AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# Federal Register

7–9–01 Monday
Vol. 66 No. 131 July 9, 2001
Pages 35751–35888

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

**The seal of the National Archives and Records Administration authenticates the Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $638, or $697 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $9.00 for each issue, or $9.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

**How To Cite This Publication:** Use the volume number and the page number. Example: 66 FR 12345.

## SUBSCRIPTIONS AND COPIES

| | |
|---|---|
| **PUBLIC** | |
| **Subscriptions:** | |
| Paper or fiche | **202–512–1800** |
| Assistance with public subscriptions | **512–1806** |
| **General online information** | **202–512–1530; 1–888–293–6498** |
| **Single copies/back copies:** | |
| Paper or fiche | **512–1800** |
| Assistance with public single copies | **512–1803** |
| **FEDERAL AGENCIES** | |
| **Subscriptions:** | |
| Paper or fiche | **523–5243** |
| Assistance with Federal agency subscriptions | **523–5243** |

Printed on recycled paper.

# Contents

**Federal Register**

Vol. 66, No. 131

Monday, July 9, 2001

**Agricultural Research Service**
NOTICES
Agency information collection activities:
Proposed collection; comment request, 35770

**Agriculture Department**
*See* Agricultural Research Service
*See* Forest Service
*See* Grain Inspection, Packers and Stockyards Administration

**Army Department**
NOTICES
Meetings:
Science Board, 35777–35778

**Bonneville Power Administration**
NOTICES
Reports and guidance documents; availability, etc.:
Temporary small resource policy; incentive to utility customers to use small resources for portion of electricity needs, 35779–35780

**Census Bureau**
NOTICES
Agency information collection activities:
Proposed collection; comment request, 35771–35772

**Centers for Disease Control and Prevention**
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panels, 35796–35797

**Coast Guard**
RULES
Ports and waterways safety:
Cleveland Harbor, OH; safety zone, 35756–35758
Puget Sound and Strait of Juan De Fuca, WA; Naval Submarine Base Bangor and submarines; security zones, 35758–35760

**Commerce Department**
*See* Census Bureau
*See* Export Administration Bureau
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration
*See* Patent and Trademark Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 35771

**Committee for the Implementation of Textile Agreements**
NOTICES
Export visa requirements; certification, waivers, etc.:
China, 35776–35777
Textile and apparel categories:
African Growth and Opportunity Act and Caribbean Basin Trade Partnership Act; short supply requests—
Micro-denier 30 singles and 36 singles solution dyed staple spun viscose yarns produced on open-ended spindles, 35777

**Defense Department**
*See* Army Department

**Education Department**
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 35778–35779
Grants and cooperative agreements; availability, etc.:
Vocational and adult education—
Tech-Prep Demonstration Program, 35861–35884

**Energy Department**
*See* Bonneville Power Administration
*See* Federal Energy Regulatory Commission
NOTICES
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
Argonne National Laboratory-East, IL, 35779

**Export Administration Bureau**
NOTICES
National Defense Stockpile:
Mica splittings and titanium sponge; potential market impact of proposed increases in stockpile disposals; comment request, 35772–35773

**Export-Import Bank**
NOTICES
Meetings:
Sub-Saharan Africa Advisory Committee, 35791

**Federal Aviation Administration**
NOTICES
Meetings:
Aircraft Repair and Maintenance Advisory Committee, 35824

**Federal Communications Commission**
RULES
Radio stations; table of assignments:
Illinois, 35760–35761
PROPOSED RULES
Common carrier services:
Interstate Telecommunications Relay Service Fund Advisory Council and Administrator; cost recovery guidelines; recommendations, 35765–35767
Radio stations; table of assignments:
Nevada and Oklahoma, 35768–35769
Oklahoma and Texas, 35767–35768
Texas, 35768
NOTICES
Agency information collection activities:
Proposed collection; comment request, 35791–35792
Meetings:
Consumer/Disability Telecommunications Advisory Committee, 35792–35793
Television broadcasting:
Video services—
Multipoint distribution and instructional television fixed services; orthogonal frequency division multiplexing modulation; minimum sub-carrier requirement, 35793

**Federal Deposit Insurance Corporation**
NOTICES
Meetings; Sunshine Act, 35793–35794

**Federal Emergency Management Agency**
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 35794

**Federal Energy Regulatory Commission**
NOTICES
Electric rate and corporate regulation filings:
Xcel Energy Operating Companies et al., 35783–35784
Electric utilities (Federal Power Act):
Open access same-time information system (OASIS) and standards of conduct—
North American Electric Reliability Council; experimental business practice standard, 35784–35785
Hydroelectric applications, 35786–35788
Meetings; Sunshine Act, 35788–35791
*Applications, hearings, determinations, etc.:*
Canyon Creek Compression Co., 35780
Clear Creek Storage Co., L.L.C., 35780–35781
Florida Gas Transmission Co., 35781
GNA Energy, LLC, 35781
Mississippi River Transmission Corp., 35781–35782
Panhandle Eastern Pipe Line Co., 35782
TransColorado Gas Transmission Co., 35782–35783

**Federal Highway Administration**
NOTICES
Environmental statements; notice of intent:
Delaware County, NY, 35824–35825

**Federal Motor Carrier Safety Administration**
NOTICES
Reports and guidance documents; availability, etc.:
Drug test results study; report to Congress; comment request, 35825–35826

**Federal Reserve System**
NOTICES
Banks and bank holding companies:
Change in bank control, 35794–35795
Formations, acquisitions, and mergers, 35795
Permissible nonbanking activities, 35795
Meetings; Sunshine Act, 35795

**Fish and Wildlife Service**
NOTICES
Comprehensive conservation plans; availability, etc.:
Vieques National Wildlife Refuge, PR, 35807

**Food and Drug Administration**
RULES
Animal drugs, feeds, and related products:
Ivermectin and pyrantel pamoate chewable tablets, 35755–35756
Moxidectin, 35756
NOTICES
Reports and guidance documents; availability, etc.:
Clinical studies section of labeling for prescription drugs and biologics; content and format, 35797–35798
Information program on clinical trials for serious or life-threatening diseases; implementation plan, 35798–35799

**Forest Service**
NOTICES
Meetings:
Oregon Coast Provincial Advisory Committee, 35770–35771

**Grain Inspection, Packers and Stockyards Administration**
RULES
Fees:
Official inspection and weighing services, 35751–35755

**Health and Human Services Department**
*See* Centers for Disease Control and Prevention
*See* Food and Drug Administration
*See* Health Resources and Services Administration
*See* National Institutes of Health
*See* Substance Abuse and Mental Health Services Administration
NOTICES
Meetings:
National Human Research Protections Advisory Committee, 35796

**Health Resources and Services Administration**
NOTICES
Agency information collection activities:
Proposed collection; comment request, 35799–35800
Committees; establishment, renewal, termination, etc.:
Child Vaccines Advisory Commission, 35800–35801

**Housing and Urban Development Department**
RULES
Community facilities:
Urban empowerment zones and renewal communities; Round III designation, 35849–35860
HUD-owned properties:
Multifamily projects with HUD-held mortgages, foreclosure sales; and multifamily HUD-owned projects, sales; prohibited purchasers, 35845–35847
NOTICES
Grant and cooperative agreement awards:
Lead Hazard Control programs, 35805–35807

**Interior Department**
*See* Fish and Wildlife Service
*See* Land Management Bureau
*See* Minerals Management Service

**International Trade Administration**
NOTICES
Export trade certificates of review, 35773

**International Trade Commission**
NOTICES
Import investigations:
4-Androstenediol, 35809–35810
EPROM, EEPROM, flash memory, and flash microcontroller semiconductor devices, and products containing same, 35810–35811
Welded large diameter line pipe from—
Japan and Mexico, 35811–35812
Meetings; Sunshine Act, 35812

