit in Puerto Rico.
20.62(a)	Unit Supervisor, NRC, (by affixing the signature of the Director) upon the recommendation of the Area Supervisor for a permit other than in Puerto Rico, or Chief, Puerto Rico Operations.
20.62(a)	Chief, Puerto Rico Operations (by affixing the signature of the Director) for a permit in Puerto Rico.
20.63(a)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.64	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.68(a)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.72(b)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.74	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.79	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.80	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.82	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.91(a)	Chief, Regulations Division.
20.91(c)	Chief, Nonbeverage Products Section.
20.92 (a) & (b)	Chief, Nonbeverage Products Section.
20.92(c)	Chief, Nonbeverage Products Section, Chief, Puerto Rico Operations, and Area Supervisor.
20.100	Chief, Nonbeverage Products Section.
20.103	Chief, Nonbeverage Products Section.
20.111	Chief, Regulations Division.
20.117(d)(2)(iv)	Inspector, Specialist or Special Agent.
20.117(d)(2)(v)	Chief, Puerto Rico Operations, and Area Supervisor.
20.132(c)	Director of Industry Operations.
20.133	Director of Industry Operations.
20.134(b)(1)(ii)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.134(c)	Area Supervisor or Chief, Puerto Rico Operations.
20.134(c)	Chief, Puerto Rico Operations.
20.144	Chief, Regulations Division.
20.147(b)	Chief, Nonbeverage Products Section.
20.161(c)(3)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.163(c)(2)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.164(e)	Area Supervisor or Chief, Puerto Rico Operations.
20.166	Inspector, Specialist or Special Agent.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS—Continued

Regulatory section	Officer(s) authorized to act or receive document
20.170	Inspector, Specialist or Special Agent.
20.178(c)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.181(a)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.190	Area Supervisor or Chief, Puerto Rico Operations.
20.202(a)	Area Supervisor or Chief, Puerto Rico Operations.
20.204(b)	Area Supervisor or Chief, Puerto Rico Operations.
20.205(f)	Area Supervisor, Chief, Puerto Rico Operations, or Unit Supervisor, NRC.
20.211(b)	Chief, Nonbeverage Products Section.
20.213(a)	Area Supervisor or Chief, Puerto Rico Operations.
20.213(b)	Director of Industry Operations to require supervision.
20.213(b)	Inspector, Specialist or Special Agent to supervise redenaturation.
20.234(b)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.235(c)	Area Supervisor or Chief, Puerto Rico Operations.
20.244	Area Supervisor or Chief, Puerto Rico Operations.
20.245	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.246	Area Supervisor or Chief, Puerto Rico Operations.
20.252(a)	Unit Supervisor, NRC, or Chief, Puerto Rico Operations.
20.252(b)	Chief, Puerto Rico Operations, or Unit Supervisor, NRC.
20.261	Area Supervisor or Chief, Puerto Rico Operations to request records.
20.261	Inspector, Specialist or Special Agent to verify and trace records and to determine compliance.
20.262(c)	Inspector, Specialist or Special Agent.
20.262(d)	Area Supervisor, Chief, Puerto Rico Operations or Unit Supervisor, NRC.
20.263(c)	Inspector, Specialist or Special Agent.
20.263(d)	Area Supervisor, Chief, Puerto Rico Operations or Unit Supervisor, NRC.
20.265(a)	Inspector, Specialist or Special Agent.
20.265(b)	Area Supervisor upon recommendation of Unit Supervisor,NRC.
20.265(b)	Chief, Puerto Rico Operations.
20.267(a)	Inspector, Specialist or Special Agent to inspect records and reports.
20.267(a)	Director of Industry Operations to require additional 3 years for records and reports.
20.267(c)	Inspector, Specialist or Special Agent.
21.2(a)	Chief, Regulations Division.
21.3(b)	Chief, Nonbeverage Products Section.
21.3(c)	Area Supervisor or Chief, Puerto Rico Operations.
21.3(d)	Chief, Regulations Division.
21.5	Chief, Regulations Division.
21.21(b) and (c)	Chief, Nonbeverage Products Section.
21.31(b)	Chief, Regulations Division.
21.31(c)	Chief, Nonbeverage Products Section.
21.33(c)	Chief, Nonbeverage Products Section.
21.34(c)	Chief, Nonbeverage Products Section.
21.56(a)	Chief, Nonbeverage Products Section.
21.65(a)	Chief, Nonbeverage Products Section.
21.91	Chief, Nonbeverage Products Section.
21.141 footnote 1	Chief, Nonbeverage Products Section.
22.21(a)	Chief, Regulations Division.
22.22(a)	Chief, Regulations Division. If the alternate method does not affect an ATF approved formula, or import or export recordkeeping, Chief, NRC, may act upon the same alternate method that has been approved by the Chief, Regulations Division.
22.22(b)	Director of Industry Operations.
22.22(c)	Chief, Regulations Division, to withdraw alternate method or procedure or Director of Industry Operations to withdraw emergency variation.
22.23	Section Chief, NRC, to act on claims of more than $5,000 of tax by affixing the signature of the Director.
22.23	Unit Supervisor, NRC, to notify claimant of $5,000 or less of tax by affixing the signature of the Director.
22.24	Unit Supervisor, NRC, (by affixing the signature of the Director) upon the recommendations of the Area Supervisor for a permit other than in Puerto Rico.
22.24	Chief, Puerto Rico Operations (by affixing the signature of the Director) for a permit in Puerto Rico.
22.25	Unit Supervisor, NRC.
22.26	Inspector, Special Agent or Specialist.
22.27(a)	Inspector, Special Agent or Specialist.
22.27(b)	Director of Industry Operations.
22.36	Inspector, Special Agent or Specialist.
22.39(c)	Inspector, Special Agent or Specialist.
22.41(b)	Unit Supervisor, NRC.
22.42(a)(11)	Area Supervisor or Unit Supervisor, NRC.
22.42(b)	Unit Supervisor, NRC.
22.43	Unit Supervisor, NRC.
22.44	Director of Industry Operations.
22.45(c)(1)	Area Supervisor or Unit Supervisor, NRC.
22.50	Unit Supervisor, NRC.
22.51	Director of Industry Operations.
22.57(a)	Unit Supervisor, NRC.
22.57(b) and (c)(1)	Area Supervisor or Unit Supervisor, NRC.