**Labor Department**
*See* Pension and Welfare Benefits Administration

**Land Management Bureau**
NOTICES
Environmental statements; availability, etc.:
Zortman and Landusky Mines, MT, 35807
Environmental statements; notice of intent:
Umpqua River Basin, Coast Range area, OR; Voluntary Land Exchanges Foundation; land ownership adjustment plan, 35807–35808
Meetings:
Resource Advisory Councils—
Arizona, 35808–35809

**Maritime Administration**
NOTICES
Agency information collection activities:
Proposed collection; comment request, 35826

**Minerals Management Service**
NOTICES
Environmental statements; availability, etc.:
California OCS—
Delineation drilling activities in Federal waters offshore Santa Barbara County, CA; public hearings postponed and public comment period extended, 35809

**National Aeronautics and Space Administration**
NOTICES
Meetings:
Advisory Council
Task forces, 35812–35813
Privacy Act:
Systems of records, 35813

**National Institutes of Health**
NOTICES
Meetings:
National Center for Research Resources, 35801
National Heart, Lung, and Blood Institute, 35801
National Institute of Allergy and Infectious Diseases, 35803
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 35801–35802
National Institute of Mental Health, 35802
National Institute on Alcohol Abuse and Alcoholism, 35802
Scientific Review Center, 35803–35804

**National Oceanic and Atmospheric Administration**
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Pacific Ocean perch, 35761–35762
Caribbean, Gulf, and South Atlantic fisheries—
Gulf of Mexico shrimp, 35761
NOTICES
Agency information collection activities:
Proposed collection; comment request, 35773–35775
Meetings:
New England Fishery Management Council, 35775
Pacific Fishery Management Council, 35775–35776

**Patent and Trademark Office**
PROPOSED RULES
Patent cases:
Utility and plant applications; elimination of continued prosecution application practice, 35763–35765

**Pension and Welfare Benefits Administration**
RULES
Employee Retirement Income Security Act:
Employee benefit plans; claims procedures; applicability date delay, 35885–35888

**Public Health Service**
*See* Centers for Disease Control and Prevention
*See* Food and Drug Administration
*See* Health Resources and Services Administration
*See* National Institutes of Health
*See* Substance Abuse and Mental Health Services Administration

**Securities and Exchange Commission**
RULES
Securities:
Securities transaction information; electronic submission by exchange members, brokers, and dealers, 35835–35843
NOTICES
Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 35817–35822
Options Clearing Corp., 35822–35823
*Applications, hearings, determinations, etc.:*
Public utility holding company filings, 35813–35817

**Small Business Administration**
NOTICES
Disaster loan areas:
Wisconsin, 35823
Interest rates; quarterly determinations, 35823

**State Department**
NOTICES
Art objects; importation for exhibition:
Caspar David Friedrich: Moonwatchers, 35823
Virtue and Beauty: Leonardo's 'Genevra de' Benci' and Renaissance Portraits of Women, 35823–35824

**Substance Abuse and Mental Health Services Administration**
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 35804–35805

**Surface Transportation Board**
NOTICES
Railroad services abandonment:
CSX Transportation, Inc., 35826–35827
Soo Line Railroad Co., 35827–35828

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

**Transportation Department**
*See* Coast Guard
*See* Federal Aviation Administration
*See* Federal Highway Administration
*See* Federal Motor Carrier Safety Administration
*See* Maritime Administration
*See* Surface Transportation Board

**Treasury Department**
**NOTICES**
Agency information collection activities:
Proposed collection; comment request, 35828–35831
Submission for OMB review; comment request, 35831–35833

## Separate Parts In This Issue

**Part II**
Securities and Exchange Commission, 35835–35843

**Part III**
Department of Housing and Urban Development, 35845–35847

**Part IV**
Department of Housing and Urban Development, 35849–35860

**Part V**
Department of Education, 35861–35884

**Part VI**
Department of Labor, Pension and Welfare Benefits Administration, 35885–35888

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

## CFR PARTS AFFECTED IN THIS ISSUE

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

**7 CFR**
800.....35751

**17 CFR**
200.....35836
240.....35836

**21 CFR**
520.....35755
522.....35756

**24 CFR**
27.....35846
290.....35846
598.....35850
599.....35850

**29 CFR**
2560.....35886

**33 CFR**
165 (2 documents) .....35756, 35758

**37 CFR**
**Proposed Rules:**
1.....35763

**47 CFR**
73.....35760
**Proposed Rules:**
64.....35765
73 (3 documents) .....35767, 35768

**50 CFR**
622.....35761
679.....35761

# Rules and Regulations

Federal Register
Vol. 66, No. 131
Monday, July 9, 2001

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

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

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

### 7 CFR Part 800

**[Docket No. FGIS–2001–001b]**

**RIN: 0580–AA75**

### Fees for Official Inspection and Official Weighing Services

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Grain Inspection Service (FGIS) of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is increasing fees by approximately 6.1 percent. Contract and noncontract hourly rates, certain unit rates, and the administrative tonnage fee are increased. These fees apply only to official inspection and weighing services performed in the United States under the United States Grain Standards Act (USGSA), as amended. This fee increase of approximately 6.1 percent is based on the cost-of-living increases utilizing an average of the locality pay adjustments and actual cost of performing official inspection services of 2.4 percent and 3.7 percent in fiscal year (FY) 2000 and FY 2001, respectively. GIPSA anticipates the increase in the user fees will generate approximately $575,000 in additional revenue.

**EFFECTIVE DATE:** August 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** David Orr, Director, Field Management Division, at his E-mail address: *Dorr@gipsadc.usda.gov,* or telephone him at (202) 720–0228.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866, Regulatory Flexibility Act, and the Paperwork Reduction Act**

This rule has been determined to be nonsignificant for the purpose of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Also, pursuant to the requirements set forth in the Regulatory Flexibility Act, it has been determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

GIPSA regularly reviews its user-fee-financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost saving opportunities and implement appropriate changes to reduce costs. However, even with these efforts, GIPSA's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. In FY 1999, GIPSA's operating costs were $23,176,643 with revenue of $22,971,204, resulting in a negative margin of $205,440. In FY 2000, GIPSA's operating costs were $24,146,428 with revenue of $23,150,188 that resulted in a negative margin of $996,240 and a negative reserve balance of $938,147. Using the most recent data available as of April 30, 2001, GIPSA's FY 2001 operating costs were $14,988,809 with revenue of $14,348,665 that resulted in a negative margin of $640,144. The current reserve negative balance of $954,547 continues to remain well below the desired 3-month reserve of approximately $3 million. In addition, GIPSA has revised its tonnage workload projection from 82 million metric tons to 79 million metric tons for FY 2001. This decrease in tonnage will adversely affect revenues. Notwithstanding GIPSA's efforts to contain and reduce costs, it anticipates that operating costs will continue to outpace revenues during FY 2001 and, therefore, additional fee increases are likely in the future.

Employee salaries and benefits are major program costs that account for approximately 84 percent of FGIS's total operating budget. Effective May 1, 2000, GIPSA increased fees as published March 30, 2000, in the **Federal Register** (65 FR 16783), by 2.4 percent. The average Federal salary increase effective January 2000 was 4.8 percent. GIPSA had anticipated that savings could offset the remaining 2.4 percent of the Federal salary increase. GIPSA had anticipated an increase in metric tons inspected and/or weighed which in conjunction with a projected decrease in the number of paid hours could have offset the remaining half of the Federal salary increase. However, there was a 7 percent decrease in metric tons FGIS inspected in FY 2000. This decrease caused a reduction in hours billed. FGIS also experienced a shift from noncontracted service hours to contracted service hours, which caused an increase in nonrevenue productive hours in some locations. These factors were not enough to offset the remaining 2.4 percent Federal salary increases. The salary increase that became effective January 2001 averages 3.7 percent for FGIS employees. This final rule will increase overall program revenues by approximately $575,000.