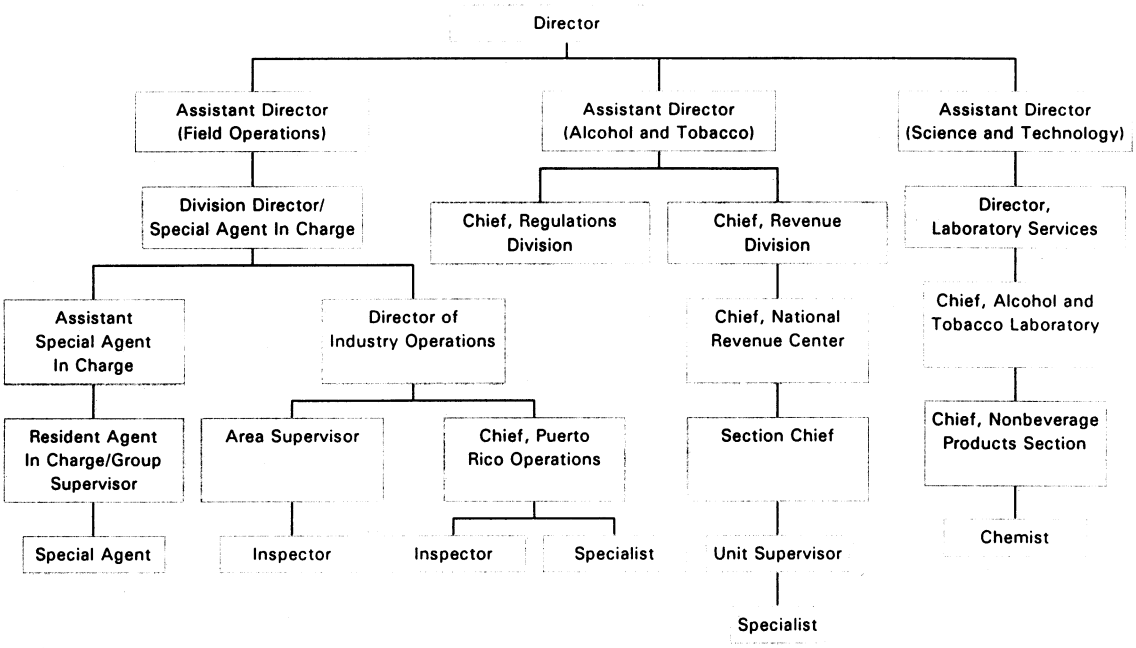
TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS—Continued

Regulatory section	Officer(s) authorized to act or receive document
22.57(c)(3)	Unit Supervisor, NRC.
22.58(b)(1) and (b)(2)	Unit Supervisor, NRC.
22.61	Unit Supervisor, NRC upon the recommendation of the Area Supervisor.
22.62	Unit Supervisor, NRC upon the recommendation of the Area Supervisor.
22.63(a)	Unit Supervisor, NRC upon the recommendation of the Area Supervisor.
22.64	Unit Supervisor, NRC.
22.68(a)	Unit Supervisor, NRC.
22.72(b)	Area Supervisor or Unit Supervisor, NRC.
22.74	Area Supervisor or Unit Supervisor, NRC.
22.79	Area Supervisor or Unit Supervisor, NRC.
22.80	Unit Supervisor, NRC.
22.82	Unit Supervisor, NRC.
22.102(c)	Unit Supervisor, NRC upon the recommendation of the Area Supervisor.
22.103	Unit Supervisor, NRC upon the recommendation of the Area Supervisor.
20.111(c)(3)	Unit Supervisor, NRC upon the recommendation of the Area Supervisor.
22.113(a)(1)	Area Supervisor.
22.113(c)	Inspector, Special Agent or Specialist.
22.122(a)	Area Supervisor.
22.124(b)	Area Supervisor.
22.125(c)	Area Supervisor or Unit Supervisor, NRC.
22.142(a)(1)	Area Supervisor to receive notice.
22.142(a)(2)	Inspector, Special agent or Specialist on premises to supervise or to transmit notice to Area Supervisor.
22.142(c)	Inspector, Special Agent or Specialist to supervise or Area Supervisor to advise permittee.
22.142(d)	Inspector, Special Agent or Specialist.
22.152(a)	Area Supervisor.
22.154(b)(3)	Unit Supervisor, NRC.
22.155(a)	Area Supervisor.
22.161(a) and (d)	Inspector, Special Agent or Specialist.
22.162	Unit Supervisor, NRC.
22.164(a)	Director of Industry Operations.
22.171(a)	Unit Supervisor, NRC.
22.174	Area Supervisor.
22.175	Unit Supervisor, NRC.
22.176	Chief, Regulations Division.

BILLING CODE 4810–31–P

ATF Organization

ATF O 1130.9



This is not a complete organizational chart of ATF.

[FR Doc. 01–16816 Filed 7–3–01; 8:45 am]

BILLING CODE 4810–31–C

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0255]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine the applicant's eligibility to apply for VA benefits in conjunction with Social Security benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0255'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 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. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Dependency and Indemnity Compensation or Death Pension (Including Accrued Benefits and Death Compensation Where Applicable) From the Department of Veterans Affairs, (Supplement to Social Security Application Forms SSA–4, 5, 7 and 10), VA Form 21–4182.

OMB Control Number: 2900–0255.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to determine the applicant's eligibility for accrued, dependency and indemnity compensation, death compensation and/or death pension benefits when applying for Social Security benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 14,000.

Dated: June 18, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16827 Filed 7–3–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0118]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8015, FAX (202) 273–5981 or *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0118.''

SUPPLEMENTARY INFORMATION: *Title:* Transfer of Scholastic Credit (Schools), VA Form Letter 22–315.

OMB Control Number: 2900–0118.

Type of Review: Extension of a currently approved collection.

Abstract: When a student receiving VA education benefits is enrolled at two training institutions, the institution at which the student pursues his or her approved program of education must verify that courses pursued at a second or supplemental institution will be accepted at full credit toward the student's course objective. Educational payment for courses pursued at the second institution are not payable unless evidence is received to verify that the student is pursuing his or her approved program while enrolled in these courses. VA Form Letter 22–315 serves as this certification of acceptance.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 8, 2001, at pages 13999—14000.

Affected Public: State, Local or Tribal Government and Not-for-profit institutions.

Estimated Annual Burden: 3,433 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,600.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0118'' in any correspondence.

Dated: June 18, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16828 Filed 7–3–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0162]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0162.''

SUPPLEMENTARY INFORMATION: *Title:* Monthly Certification of Flight Training, VA Form 22–6553c.

OMB Control Number: 2900–0162.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 22–6553c is used by veterans and individuals on active duty training and reservists to receive benefits for enrolling in and pursuing approved vocational flight training. Benefits are limited to 60 percent of the approved cost of the courses, including solo flight training. Payments are based on the number of hours of flight training completed during each month. Benefits are not payable if the veterans and individuals on active duty or reservists terminate the training.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 16, 2001, at page 19605.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit institutions.

Estimated Annual Burden: 6,050 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,200.

Estimated Annual Responses: 12,100.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0162'' in any correspondence.

Dated: June 18, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16829 Filed 7–3–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday,
July 5, 2001

Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Part 57

Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners; Final Rule and Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

RIN 1219–AB11

Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Final rule; partial delay of effective date; clarification of effective dates; and correction amendments.

SUMMARY: This document gives notice of a delay of the effective date of 30 CFR 57.5066(b) of the final rule addressing ''Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners,'' published in the **Federal Register** on January 19, 2001 (66 FR 5706). The delayed provision concerns tagging equipment for maintenance purposes. This document also clarifies the applicability dates of other final rule provisions and makes corrections to the preamble and regulatory text.

DATES: The final rule as published on January 19, 2001 (66 FR 5706), and delayed on March 15, 2001 (66 FR 15033) and on May 21, 2001 (66 FR 27863), will become effective July 5, 2001 except for § 57.5066(b) which is delayed pending disposition of current litigation challenging the rule.

The corrections in this document are effective July 5, 2001.

MSHA also clarifies that, under the terms of the rule,§ 57.5061, § 57.5062, and § 57.5071, do not apply until § 57.5060 applies. As stated in the final rule published on January 19, 2001, § 57.5060(a) will not apply until after July 19, 2002; and § 57.5060(b) will not apply until after January 19, 2006. Sections 57.5067, 57.5070, and 57.5075 apply insofar as they relate to requirements of the rule that are in effect.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Director; Office of Standards, Regulations, and Variances; MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203–1984. Mr. Meyer can be reached at *meyer-david@msha.gov* (E-mail), 703–235–1910 (Voice), or 703–235–5551 (fax).

SUPPLEMENTARY INFORMATION: On January 19, 2001, MSHA published a final rule addressing the exposure of underground metal and nonmetal miners to diesel particulate matter (66 FR 5706). The rule establishes new health standards for underground metal and nonmetal miners working at mines that use equipment powered by diesel engines. The rule is designed to reduce the risk to these miners of serious health hazards that are associated with exposure to high concentrations of dpm.

The effective date of the rule was listed as March 20, 2001 (66 FR 5706). Section 57.5060 of the rule establishes an interim concentration limit of 400 micrograms of dpm per cubic meter of air to become applicable after July 19, 2002, and a final concentration limit of 160 micrograms of dpm per cubic meter of air to become applicable after January 19, 2006 (66 FR 5706, 5708, 5907). The rule also includes provisions on how the Secretary of Labor determines compliance with the concentration limits (§ 57.5061), what operators must do when they exceed the applicable concentration limit (§ 57.5062), and what operators must do to determine the concentration of dpm in their mines (§ 57.5071). The summary section of the preamble of the rule did not clearly specify the applicable date of these provisions on concentration limits, or of the associated recordkeeping requirements (§ 57.5075).

On January 29, 2001, Anglogold (Jerritt Canyon) Corp. and Kennecott Greens Creek Mining Company filed a petition for review of the rule in the District of Columbia Circuit. On February 7, 2001, the Georgia Mining Association, the National Mining Association, the Salt Institute, and MARG Diesel Coalition filed a similar petition in the Eleventh Circuit. On March 14, 2001, Getchell Gold Corporation petitioned for review of the rule in the District of Columbia Circuit. The three petitions have been consolidated and are pending in the District of Columbia Circuit. The United Steelworkers of America (USWA) has intervened in the Anglogold case.