The fee increase primarily applies to entities engaged in the export of grain. Under the provisions of the USGSA, grain exported from the United States must be officially inspected and weighed. Mandatory inspection and weighing services are provided by GIPSA on a fee basis at 37 export facilities. All of these facilities are owned and managed by multi-national corporations, large cooperatives, or public entities that do not meet the criteria for small entities established by the Small Business Administration.

Some entities that request nonmandatory official inspection and weighing services at other than export locations could be considered small entities. The impact on these small businesses would be to incur an approximate 6.1 percent increase in the cost of official inspection and weighing services. This increase should not significantly affect any business requesting official inspection and weighing services. Furthermore, any of these small businesses that wish to avoid the fee increase may elect to do so by using an alternative source for inspection and weighing services. Such a decision should not prevent the business from marketing its products.

There would be no additional reporting or recordkeeping requirements imposed by this action. In compliance with the Paperwork Reduction Act of

1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements in Part 800 have been previously approved by the Office of Management and Budget under control number 0580–0013. GIPSA has not identified any other Federal rules which may duplicate, overlap, or conflict with this final rule.

**Executive Order 12988**

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have a retroactive effect. The USGSA provides in § 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this final rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this final rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this final rule.

**Background**

On April 4, 2001, GIPSA proposed in the **Federal Register** (66 FR 17817) to increase fees for official inspection and weighing services performed under the USGSA (7 U.S.C. 71 *et seq.*) by approximately 6.1 percent. The USGSA authorizes GIPSA to provide official grain inspection and weighing services and to charge and collect reasonable fees for performing these services. The fees collected are to cover, as nearly as practicable, GIPSA's costs for performing these services, including related administrative and supervisory costs. The current USGSA fees were published in the **Federal Register** on March 30, 2000 (65 FR 16783), and became effective on May 1, 2000.

GIPSA regularly reviews its user-fee-financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost saving opportunities and implement appropriate changes to reduce costs. However, even with these efforts, GIPSA's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. In FY 1999, GIPSA's operating costs were $23,176,643 with revenue of $22,971,204, resulting in a negative margin of $205,440. In FY 2000, GIPSA's operating costs were $24,146,428 with revenue of $23,150,188 that resulted in a negative margin of $996,240 and a negative reserve balance of $938,147. As of April 30, 2001, GIPSA's FY 2001 operating costs were $14,988,809 with revenue of $14,348,665 that resulted in a negative margin of $640,114. The current reserve negative balance of $954,547 continues to be well below the desired 3-month reserve of approximately $3 million.

Employee salaries and benefits are major program costs that account for approximately 84 percent of GIPSA's total operating budget. Effective May 1, 2000, GIPSA increased fees as published March 30, 2000, in the **Federal Register** (65 FR 16783), by 2.4 percent. The average Federal salary increase that became effective January 2000 was 4.8 percent. GIPSA had anticipated that savings could offset the remaining 2.4 percent of the Federal salary increase. GIPSA had anticipated an increase in metric tons inspected and/or weighed which in conjunction with a projected decrease in the number of paid hours could have offset the remaining half of the Federal salary increase. However, there was a 7 percent decrease in metric tons FGIS inspected in FY 2000. This decrease caused a reduction in hours billed. FGIS also experienced a shift from noncontracted service hours to contracted service hours, which caused an increase in nonrevenue productive hours in some locations. These factors were not enough to offset the remaining 2.4 percent Federal salary increases. The salary increase that became effective January 2001 averages 3.7 percent for FGIS employees.

We have reviewed the financial position of our inspection and weighing program based on the increased salary and benefit costs, along with the projected FY 2001 workload of 82 million metric tons. Based on the review, we have concluded that an approximate 6.1 percent increase will have to be recovered at this time through increases in fees.

The current hourly fees are:

| | Monday to Friday (6 a.m. to 6 p.m.) | Monday to Friday (6 p.m. to 6 a.m.) | Saturday, Sunday, and Overtime | Holidays |
|---|---|---|---|---|
| 1-year contract | $25.80 | $28.00 | $36.40 | $43.60 |
| 6-month contract | 28.40 | 30.20 | 38.60 | 50.60 |
| 3-month contract | 32.40 | 33.40 | 42.00 | 52.20 |
| Noncontract | 37.60 | 39.60 | 48.00 | 59.00 |

GIPSA has also identified certain unit fees, for services not performed at an applicant's facility, that contain direct labor costs and would require a fee increase. Further, GIPSA has identified those costs associated with salaries and benefits that are covered by the administrative metric tonnage fee. The 6.1 percent cost-of-living increase to salaries and benefits covered by the administrative tonnage fee results in an overall increase of an average of 6.1 percent to the administrative tonnage fee. Accordingly, GIPSA is increasing certain hourly rates, certain unit rates, and the administrative tonnage fee in 7 CFR 800.71, Table 1-Fees for Official Services Performed at an Applicant's Facility in an Onsite FGIS Laboratory; Table 2-Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory; and Table 3, Miscellaneous Services.

**Comment Review**

GIPSA received one comment during the 30-day comment period from a grain trade association. The trade association stated that it consists of 1,000 grain, feed, processing and grain-related companies, 70 percent of which are small entities. The commenter did not support the proposed rule. A summary of the comment and GIPSA's response is as follows:

The commenter stated that the proposed fee increase was excessive and suggested GIPSA offset anticipated increases in costs for this fiscal year through improved operating efficiencies and additional reductions in overhead. In addition, the commenter suggested GIPSA aggressively seek ways to reduce direct employee expenses through increased automation and contracting for official services so future mandated Federal pay increases will have less

impact on the cost of providing official services.

GIPSA disagrees that the approximate 6.1 percent fee increase is excessive. GIPSA is constantly exploring actions to reduce official inspection and weighing costs. However, as previously discussed in this final rule, unexpected export market developments and actions during the past year have reduced projected revenue. During the past 2 years, there has been a 12.7 percent shift from non-contract to contract services. This shift from non-contract to contract services generates less revenue for GIPSA. Furthermore, the use of more efficient export facilities has resulted in more metric tons loaded per hour while using fewer GIPSA official inspection and weighing personnel to provide that service. Consequently, there has been a 10.8 percent decrease in non-contract-billed hours and a 14 percent reduction in paid hours.

The USGSA requires GIPSA to maintain a workforce of sufficient size and experience to meet the inspection and weighing needs of its applicants. GIPSA views its skilled and well-trained employees as valuable resources which facilitate the marketing of grain. Whenever possible, GIPSA has replaced vacant full time permanent positions with part time and intermittent employees to reduce administrative overhead costs related to employee salaries and benefits. Further, GIPSA is constantly reviewing the inspection and weighing programs to assess service delivery and service demand. Whenever possible, available employees are used for temporary duty assignments within other Federal programs to further reduce administrative overhead costs. This action allows GIPSA the ability to temporarily downsize while maintaining a skilled and well-trained workforce available for duty when service demands increase. GIPSA is also reviewing the issue of contracting for official services when appropriate. Efforts to contain and reduce costs have and will continue to be a high priority issue with GIPSA. GIPSA has and will continue to take action to reduce inspection and weighing costs whenever possible.