While these challenges were pending, the Anglogold petitioners filed with MSHA an application for reconsideration and amendment of the final rule and to postpone the effective date of the final rule pending judicial review. The Georgia Mining petitioners similarly filed with MSHA a request for an administrative stay or postponement of the effective date of the rule. On March 15, 2001, MSHA delayed the effective date of the rule until May 21, 2001, in accordance with a January 20, 2001 memorandum from the President's Chief of Staff (66 FR 15032). This delay was necessary to give Department of Labor officials the opportunity for further review and consideration of these new regulations. *Ibid.* On May 21, 2001 (66 FR 27863), MSHA published a notice in the **Federal Register** delaying the effective date of the final rule until July 5, 2001.

After review of the rule, consideration of the applications filed with MSHA, and discussions with the affected parties, MSHA has determined to take the following actions:

I. Delay of Effective Date of 30 CFR 57.5066(b)

MSHA grants the applications insofar as they request a delay of the effective date of 30 CFR 57.5066(b), Maintenance standards, relating to ''tagging'' requirements. See 5 U.S.C. 705 (''When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review''). MSHA has determined that § 57.5066(b) as written, may give rise to confusion and thereby may prove costly to mine operators without effectively furthering the rule's goal of protecting miners from dpm exposure. MSHA believes that a delay of this provision may assist the parties in negotiating an acceptable disposition of the current pending litigation. For these reasons, MSHA hereby delays the effective date of § 57.5066(b). By separate notice published in today's **Federal Register**, MSHA will be initiating rulemaking on this delayed provision.

II. Clarification to the Final Rule Preamble

In the preamble to the final rule, MSHA specified under the ''dates'' caption that § 57.5060(a), addressing the interim concentration limit of diesel particulate matter, will not apply until after July 19, 2002, and that § 57.5060(b), addressing the final concentration limit of diesel particulate matter, will not apply until after January 19, 2006. MSHA clarifies that the applicable date of § 57.5061, Compliance determinations, § 57.5062, Diesel particulate matter control plan, and § 57.5071, Environmental monitoring, will also apply after July 19, 2002, because these provisions are directly related to § 57.5060(a). Section 57.5067, Engines; § 57.5070, Miner training; and § 57.5075, Diesel particulate records, apply insofar as they relate to the requirements of the rule that are in effect.

III. Corrections to Final Rule Preamble and Regulatory Text of 66 FR 5706

As discussed in the preamble to the final rule (66 FR 5706), proposed paragraph (c) of § 57.5065 would have prohibited idling of mobile diesel powered equipment, except as required for normal mining operations. Although commenters generally agreed with MSHA's statement in the proposed rule,

that this requirement will aid in the reduction of dpm concentrations at the mine, they noted that the total amount of dpm emitted from this single source might have little effect on the levels of dpm in the overall mining environment. They also questioned the need for an idling restriction in light of the proposed concentration limits established in the regulation. Also, a commenter indicated that the provision was not necessary because mine operators, in an effort to comply with the applicable concentration limits, would be forced to institute work rules to this effect anyway. Moreover, as pointed out by commenters, nothing in the regulatory language prohibits operators from voluntarily restricting idling at the mine, eliminating the need to include this provision. The preamble further indicates that although MSHA is deleting this requirement from the final regulation, MSHA recommends as a best practice that mine operators do not allow miners to idle diesel-powered equipment unnecessarily.

After consideration of comments received during the comment period, as well as testimony presented at the public hearings, MSHA decided to delete the idling requirement from the final rule. However, MSHA inadvertently included this requirement in the final regulation. This document corrects this error, as well as other errors made in the preamble at the time of publication. These corrections are effective on July 5, 2001.

Procedural Requirements

MSHA is of the view that these corrections to an inadvertent error in the final rule are not a rule to which the procedural requirements of 5 U.S.C. 553 apply, or the various statutes and executive orders relating to rules apply. If these corrections are a rule, however, notice and comment is not required based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). MSHA finds good cause not to provide further notice and comment in that additional notice and comment is unnecessary and contrary to the public interest because the public was advised in the preamble to the final rule of MSHA's intention to delete the idling requirement from the regulation. Consequently, unnecessary confusion may result if this correction is not made immediately. This document corrects this error, as well as other errors made in the preamble at the time of publication. These corrections are effective on July 5, 2001, the effective date of the final rule.

These corrections contain no paperwork requirements to which the Paperwork Reduction Act applies. In addition, this action, if a rule, is not a ''significant regulatory action'' within the meaning of Executive Order 12866. Furthermore, this action is not a ''major rule'' within the meaning of the Small Business Regulatory Enforcement Fairness Act, or an ''unfunded mandate'' within the meaning of Title II of the Unfunded Mandates Reform Act of 1995. The action also will not have federalism implications within the meaning of Executive Order 13132, and a regulatory flexibility analysis is not required by the Regulatory Flexibility Act. Additionally, in accordance with Executive Order 13211 regarding the energy effects of Federal regulations, MSHA has determined that this action does not have any adverse effects on energy supply, distribution, or use.

Accordingly, MSHA makes the following corrections to the final rule published on January 19, 2001:

I. Printing Errors in the Preamble

The following corrections to the preamble in the **Federal Register** issue of January 19, 2001 (66 FR 5706), are made:

1. On page 5776, columns 7–8, line 7, change ''SMR = 0.86 for taxi drivers (*)'' to ''SMR = 0.86 for taxi drivers''.

2. On page 5776, columns 7–8, line 11, change ''SMR = 1.59 for truck drivers'' to ''SMR = 1.59 for truck drivers (*)''.

3. On page 5776, columns 7–8, line 16, change ''SMR = 1.59 for (*)'' to ''SMR = 1.59 for''.

4. On page 5776, columns 7–8, line 17, change ''railroad work- (*)'' to ''railroad work-''.

5. On page 5776, columns 7–8, line 19, change ''RR = 2.60 for'' to ''RR = 2.60 for (*)''.

6. On page 5776, columns 7–8, line 21, change ''RR = 2.67 for'' to ''RR = 2.67 for (*)''.

7. On page 5776, columns 7–8, line 39, change ''RR = 1.40 for 15'' to ''RR = 1.40 for 15 (*)''.

8. On page 5778, columns 7–8, line 1, change ''SMR = 1.01 for (*)'' to ''SMR = 1.01 for''.

9. On page 5779, columns 9–10, line 22, change ''any occupa- (*)'' to ''any occupa-''.

10. On page 5779, columns 9–10, line 23, change ''tional diesel (*)'' to ''tonal diesel''.

11. On page 5779, columns 9–10, line 24, change ''exposure dur- (*)'' to ''exposure dur-''.

12. On page 5779, columns 9–10, line 25, change ''ing lifetime. (*)'' to ''ing lifetime.''

13. On page 5779, columns 9–10, line 26, change ''OR = 1.56 for'' to ''OR = 1.56 for (*)''.

14. On page 5779, columns 9–10, line 31, change ''OR = 2.88 for >'' to ''OR = 2.88 for > (*)''.

15. On page 5779, columns 9–10, line 36, change ''OR = 6.81 for >'' to ''OR = 6.81 for > (*)''.

16. On page 5779, columns 9–10, line 40, change ''OR = 4.30 for >'' to ''OR = 4.30 for > (*)''.

17. On page 5779, columns 9–10, line 52, change ''RR = 1.9 for non- (*)'' to ''RR = 1.9 for non-''.

18. On page 5779, columns 9–10, line 56, change ''RR = 4.5 for non-'' to ''RR = 4.5 for non- (*)''.

19. On page 5781, columns 9–10, line 1, change ''OR = 3.5 for (*) to ''OR = 3.5 for''.

20. On page 5781, columns 9–10, line 3, change ''OR = 1.6 for'' to ''OR = 1.6 for (*)''.

21. On page 5781, columns 9–10, line 19, change ''OR = 1.27 for (*)'' to OR = 1.27 for''.

22. On page 5781, columns 9–10, line 29, change ''OR = 1.89 for'' to ''OR = 1.89 (*)''.

23. On page 5804, in the second table, ''Main Results from Saverin, et al.,'' column 1, line 4, change ''≃ 6.1'' to ''≈6.1''.

24. On page 5806, column 1, first paragraph, line 4, change ''≃6.1'' to ''≈6.1''.

II. Additional Corrections to the Preamble

The following additional corrections to the preamble in the final rule published on January 19, 2001 (66 FR 5706), are made:

1. On page 5718, column 1, second paragraph, line 8, insert a quotation mark after the word ''engines''.

2. On page 5729, column 2, second paragraph, line 14, change ''0.45 mg/^{3}'' to ''0.45 μg/m^{3}''

3. On page 5747, column 2, first paragraph, line 12, delete sentence, ''To further reduce miners' exposure to diesel exhaust, the final rule prohibits operators from unnecessary idling diesel-powered equipment.''

4. On page 5755, change the title of the figure from ''Figure 1'' to ''Figure III–1''.

5. On page 5757, change the title of the figure from ''Figure 2'' to ''Figure III–2''.

6. On page 5760, change the title from ''Figure 3'' to ''Figure III–3''.

7. On page 5778, Footnote (a), change ''[a] RR = Relative Risk; SMR =

Standardized Mortality Ratio. Values greater than 1.0 indicate excess prevalence of lung cancer associated with diesel exposure.'' to ''[a] RR = Relative Risk; SMR = Standardized Mortality Ratio; SMOR = Standardized Mortality Odds Ratio. Values greater than 1.0 indicate excess prevalence of lung cancer associated with diesel exposure.''

8. On page 5827, change the title of the figure from ''Figure'' to ''Figure III–5''.

9. On page 5827, at the end of the figure caption insert ''(Cohen and Higgins, 1995)''.

10. On page 5828, change title of the figure from ''Figure'' to ''Figure III–6''.

11. On page 5860, column 1, third paragraph, line 10, delete the phrase, ''limits on unnecessary idling of diesel engines,''

12. On page 5871, column 1, first paragraph, delete the following sentence: ''As noted in Part II, the necessary sampling equipment is commercially available.''

13. On page 5874, column 3, second paragraph, change ''§ 57.5021'' to read ''§ 57.5065''.

14. On page 5886, column 1, lines 6 and 7, remove ''3/4''.

15. On page 5887, column 3, second paragraph, line 7, change ''$17.8 billion'' to ''$10.5 billion''.

16. On page 5887, column 3, second paragraph, line 9, change ''22.2 billion'' to ''29.5 billion''.

17. On page, 5887, column 3, second paragraph, line 11, change ''$8 billion'' to ''$15.3 billion''.

18. On page 5887, column 3, Footnote 7, replace ''U.S. Department of Energy, Energy Information Administration, Annual Energy Review 1998, July 1999, pp. 3, 6, 142, 158, and 160,'' with ''U.S. Department of the Interior, U.S. Geological Survey, Mineral Commodity Summaries 1999, pp. 6, 146, 148, 162, and 164.''

19. On page 5890, column 1, fifth paragraph, line 9, delete the word ''proposed''.

20. On page 5890, column 2, fourth paragraph, line 4, change ''number 7).'' to ''number 2(C)).''

21. On page 5890, column 2, fifth paragraph, line 5, change ''1219–AA74'' to ''1219–AB11''.

22. On page 5890, column 3, fourth paragraph, line 4, change ''employees 3/4 those'' to ''employees—those''.

23. On page 5899, column 2, fourth paragraph, line 2, change ''3,571'' to ''6,047.''

24. On page 5899, column 2, fourth paragraph, line 3, change ''$171,926'' to ''$223,982.''

25. On page 5899, column 2, fourth paragraph, line 5, change ''526'' to ''2,929.''

26. On page 5899, column 2, fourth paragraph, line 6, change ''$21,871'' to ''$87,569.''

PART 57—[CORRECTED]

III. Corrections to the Regulatory Text

The following corrections to the regulatory text of 30 CFR Part 57, the final rule published on January 19, 2001, (66 FR 5706), are made:

1. On page 5907, column 1, Table of Contents, correct the entry ''57.5065 Fueling and idling practices.'' to ''57.5065 Fueling practices.''

2. On page 5908, column 3, § 57.5065, correct the section title to read, ''Fueling practices;'' and remove paragraph (c).

Signed at Arlington, VA, this 29th day of June 2001.

Dave D. Lauriski,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 01–16837 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–42–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

RIN 1219–AB28

Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; notice of public hearing; close of record.

SUMMARY: This proposed rule addresses two provisions of the Mine Safety and Health Administration's final rule pertaining to ''Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners,'' published in the **Federal Register** on January 19, 2001 (66 FR 5706, RIN 1219–AB11).[1] The two provisions are § 57.5066(b)(regarding the tagging provision of the Maintenance standard) and § 57.5067(b) (regarding the definition of ''introduced'' in the Engine standard). This proposal gives notice of MSHA's intent to revise these two provisions and requests comments from the mining community.

By this document, the Agency is also announcing its intent to hold a public hearing pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act).

DATES: Comments on the proposed rule must be received on or before August 6, 2001.

The public hearing will be held on August 16, 2001 in Arlington, Virginia.

If individuals or organizations wish to make an oral presentation for the record, submit your request at least 5 days prior to the hearing date. However, you do not have to make a written request to speak. Any unalloted time will be made available for persons making same-day requests.

The rulemaking record will close August 20, 2001.

ADDRESSES: Comments on the proposed rule may be transmitted by electronic mail, fax, or mail. Comments by electronic mail must be clearly identified as such and sent to this e-mail address: *comments@msha.gov.* Comments by fax must be clearly identified as such and sent to: MSHA, Office of Standards, Regulations, and Variances, 703–235–5551. Send comments by mail to: MSHA, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203–1984.

You may use mail, fax or electronic mail to send us your request to make an oral presentation at the public hearing.

The hearing will begin at 9:00 a.m. and will be held at:The U.S. Department of Labor,Mine Safety and Health Administration,7th Floor Conference Room,4015 Wilson Boulevard,Arlington, Va 22203.

This proposed rule is available on MSHA's webpage at *http://www.msha.gov*, under Statutory and Regulatory Information.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Director; Office of Standards, Regulations, and Variances; MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203–1984. Mr. Meyer can be reached at *Meyer-David@msha.gov* (E-mail), 703–235–1910 (Voice), or 703–235–5551 (Fax).

SUPPLEMENTARY INFORMATION:

I. Background

On January 19, 2001 (66 FR 5706), MSHA published a final rule addressing the exposure of underground metal and nonmetal miners to diesel particulate matter (dpm). The final rule establishes new health standards for underground metal and nonmetal miners working at mines that use equipment powered by diesel engines. The rule is designed to reduce the risk to these miners of serious health hazards that are associated with exposure to high concentrations of dpm. The final rule was to become effective on March 20, 2001.

On January 29, 2001, Anglogold (Jerritt Canyon) Corp. and Kennecott Greens Creek Mining Company filed a petition for review of the rule in the District of Columbia Circuit. On February 7, 2001, the Georgia Mining Association, the National Mining Association, the Salt Institute, and MARG Diesel Coalition filed a similar petition in the Eleventh Circuit. On March 14, 2001, Getchell Gold Corporation petitioned for review of the rule in the District of Columbia Circuit. The three petitions have been consolidated and are pending in the District of Columbia Circuit. The United Steelworkers of America (USWA) has intervened in the Anglogold case.

While these challenges were pending, the Anglogold petitioners filed with MSHA an application for reconsideration and amendment of the final rule and to postpone the effective date of the final rule pending judicial review. The Georgia Mining petitioners similarly filed with MSHA a request for an administrative stay or postponement of the effective date of the rule. On March 15, 2001 (66 FR 15033), MSHA delayed the effective date of the final rule until May 21, 2001, in accordance with a January 20, 2001 memorandum from the President's Chief of Staff (66 FR 7702). This delay was necessary to give Department of Labor officials the opportunity for further review and consideration of these new regulations. On May 21, 2001 (66 FR 27863), MSHA published a document in the **Federal Register** delaying the effective date of the final rule until July 5, 2001.

Elsewhere in this issue of the **Federal Register**, MSHA is publishing a final rule addressing the exposure of underground metal and nonmetal miners to diesel particulate matter. In the same **Federal Register** document, MSHA also delayed the effective date of one provision of the final rule, § 57.5066(b) (regarding the tagging provision of the Maintenance standard) because MSHA believes it needs further clarification, and that the affected mining public could benefit from further dialogue. MSHA believes that this dialogue will both clarify the delayed provision and help ensure that it is effectively implemented, thus providing improved health protection for miners. MSHA also believes that the delay of the effective date of this provision will assist the parties in negotiating an acceptable disposition of the current pending litigation.

This proposed rule also has been developed to revise the language of § 57.5066(b) (regarding the tagging provision of the Maintenance standard) and to add a new paragraph (b)(3) to § 57.5067(b) (regarding the definition of the term ''introduced'' in the Engine standard) of MSHA's final rule addressing the exposure of underground metal and nonmetal miners to diesel particulate matter.