## Final Action

In the April 4, 2001, proposal there were four errors. The first error occurred on page 17817, column 2. The revenue figure for FY 2001 should have read $6,326,583. The second error occurred in Table 1(1) Inspection and Weighing Services Hourly Rates (for service personnel). The hourly rates for the 3- and 6-month contract rates were transposed. The correct rates are that the 3-month contract hourly rates are higher than the 6-month contract hourly rates. The third error occurred in Table 2(3) Stowage examination. The minimum fee for a ship should have read $255, not $252.50; the minimum fee for a ship reinspection should have read $153, not $151.50. The fourth error was corrected in a **Federal Register** document published on April 16, 2001 (66 FR 19608). The document corrected the E-mail address for comments and the Table 1 heading on page 17819.

Accordingly, GIPSA is applying an approximate 6.1 percent increase to hourly rates, certain unit rates, and the administrative tonnage fee, as proposed, in 7 CFR 800.71. Table 1—Fees for Official Services Performed at an Applicant's Facility in an Onsite GIPSA Laboratory; Table 2—Services Performed at Other Than an Applicant's Facility in a GIPSA Laboratory; and Table 3—Miscellaneous Services.

## List of Subjects in 7 CFR Part 800

Administrative practice and procedure; Grain.

For the reasons set out in the preamble, 7 CFR Part 800 is amended as follows:

## PART 800—GENERAL REGULATIONS

1. The authority citation for part 800 continues to read as follows:

**Authority:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. Section 800.71 is amended by revising Schedule A in paragraph (a) to read as follows:

### § 800.71 Fees assessed by the Service.

(a) * * *

### Schedule A.—Fees for Official Inspection and Weighing Services Performed in the United States

TABLE 1.—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY [1]

| | Monday to Friday (6 a.m. to 6 p.m.) | Monday to Friday (6 p.m. to 6 a.m.) | Saturday, Sunday, and Overtime [2] | Holidays |
|---|---|---|---|---|
| 1-year contract | $27.40 | $29.80 | $38.60 | $46.40 |
| 6-month contract | 30.20 | 32.00 | 41.00 | 53.60 |
| (1) Inspection and Weighing Services Hourly Rates (per service representative) | | | | |
| 3-month contract | 34.40 | 35.60 | 44.60 | 55.40 |
| Noncontract | 40.00 | 42.00 | 51.00 | 62.60 |

| | |
|---|---|
| (2) Additional Tests (cost per test, assessed in addition to the hourly rate) [3] | |
| (i) Aflatoxin (other than Thin Layer Chromatography) | $8.50 |
| (ii) Aflatoxin (Thin Layer Chromatography method) | 20.00 |
| (iii) Corn oil, protein, and starch (one or any combination) | 1.50 |
| (iv) Soybean protein and oil (one or both) | 1.50 |
| (v) Wheat protein (per test) | 1.50 |
| (vi) Sunflower oil (per test) | 1.50 |
| (vii) Vomitoxin (qualitative) | 12.50 |
| (viii) Vomitoxin (quantitative) | 18.50 |
| (ix) Waxy corn (per test) | 1.50 |
| (x) Fees for other tests not listed above will be based on the lowest noncontract hourly rate. | |
| (xi) Other services | |
| (a) Class Y Weighing (per carrier) | |
| (1) Truck/container | .30 |
| (2) Railcar | 1.25 |
| (3) Barge | 2.50 |
| (3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier). | |
| (i) All outbound carriers (per-metric-ton) [4] | |

| | |
|---|---|
| (a) 1–1,000,000 | $0.1101 |
| (b) 1,000,001–1,500,000 | 0.1005 |
| (c) 1,500,001–2,000,000 | 0.0543 |
| (d) 2,000,001–5,000,000 | 0.0402 |
| (e) 5,000,001–7,000,000 | 0.022 |
| (f) 7,000,001 + | 0.0100 |

[1] Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).

[2] Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

[3] Appeal and reinspection services will be assessed the same fee as the original inspection service.

[4] The administrative fee is assessed on an accumulated basis beginning at the start of the Service's fiscal year (October 1 each year).

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY [1 2]

| | |
|---|---|
| (1) Original Inspection and Weighing (Class X) Services | |
| (i) Sampling only (use hourly rates from Table 1) | |
| (ii) Stationary lots (sampling, grade/factor, & checkloading) | |
| (a) Truck/trailer/container (per carrier) | $19.00 |
| (b) Railcar (per carrier) | 28.60 |
| (c) Barge (per carrier) | 181.00 |
| (d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT) | 0.02 |
| (iii) Lots sampled online during loading (sampling charge under (i) above, plus): | |
| (a) Truck/trailer container (per carrier) | 9.85 |
| (b) Railcar (per carrier) | 19.10 |
| (c) Barge (per carrier) | 108.10 |
| (d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT) | 0.02 |
| (iv) Other services | ..... |
| (a) Submitted sample (per sample—grade and factor) | 11.20 |
| (b) Warehouseman inspection (per sample) | 19.00 |
| (c) Factor only (per factor—maximum 2 factors) | 5.00 |
| (d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT) | 0.02 |
| (e) Reinspection (grade and factor only. Sampling service additional, item (i) above) | 12.40 |
| (f) Class X Weighing (per hour per service representative) | 52.50 |
| (v) Additional tests (excludes sampling) | |
| (a) Aflatoxin (per test—other than TLC method) | 28.00 |
| (b) Aflatoxin (per test—TLC method) | 106.00 |
| (c) Corn oil, protein, and starch (one or any combination) | 8.60 |
| (d) Soybean protein and oil (one or both) | 8.60 |
| (e) Wheat protein (per test) | 8.60 |
| (f) Sunflower oil (per test) | 8.60 |
| (g) Vomitoxin (qualitative) | 29.50 |
| (h) Vomitoxin (quantitative) | 36.50 |
| (i) Waxy corn (per test) | 9.85 |
| (j) Canola (per test—00 dip test) | 9.85 |
| (k) Pesticide Residue Testing [3]. | |
| (1) Routine Compounds (per sample) | 207.00 |
| (2) Special Compounds (per service representative) | 106.00 |
| (l) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1. | |
| (2) Appeal inspection and review of weighing service.[4] | |
| (i) Board Appeals and Appeals (grade and factor) | 79.00 |
| (a) Factor only (per factor—max 2 factors) | 41.50 |
| (b) Sampling service for Appeals additional (hourly rates from Table 1). | |
| (ii) Additional tests (assessed in addition to all other applicable fees) | |
| (a) Aflatoxin (per test, other than TLC) | 27.50 |
| (b) Aflatoxin (TLC) | 115.00 |
| (c) Corn oil, protein, and starch (one or any combination) | 16.50 |
| (d) Soybean protein and oil (one or both) | 16.50 |
| (e) Wheat protein (per test) | 16.50 |
| (f) Sunflower oil (per test) | 16.50 |
| (g) Vomitoxin (per test—qualitative) | 39.00 |
| (h) Vomitoxin (per test—quantitative) | 44.00 |
| (i) Vomitoxin (per test—HPLC Board Appeal) | 134.00 |
| (j) Pesticide Residue Testing [3]. | |
| (1) Routine Compounds (per sample) | 207.00 |
| (2) Special Compounds (per service representative) | 106.00 |
| (k) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1. | |
| (iii) Review of weighing (per hour per service representative) | 75.80 |
| (3) Stowage examination (service-on-request) [3] | |
| (i) Ship (per stowage space) (minimum $255.00 per ship) | 51.00 |
| (ii) Subsequent ship examinations (same as original) (minimum $153.00 per ship). | |
| (iii) Barge (per examination) | 41.00 |

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY [1] [2]—Continued

| | |
|---|---|
| (iv) All other carriers (per examination) | 16.00 |

[1] Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).
[2] An additional charge will be assessed when the revenue from the services in Schedule A, Table 2, does not cover what would have been collected at the applicable hourly rate as provided in § 800.72 (b).
[3] If performed outside of normal business, 1½ times the applicable unit fee will be charged.
[4] If, at the request of the Service, a file sample is located and forwarded by the Agency for an official agency, the Agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service.