MSHA believes that the issues surrounding the two provisions need further input from the public. MSHA will consider all comments on the delayed provision and on the issue of ''introduced'' currently within the rulemaking record to the January 2001 final rule, as well as any other comments received on this proposed rule. Commenters are encouraged to submit their comments on or before August 6, 2001. Your comments will become a part of the official rulemaking record. Interested persons are encouraged to supplement written comments with computer files or disks; please contact MSHA with any questions about format.

[1] On March 15, 2001, the effective date of the final rule was extended to May 21, 2001 (66 FR 15033). On May 21, 2001, the effective date was further extended until July 5, 2001 (66 FR 27863). On July 5, 2001, MSHA delayed the effective date of § 57.5066(b) (66 FR (to be added by the FR)).

II. Proposed Rule

A. Section 57.5066(b) (Tagging Provision of Maintenance Standards)

Paragraph (b)(1) of § 57.5066(b) as published on January 19, 2001, requires the operators of underground metal and nonmetal mines to authorize and require miners who operate diesel-powered equipment to affix a visible and dated tag to the equipment at any time the equipment operator notes any evidence that the equipment may require maintenance. Paragraph (b)(2) requires the mine operator to make certain that the tagged equipment be ''promptly'' examined by a person authorized by the mine operator to maintain diesel equipment, and prohibits removal of the tag until after the examination is completed. Paragraph (b)(3) requires that a log be retained of all equipment tagged. This provision specifically lists the information that mine operators must include in the log.

MSHA proposes to revise § 57.5066(b)(1) of the final rule to require that a mine operator authorize each miner who operates diesel-powered equipment underground to affix a visible and dated tag to the equipment when the miner notes evidence that the equipment may require maintenance.

MSHA is proposing to clarify the term ''evidence'' to mean ''visible smoke or odor that is unusual for that piece of equipment under normal operating procedures, or obvious or visible defects in the exhaust emissions control system or in the engine affecting emissions''.

Proposed paragraph (b)(2) would require that a mine operator ensure that any equipment tagged pursuant to this section is promptly examined by a person authorized by the mine operator to maintain diesel equipment, and that the affixed tag not be removed until after the examination has been completed. MSHA is proposing that the term ''promptly'' means before the end of the next shift during which a qualified mechanic is scheduled to work.

No change is proposed to the language in paragraph(b)(3).

B. Section 57.5067(b)(3) (Definition of ''Introduced'' in the Engine Provision)

Paragraph (a) of § 57.5067 of the final rule requires that any diesel engines added to the fleet of an underground metal or nonmetal mine in the future be either engines approved by MSHA under 30 CFR Part 7 or 30 CFR Part 36 or engines that meet or exceed the applicable dpm emission requirements of the EPA. Diesel engines used in ambulances and firefighting equipment are specifically exempted in the final rule from this provision. Only engines approved by MSHA as permissible can be used in areas of the mine where permissible diesel equipment is required. The composition of the existing fleet in an underground metal and nonmetal mine is not impacted by the final rule. However, after the final rule's effective date, any engine introduced into the underground areas of the mine must be either MSHA approved or meet the applicable EPA requirements.

Paragraph (b)(1) of § 57.5067 of the final rule defines the term ''introduced'' to mean any engine added to the underground inventory of engines of the mine in question, including an engine in newly purchased equipment; an engine in used equipment brought into the mine; and a replacement engine that has a different serial number than the engine it is replacing. MSHA did not intend, however, for this provision to require a mine operator who moves diesel-powered equipment from one underground mine to another underground mine operated by the same mine operator to obtain MSHA approval for the diesel engine pursuant to 30 CFR part 7 or 30 CFR part 36, or meet or exceed the applicable dpm emission requirements of the EPA that are incorporated in paragraph (a) of § 57.5067.

MSHA proposes no change to paragraph (b)(2).

Accordingly, MSHA proposes to add paragraph (b)(3) to § 57.5067 to clarify that a mine operator operating more than one underground mine may move a piece of diesel-powered equipment from one underground mine to another underground mine even though each underground mine operated by that same operator has a different mine identification number.

III. Impact Analyses

A. Cost and Benefits: Executive Order 12866

There are no costs associated with this proposed rule. The costs shown in the Preliminary Regulatory Economic Analysis (PREA) were taken directly from the Regulatory Economic Analysis (REA) that supported the dpm final rule. These costs are repeated in the PREA in order to give a detailed account of the provisions as they were discussed in the REA that supported the dpm final rule. Because the costs in the PREA have already been accounted for in the REA that supported the dpm final rule, the PREA introduces no new or additional costs.

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of intended regulations. MSHA determined that the DPM final rule (including the two provisions in the PREA) was not economically significant but was a significant regulatory action under Executive Order 12866.

B. Regulatory Flexibility Certification

The Regulatory Flexibility Act (RFA) requires regulatory agencies to consider a rule's economic impact on small entities. Under the RFA, MSHA must use the Small Business Administration's (SBA's) criterion for a small entity in determining a rule's economic impact unless, after consultation with the SBA Office of Advocacy, MSHA establishes an alternative definition for a small mine and publishes that definition in the **Federal Register** for notice and comment. For the mining industry, SBA defines ''small'' as a mine with 500 or fewer workers. MSHA traditionally has considered small mines to be those with fewer than 20 workers. To ensure that the final rule conforms with the RFA, MSHA has analyzed the economic impact of the final rule on mines with 500 or fewer workers (as well as on those with fewer than 20 workers). MSHA has concluded that the proposed rule would not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

For purposes of the Unfunded Mandates Reform Act of 1995, the proposed rule does not include any Federal mandate that may result in increased expenditures by State, local, or tribal governments, or increased expenditures by the private sector of more than $100 million.