TABLE 3.—MISCELLANEOUS SERVICES [1]

| | |
|---|---|
| (1) Grain grading seminars (per hour per service representative) [2] | $52.50 |
| (2) Certification of diverter-type mechanical samplers (per hour per service representative) [2] | 52.50 |
| (3) Special weighing services (per hour per service representative) [2] | |
| (i) Scale testing and certification | 52.50 |
| (ii) Evaluation of weighing and material handling systems | 52.50 |
| (iii) NTEP Prototype evaluation (other than Railroad Track Scales) | 52.50 |
| (iv) NTEP Prototype evaluation of Railroad Track Scales | 52.50 |
| (Plus usage fee per day for test car) | 110.00 |
| (v) Mass standards calibration and reverification | 52.50 |
| (vi) Special projects | 52.50 |
| (4) Foreign travel (per day per service representative) | 475.00 |
| (5) Online customized data EGIS service | |
| (i) One data file per week for 1 year | 500.00 |
| (ii) One data file per month for 1 year | 300.00 |
| (6) Samples provided to interested parties (per sample) | 2.60 |
| (7) Divided-lot certificates (per certificate) | 1.50 |
| (8) Extra copies of certificates (per certificate) | 1.50 |
| (9) Faxing (per page) | 1.50 |
| (10) Special mailing (actual cost) | |
| (11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1) | |

[1] Any requested service that is not listed will be performed at $52.50 per hour.
[2] Regular business hours-Monday through Friday-service provided at other than regular hours charged at the applicable overtime hourly rate.

Dated: July 2, 2001.

**David R. Shipman,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 01–17005 Filed 7–6–01; 8:45 am]

BILLING CODE 3410–EN–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 520

## Oral Dosage Form New Animal Drugs; Ivermectin and Pyrantel Pamoate Chewable Tablets

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Blue Ridge Pharmaceuticals, Inc. The ANADA provides for use of chewable tablets containing ivermectin and pyrantel pamoate for prevention of heartworm disease and for treatment and control of certain gastrointestinal parasites in dogs.

**DATES:** This rule is effective July 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209.

**SUPPLEMENTARY INFORMATION:** Blue Ridge Pharmaceuticals, Inc., 4249–105 Piedmont Pkwy., Greensboro, NC 27410, filed ANADA 200–302 that provides for veterinary prescription use of Iverhart™ Plus (ivermectin and pyrantel pamoate) Flavored Chewables for Dogs for prevention of canine heartworm disease caused by *Dirofilaria immitis* and for treatment and control of ascarids (*Toxocara canis*, *T. leonina*) and hookworms (*Ancylostoma caninum*, *A. braziliense*, and *Uncinaria stenocephala*) in dogs. Blue Ridge's Iverhart™ Plus Flavored Chewables for Dogs is approved as a generic copy of Merial's Heartgart ™ Plus Chewables, approved under NADA 140–971. ANADA 200–302 is approved as of May 30, 2001, and 21 CFR 520.1196 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

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

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

### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to

the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

### § 520.1196 [Amended]

2. Section 520.1196 *Ivermectin and pyrantel pamoate chewable tablet* is amended in paragraph (b) by removing ''*Sponsor*. See 050604'' and by adding in its place ''*Sponsors*. See Nos. 050604 and 065274''.

Dated: June 20, 2001.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 01–17051 Filed 7–6–01; 8:45 am]

BILLING CODE 4160–01–S

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 522

## Implantation or Injectable Dosage Form New Animal Drugs; Moxidectin

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Fort Dodge Animal Health. The NADA provides for veterinary prescription use of a sustained-release injectable moxidectin formulation for prevention of heartworm disease and treatment of existing hookworm infections in dogs.

**DATES:** This rule is effective July 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

**SUPPLEMENTARY INFORMATION:** Fort Dodge Animal Health, Div. of American Home Products Corp., 800 Fifth St. NW., Fort Dodge, IA 50501, filed NADA 141–189 that provides for veterinary prescription use of ProHeart® 6 (moxidectin) Sustained Release Injectable for Dogs for prevention of heartworm disease caused by *Dirofilaria immitis* and treatment of existing larval and adult hookworm (*Ancylostoma caninum*) infections. The NADA is approved as of June 6, 2001, and the regulations are amended in 21 CFR part 522 by adding new § 522.1451 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval for nonfood-producing animals qualifies for 3 years of marketing exclusivity beginning June 6, 2001, because the application contains substantial evidence of effectiveness of the drug involved or any studies of animal safety required for approval of the application and conducted or sponsored by the applicant.

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

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

### List of Subjects in 21 CFR Part 522

Animal drugs.

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

## PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

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

2. Section 522.1451 is added to read as follows:

### § 522.1451 Moxidectin.

(a) *Specifications*. The drug product consists of two separate vials. One contains 10 percent moxidectin microspheres, and the other contains a vehicle for constitution of the moxidectin microspheres. Each milliliter of constituted, sustained-release suspension contains 3.4 milligrams (mg) of moxidectin.

(b) *Sponsor*. See No. 000856 in § 510.600(c) of this chapter.

(c) [Reserved]

(d) *Conditions of use; dogs*—(1) *Amount*. 0.17 mg per kilogram body weight (0.0773 mg per pound) as a single subcutaneous injection.

(2) *Indications for use*. For prevention of heartworm disease caused by *Dirofilaria immitis*; for treatment of existing larval and adult hookworm (*Ancylostoma caninum*) infections.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: June 25, 2001.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 01–17049 Filed 7–6–01; 8:45 am]

BILLING CODE 4160–01–S

---

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

**[CGD09–01–035]**

**RIN 2115–AA97**

## Safety Zone; Cleveland Harbor, Cleveland, OH

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone encompassing the navigable waters adjacent to the Cleveland Port Authority, on Cleveland Harbor, Lake Erie. The safety zone is necessary to ensure the safety of spectator vessels during a fireworks display launched from a barge in Cleveland Harbor on July 28, 2001. This regulation is intended to restrict vessel traffic from a portion of Lake Erie and Cleveland Harbor.

**DATES:** This temporary final rule is effective 9 p.m. until 10 p.m. (local time), July 28, 2001.

**ADDRESSES:** Comments and material received from the public are part of docket CGD09–01–035, and are available for inspection and copying at Coast Guard Marine Safety Office Cleveland, Ohio, 1055 East Ninth Street, Cleveland, Ohio, 44114, between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant John Natale, U.S. Coast Guard Marine Safety Office Cleveland,

1055 East Ninth Street, Cleveland, Ohio 44114. The telephone number is (216) 937–0111.

**SUPPLEMENTARY INFORMATION:**

## Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard had insufficient advance notice to publish an NPRM followed by a temporary final rule. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to property.

## Background and Purpose

On July 28, 2001 at approximately 9:30 p.m. a fireworks and pyrotechnic display will be launched from a barge in Cleveland Harbor, approximately 1500 feet north of Voinavich Park at coordinates 41°30′53″ N, 081°42′00″ W. Spectators are expected to view the display from various spots along the Lake Erie waterfront, and private and commercial spectator vessels are also expected in Cleveland Harbor. A safety zone will be in effect on July 28, 2001 from 9 p.m. until 10 pm. The safety zone will include the navigable waters of Cleveland Harbor and Lake Erie beginning at coordinates 41°30′50″ N, 081°41′33″ W (the northwest corner of Burke Lakefront Airport); continuing northwest to coordinates 41°31″11″ N, 081°41′55″ W; then southwest to 41° 30′48″ N, 081° 42′34″ W; then southeast to 41°30′27″ N, 081°42′13″ W (the northwest corner of dock 28 at the Cleveland Port Authority). All coordinates are based upon North American Datum 1983 (NAD 83).

## Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard considered whether this rule will have a significant impact on a substantial number of small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. The Coast Guard certifies under section 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities for the following reason: this rule will be in effect for one hour. Before the effective period, we will issue maritime advisories widely available to users of the waterway.

## Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effectiveness and participate in the rulemaking process. If your small business or organization is affected by this rule, and you have questions concerning its provisions or options for compliance, please contact the office listed in **ADDRESSES** in this preamble.

## Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 13132 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

## Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, 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.

## Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

**Authority:** 33 U.S.C.1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09–958 is added to read as follows:

### § 165.T09–958 Safety Zone; Lake Erie, Cleveland Harbor, Ohio.

(a) *Location.* The Safety Zone encompasses the navigable waters of Cleveland Harbor and Lake Erie beginning at coordinates 41°30′50″ N, 081°41′33″ W (the northwest corner of Burke Lakefront Airport); continuing northwest to coordinates 41°31″11″ N, 081°41′55″ W; thence southwest to 41°30′48″ N, 081°42′34″ W; then southeast to 41°30′27″ N, 081°42′13″ W (the northwest corner of dock 28 at the Cleveland Port Authority). All coordinates are based on North American Datum 1983 (NAD83).

(b) *Effective dates.* This section is effective from 9 p.m. until 10 p.m. on July 28, 2001.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into, transit through, or anchoring within this Safety Zone is prohibited unless authorized by the Captain of the Port, Cleveland or his representative on the Coast Guard vessel on scene. The Coast Guard Patrol Commander may be contacted on VHF Channel 16.

Dated: June 26, 2001.

**R.J. Perry,**

*Commander, U.S. Coast Guard, Captain of the Port, Cleveland, Ohio.*

[FR Doc. 01–16997 Filed 7–6–01; 8:45 am]

BILLING CODE 4910–15–P

---

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

**[CGD13–01–015]**

**RIN 2115–AA97**

## Security Zones; Naval Submarine Base Bangor and Naval Submarines, Puget Sound and Strait of Juan De Fuca, WA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Coast Guard is establishing a fixed security zone around Naval Submarine Base Bangor, and moving security zones around Naval submarines while underway on Puget Sound, and the Strait of Juan De Fuca, Washington, and adjoining waters. These zones would safeguard U.S. Naval Submarine Base Bangor, and U.S. Naval submarines from sabotage, other subversive acts, or accidents, and otherwise protect Naval assets vital to national security.

**DATES:** This rule becomes effective at 6 p.m. PDT, June 20, 2001. Comments and related material must reach the Coast Guard on or before September 7, 2001.

**ADDRESSES:** Coast Guard Marine Safety Office Puget Sound maintains the public docket for this rulemaking. You may mail comments and related material to the address below. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT P. M. Stocklin, Jr., c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134, (206) 217–6232.

**SUPPLEMENTARY INFORMATION:**

### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to safeguard U.S. Naval bases and submarines from sabotage, other subversive acts, or accidents, and otherwise protect Naval assets vital to national security. The attack on USS COLE precipitated U.S. Navy security reviews, which have determined that immediate threats exist to Naval bases and submarines in Puget Sound. If normal notice and comment procedures were followed, this rule would not become effective soon enough to provide immediate protection to Naval assets from the threats posed by hostile entities. The security zones in this regulation have been carefully designed to minimally impact the public while providing a reasonable level of protection for Naval assets. For these reasons, following normal rulemaking procedures in this case would be impracticable, unnecessary, and contrary to the public interest.

### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD 13–01–015), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this interim final rule in view of them.

### Public Meeting

We do not plan to hold a public meeting. However, you may submit a request for a meeting by writing to the person identified in the **FOR FURTHER INFORMATION CONTACT** section, or to the address under **ADDRESSES** explaining why a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

### Background and Purpose

The Coast Guard is establishing a fixed security zone around Naval Submarine Base Bangor, and moving security zones around Naval submarines while underway on Puget Sound, and the Strait of Juan De Fuca, WA, and adjoining waters. The Coast Guard has determined it is necessary to prevent access in order to safeguard this U.S. Naval base and submarines from sabotage, other subversive acts, or accidents, and otherwise protect Naval assets vital to national security. Recent events such as the bombing of the USS COLE highlight the fact that there are hostile entities operating with the intent to harm U.S. National Security by attacking or sabotaging Naval assets including those in Puget Sound. It would be contrary to the public interest to disclose the exact nature of the current threats to U.S. Naval assets, as this information is highly classified, and if divulged would greatly damage U.S. intelligence sources and security postures. However, the threat to the security of U.S. Naval assets is real,

credible, and immediate. The Coast Guard, through this action, intends to assist the U.S. Navy in protecting vital national security assets by establishing security zones to exclude persons and vessels from the immediate vicinity of U.S. Naval bases and submarines. Entry into these zones will be prohibited unless authorized by the Captain of the Port or his designee. These security zones will be patrolled and enforced by Coast Guard and Navy personnel. The Captain of the Port may be assisted by other federal, state, or local agencies.

**Regulatory Evaluation**

This interim final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this interim final rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the regulated areas established by this rule would encompass limited areas around a Naval base and submarines in the Puget Sound area. The fixed zone around the base have been carefully crafted to have either minimal or no impact on commercial users. Recreational users may have to modify their travel to stay further away from Naval Submarine Base Bangor than they presently do, but in most cases this will be only a few hundred yards. The moving security zones around Naval submarines underway will often impinge on commercial traffic lanes, but will be of a short duration and small area. The Coast Guard will mitigate this impact on commercial traffic using Coast Guard Vessel Traffic Service traffic management procedures, and the Naval submarines themselves will use reasonable measures to decrease the inconvenience of commercial users. Recreational vessels may find themselves unable to maneuver as close to Naval submarines as they would desire, however the distances established by these zones will still permit adequate freedom of movement on the waterways. Those few vessels or persons who may be impacted by this rule may request permission to enter the zones. The Captain of the Port, in conjunction with the cognizant Naval Commander, may consider these requests on a case-by-case basis. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this interim final rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This interim final rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit in or near the security zones promulgated in this rulemaking. These zones will not have a significant economic impact due to their small size, location away from heavily traveled commercial routes, and in the case of moving zones, their short duration and small area. Because the impacts of this interim final rule are expected to be minimal, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this interim rule will not have a significant economic impact on a substantial number of small entities.

If you believe that your business, organization, or governmental jurisdiction qualifies as a small entity and that this interim final rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you believe it qualifies and how and to what degree this interim final rule would economically affect it.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If this interim final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

**Collection of Information**

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

**Federalism**

We have analyzed this interim final rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This interim final rule would not impose an unfunded mandate.

**Taking of Private Property**

This interim final rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This interim final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Protection of Children**

We have analyzed this interim final rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This interim final rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

**Indian Tribal Governments**

This interim final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian tribal governments, because it 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.

**Environment**

We considered the environmental impact of this interim finalrule and concluded that, under figure 2–1, paragraph(34)(g) of Commandant Instruction M16475.1C, this interim final rule is categorically excluded from

further environmental documentation. A Categorical Exclusion is provided for security zones. A Categorical Exclusion Determination and an Environmental Analysis Checklist are available in the docket at the location specified under the **ADDRESSES** portion of this rulemaking.

**Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

**Interim Final Rule**

For the reasons set out in the preamble, the Coast Guard amends part 165 of Title 33, Code of Federal Regulations, as follows:

## PART 165—[AMENDED]

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

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.1311 to read as follows:

**§ 165.1311 Security Zones; Naval Submarine Base Bangor and Naval submarines, Puget Sound and Strait of Juan de Fuca, Washington.**

(a) *Naval Submarine Base, Bangor, WA.* The following area is a security zone: All waters of Puget Sound, Washington State, enclosed by the following: A line beginning at 47° 46′ 18″ N, 122° 42′ 18″ W; thence to 47° 46′ 32″ N, 122° 42′ 20″ W; thence to 47° 46′ 38″ N, 122° 42′ 52″ W; thence to 47° 44′ 15″ N, 122° 44′ 50″ W; thence to 47° 43′ 53″ N, 122° 44′ 58″ W; thence to 47° 43′ 17″ N, 122° 44′ 49″ W, and thence along the shoreline to the point of origin. [Datum: NAD 1983]

(b) *Location of Moving Security Zones.* The following are moving security zones: All United States navigable waters in Puget Sound and the Straits of Juan De Fuca, extending East from Traffic Lane Separation Lighted buoy J (LLNR 16135–755) to the point of moorage, and surrounding all United States Naval Submarines to a radius of 300 yards while in transit on the surface.

(c) *Exemptions.* Vessels that desire access to these zones and are not otherwise exempted as listed in paragraphs (c)(1) through (c)(3) of this section, shall secure permission from Captain of the Port on-scene designated representative(s). Section 165.33 paragraphs, (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(1) Public vessels of the United States, other than United States Naval vessels.

(2) Vessels that are performing work pursuant to a contract with the United States Navy that requires their presence in the security zone(s).

(3) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and the cognizant Naval Commander. Vessels operating in the security zone(s) under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Offices established by the respective Naval Base Commander. This written exemption shall state the date(s) on which it is effective and may contain further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and the cognizant Naval Commander. The certificate of exemption shall be maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(d) *Regulations.* In accordance with the general regulations in §§ 165.30 and 165.33 of this part, no person or vessel may enter the above security zones unless authorized by the Captain of the Port or his designated representatives. Vessels and persons granted authorization to enter the security zones shall obey all lawful orders or directions of the Captain of the Port or his designated representatives. The U.S. Navy and other federal, state, or local agencies may assist the Captain of the Port in the patrol and enforcement of these zones.

Dated: June 20, 2001.

**M. R. Moore,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 01–16996 Filed 7–6–01; 8:45 am]

BILLING CODE 4910–15–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 01–1481; MM Docket No. 01–67; RM–10084]**

## Radio Broadcasting Services; Abingdon and Canton, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 252A to Abingdon, Illinois, in response to a petition filed by Abingdon Broadcasters. *See* 66 FR 16900, March 28, 2001. The coordinates for Channel 252A at Abingdon are 40–42–28 NL and 90–19–47 WL. To accommodate the allotment at Abingdon we shall also substitute Channel 277A for vacant Channel 252A at Canton, Illinois. The coordinates for Channel 277A at Canton are 40–28–27 NL and 90–03–01 WL. A filing window for Channel 252A at Canton will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

**DATES:** Effective August 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 01–67, 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 Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

**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 and 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended

by adding Abingdon, Channel 252A and by removing Channel 252A and adding Channel 277A at Canton.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–17034 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 622

**[I.D. 062901C]**

## Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure

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

**ACTION:** Adjustment of the ending date of the Texas closure.

**SUMMARY:** NMFS announces an adjustment to the ending date of the annual closure of the shrimp fishery in the exclusive economic zone (EEZ) off Texas. The Texas closure is intended to prohibit the harvest of brown shrimp during their major emigration from Texas estuaries to the Gulf of Mexico so the shrimp may reach a larger, more valuable size and to prevent the waste of brown shrimp that would be discarded in fishing operations because of their small size.

**DATES:** The EEZ off Texas is open to trawl fishing from 30 minutes after sunset, July 8, 2001, until 30 minutes after sunset, May 15, 2002, or until NMFS publishes further notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Dr. Steve Branstetter, 727–570–5305; fax: 727–570–5583; e-mail: Steve.Branstetter@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico shrimp fishery is managed under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The EEZ off Texas is normally closed to all trawling each year from 30 minutes after sunset on May 15 to 30 minutes after sunset on July 15. The regulations at 50 CFR 622.34(h) describe the area of the Texas closure and provide for adjustments to the beginning and ending dates by the Regional Administrator, Southeast Region, NMFS, under procedures and restrictions specified in the FMP.

The beginning and ending dates of the Texas closure are based on biological sampling by Texas Parks and Wildlife Department (TPWD). The closure date is established based on projected times that brown shrimp in Texas bays and estuaries will reach a mean size of 90 mm, and begin strong emigrations out of the bays and estuaries during maximum duration ebb tides. The waters off of Texas are re-opened to shrimping when projections indicate that brown shrimp will reach a mean size of 112 mm, in concurrence with maximum duration ebb tides. Biological data collected by TPDW indicate that the criteria to end the Texas closure will be met on July 8, 2001. Accordingly, the time and date for ending the Texas closure is changed from 30 minutes after sunset on July 15, 2001, to 30 minutes after sunset on July 8, 2001.

### Classification

This action is authorized by 50 CFR 622.34(h)(2) and is exempt from review under Executive Order 12866.

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

Dated: July 3, 2001.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Services.*

[FR Doc. 01–17075 Filed 7–3–01; 2:28 pm]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

**[Docket No. 01012013–1013–01; I.D. 070301A]**

## Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This is action is necessary to prevent exceeding the 2001 total allowable catch (TAC) of Pacific ocean perch in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 4, 2001, through 2400 hrs, A.l.t., December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907–586–7228.

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

The 2001 TAC of Pacific ocean perch for the Western Regulatory Area was established as 1,280 metric tons (mt) by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2001 TAC for Pacific ocean perch in the Western Regulatory Area will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,180 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Regulatory Area of the GOA.

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

### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to avoid exceeding the 2001 TAC of Pacific ocean perch for the Western Regulatory Area of the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures

would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to avoid exceeding the 2001 TAC of Pacific ocean perch for the Western Regulatory Area of the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: July 3, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01–17074 Filed 7–3–01; 2:28 pm]

BILLING CODE 3510–22–S

# Proposed Rules

Federal Register
Vol. 66, No. 131
Monday, July 9, 2001

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

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

### 37 CFR Part 1

**[Docket No.: 010606145–1145–01]**

**RIN 0651–AB37**

### Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The American Inventors Protection Act of 1999 (AIPA) enacted provisions for the continued examination of a utility or plant application at the request of the applicant (request for continued examination or RCE practice). Therefore, there no longer appears to be a need for continued prosecution application (CPA) practice as to utility and plant applications. Thus, the Office is proposing to eliminate CPA practice as to utility and plant applications. An applicant for a utility or plant patent may also continue to effectively obtain further examination of the application by filing a continuing application under section 1.53(b). Since RCE practice does not apply to design applications, CPA practice will remain in place for design applications.