D. Paperwork Reduction Act of 1995 (PRA)

The proposed rule would impose no new or additional burden hours or related costs. Burden hours and related costs shown in the PREA were taken from the REA that supported the dpm final rule. These burden hours and costs were presented in the PREA in order to give a detailed account of the two provisions.

E. National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 requires each Federal agency to consider the environmental effects of proposed actions and to prepare an Environmental Impact Statement on major actions significantly affecting the quality of the environment. MSHA has

reviewed the proposed rule in accordance with NEPA requirements (42 U.S.C. 4321 *et seq.*), the regulations of the Council of Environmental Quality (40 CFR part 1500), and the Department of Labor's NEPA procedures (29 CFR part 11). As a result of this review, MSHA has determined that this rule will have no significant environmental impact.

F. Executive Order 12630

This proposed rule is not subject to Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

G. Executive Order 13045 Protection of Children From Environmental Health Risks

In accordance with Executive Order 13045, MSHA has evaluated the environmental health and safety effects of the proposed rule on children. MSHA has determined that the rule will not have an adverse impact on children.

H. Executive Order 12988 (Civil Justice)

MSHA has reviewed Executive Order 12988, Civil Justice Reform, and determined that the proposed rule will not unduly burden the Federal court system. The rule has been written so as to provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

I. Executive Order 13084 Consultation and Coordination With Indian Tribal Governments

MSHA certifies that the proposed rule will not impose substantial direct compliance costs on Indian tribal governments.

J. Executive Order 13132 (Federalism)

MSHA has reviewed the proposed rule in accordance withExecutive Order 13132 regarding federalism and has determined that it does not have ''federalism implications.'' The proposed rule does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

K. Executive Order 13211 (Energy)

MSHA has reviewed this proposed rule in accordance with Executive Order 13211 regarding the energy effects of Federal regulations and has determined that this proposed rule does not have any adverse effects on energy supply, distribution, or use. Therefore, no reasonable alternatives to this action are necessary.

IV. Conduct of Public Hearing

The hearing will be conducted in an informal manner. Although formal rules of evidence or cross examination will not apply, the presiding official may exercise discretion to ensure the orderly progress of the hearing and may exclude irrelevant or unduly repetitious material and questions.

The hearing will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. The hearing panel may ask questions of speakers. At the discretion of the presiding official, the time allocated to speakers for their presentation may be limited.

A verbatim transcript of the proceeding will be prepared and made a part of the rulemaking record. Copies of the transcript will be available to the public. The transcript will also be available on MSHA's webpage at *http://www.msha.gov,* under Statutory and Regulatory Information.

MSHA will accept additional written comments and other appropriate data for the record from any interested party, including those not presenting oral statements. Written comments will be included in the rulemaking record.

V. Close of Record

To allow for the submission of post-hearing comments, the rulemaking record will close on August 20, 2001.

List of Subjects in 30 CFR Part 57

Diesel particulate matter, Metal and Nonmetal, Mine Safety and Health, Underground mines.

It is proposed to amend Chapter I of Title 30 as follows:

PART 57—[AMENDED]

1. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

2. Paragraphs (b)(1) and (b)(2) of § 57.5066 are revised to read as follows:

§ 57.5066 Maintenance standards.

* * * * *

(b)(1) A mine operator must authorize each miner operating diesel-powered equipment underground to affix a visible and dated tag to the equipment when the miner notes evidence that the equipment may require maintenance in order to comply with the maintenance standards of paragraph (a) of this section. The term ''evidence'' means visible smoke or odor that is unusual for that piece of equipment under normal operating procedures, or obvious or visible defects in the exhaust emissions control system or in the engine affecting emissions.

(2) A mine operator must ensure that any equipment tagged pursuant to this section is promptly examined by a person authorized to maintain diesel equipment, and that the affixed tag not be removed until the examination has been completed. The term ''promptly'' means before the end of the next shift during which a qualified mechanic is scheduled to work.

* * * * *

3. Section 57.5067 is amended by adding paragraph (b)(3) to read as follows:

§ 57.5067 Engines.

* * * * *

(b) * * *

(3) The term ''introduced'' does not include the transfer of engines or equipment from the inventory of one underground mine to another underground mine operated by the same mine operator.

Signed at Arlington, VA, this 29th day of June, 2001.

Dave D. Lauriski,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 01–16838 Filed 7–3–01; 8:45 am]

BILLING CODE 4510–42–P

Federal Register

Thursday,
July 5, 2001

Part III

The President

Executive Order 13220—Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus

Federal Register
Vol. 66, No. 129
Thursday, July 5, 2001

Presidential Documents

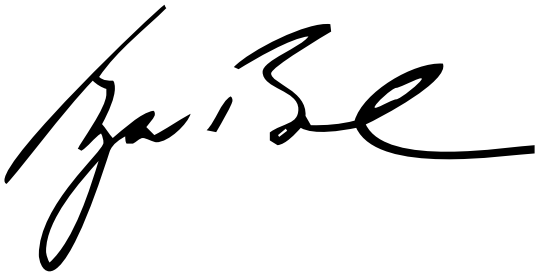
Title 3—

The President

Executive Order 13220 of July 2, 2001

Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus

By the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 402(c)(2) of the Trade Act of 1974, as amended (the ''Act'')(19 U.S.C. 2432(c)(2)), which continues to apply to the Republic of Belarus pursuant to subsection 402(d) of the Act (19 U.S.C. 2432(d)), and having made the report to the Congress required by subsection 402(c)(2), I hereby waive the application of subsections 402(a) and 402(b) of the Act with respect to the Republic of Belarus.



THE WHITE HOUSE,
July 2, 2001.

[FR Doc. 01–17041
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H.R. 1914/P.L. 107–17

To extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. (June 26, 2001; 115 Stat. 151)

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