**DATES:** To be ensured of consideration, written comments must be received on or before September 7, 2001. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message over the Internet addressed to ab37.comments@uspto.gov. Comments may also be submitted by mail addressed to: Box Comments—Patents, Commissioner for Patents, Washington, DC 20231, or by facsimile to (703) 872–9411, marked to the attention of Eugenia A. Jones. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office prefers that the comments be submitted on a DOS formatted 3½ inch disk accompanied by a paper copy.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Crystal Park 2, Suite 910, 2121 Crystal Drive, Arlington, Virginia, and will be available through anonymous file transfer protocol (ftp) via the Internet (address: http://www.uspto.gov). Since comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Eugenia A. Jones, by telephone at (703) 306–5586, or by mail addressed to: Box Comments—Patents, Commissioner for Patents, Washington, DC 20231, or by facsimile to (703) 872–9411, marked to the attention of Eugenia A. Jones.

**SUPPLEMENTARY INFORMATION:** The AIPA was enacted into law on November 29, 1999. *See* Pub. L. 106–113, 113 Stat. 1501, 1501A–552 through 1501A–591 (1999). Among other things, the AIPA amended Title 35 of the United States Code to provide for a request for continued examination (RCE) practice. *See* 35 U.S.C. 132(b). RCE practice is applicable to any utility or plant application filed on or after June 8, 1995. *See* 113 Stat. at 1501A–560 through 1501A–561. The Office amended the rules of practice in Title 37 of the Code of Federal Regulations to implement the RCE provisions of the AIPA via an interim rule published in March 2000 and a final rule published in August 2000. *See Changes to Application Examination and Provisional Application Practice,* 65 FR 14865 (Mar. 20, 2000), 1233 *Off. Gaz. Pat. Office* 47 (Apr. 11, 2000) (interim rule), and *Request for Continued Examination Practice and Changes to Provisional Application Practice,* 65 FR 50091 (Aug. 16, 2000), 1238 *Off. Gaz. Pat. Office* 13 (Sept. 5, 2000) (final rule).

The AIPA also amended Title 35 of the United States Code to provide, with certain exceptions, for the publication of pending patent applications (other than design applications) eighteen months after the earliest claimed priority date. *See* 35 U.S.C. 122(b) (applies to utility and plant applications filed on or after November 29, 2000, including any CPA filed on or after November 29, 2000). The Office amended the rules of practice in Title 37 of the Code of Federal Regulations to implement the eighteen-month publication provisions of the AIPA by a final rule published in September of 2000. *See Changes to Implement Eighteen-Month Publication of Patent Applications,* 65 FR 57023 (Sept. 20, 2000), 1239 *Off. Gaz. Pat. Office* 63 (Oct. 10, 2000) (final rule). That notice indicated that the publication of a CPA is both costly and inefficient. *See Changes to Implement Eighteen-Month Publication of Patent Applications,* 65 FR at 57047, 1239 *Off. Gaz. Pat. Office* at 84 (comment 58 and response).

The Office created CPA practice under § 1.53(d) in 1997 to permit applicants to effectively obtain continued examination of an application using a streamlined continuing application practice (*i.e.,* CPA practice). CPA practice was a substitute for a continued examination practice. *See Changes to Patent Practice and Procedures,* 62 FR 53131, 53142 (Oct. 10, 1997), 1203 *Off. Gaz. Pat. Office* 63, 72 (Oct. 21, 1997) (final rule) (comment 17 and response). While the Office did not completely eliminate CPA practice for utility and plant applications (as a convenience to applicants) when it implemented RCE practice, it has now determined that CPA practice for utility or plant applications is redundant (in view of RCE practice), costly, and inefficient. Thus, the Office is now proposing to eliminate CPA practice as to utility and plant applications.

**Discussion of Specific Rule**

Title 37 of the Code of Federal Regulations, Part 1, is proposed to be amended as follows:

Section 1.53(d)(1)(i) is proposed to be amended to provide that an application may be filed as a CPA under § 1.53(d) only for a design patent (either an original or reissue design patent) and the prior nonprovisional application (of which the CPA is a continuation or divisional) is a design application that is complete as defined by § 1.51(b).

In the event that an applicant files a request for a CPA of a utility or plant application (to which CPA practice no longer applies) and the utility or plant application was filed on or after June 8, 1995, the Office will automatically treat the improper request for a CPA as an

RCE under § 1.114 of the utility or plant application identified in the request for CPA. Experience, however, has shown that such requests for a CPA may not satisfy the requirements of § 1.114 to be a proper RCE (*e.g.,* the request may lack a submission under § 1.114(b), or may not be accompanied by the fee set forth in § 1.17(e)). In such situations, the Office will treat the improper request for a CPA as an RCE (albeit an improper RCE), and the time period set in the last Office action (or notice of allowance) will continue to run. If the time period (considering any available extension under § 1.136(a)) has expired, the applicant must file a petition under § 1.137 (with the lacking submission under § 1.114(b) and/or fee set forth in § 1.17(e)) to revive the abandoned application.

In the event that an applicant files a request for a CPA of a utility or plant application and the utility or plant application was filed before June 8, 1995, the Office will treat the improper request for a CPA as an improper application under the provisions set forth in § 1.53(e).

Section 1.53(d)(3) is proposed to be amended to provide that the filing fee for a CPA filed under § 1.53(d) is the basic filing fee as set forth in § 1.16(f) if the application is for an original design patent or § 1.16(h) if the application is for a reissue design patent. Since § 1.53(d) as proposed would no longer apply to utility or plant applications and a design application may contain only a single claim (§ 1.154(b)(6)), there is no need for § 1.53(d)(3) to provide for additional claims fees.

**Classification**

*Regulatory Flexibility Act*

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy, Small Business Administration, that the changes proposed in this notice, if adopted, would not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The changes proposed in this notice (if adopted) would eliminate CPA practice as to utility and plant applications. The changes proposed in this notice (if adopted) would not have a significant economic impact on any business because: (1) Any applicant (including small entities) in a utility or plant application filed before June 8, 1995, can obtain further examination of the application by filing either a continuing application under § 1.53(b) or a submission under § 1.129(a) (if the application is eligible for § 1.129(a) practice); (2) any applicant (including small entities) in a utility or plant application filed on or after June 8, 1995, can obtain further examination of the application by filing either an RCE under 35 U.S.C. 132(b) and § 1.114 or a continuing application under § 1.53(b); and (3) any applicant (including small entities) in a design application can continue to obtain further examination of the application by filing either a CPA under § 1.53(d) or a continuing application under § 1.53(b).

*Executive Order 13132*

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

*Executive Order 12866*

This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

*Paperwork Reduction Act*

This notice of proposed rulemaking involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Office has submitted an information collection package to OMB for its review and approval of the proposed information collections under OMB control numbers 0651–0031 and 0651–0032. The Office is submitting these information collections to OMB for its review and approval because this notice of proposed rulemaking will increase the number of RCEs. The principal impact of the changes in this notice of proposed rulemaking is to eliminate CPA practice with respect to utility and plant applications.

The title, description and respondent description of each of the information collections are shown below with an estimate of each of the annual reporting burdens. Included in each estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

*OMB Number:* 0651–0031.

*Title:* Patent Processing (Updating).

*Form Numbers:* PTO/SB/08/21–27/30/31/35/36/42/43/61/62/63/64/67/68/91/92/ 96/97.

*Type of Review:* Approved through October of 2002.

*Affected Public:* Individuals or Households, Business or Other For-Profit Institutions, Not-for-Profit Institutions and Federal Government.

*Estimated Number of Respondents:* 2,247,389.

*Estimated Time Per Response:* 0.45 hours.

*Estimated Total Annual Burden Hours:* 1,021,941 hours.

*Needs and Uses:* During the processing of an application for a patent, the applicant/agent may be required or desire to submit additional information to the United States Patent and Trademark Office concerning the examination of a specific application. The specific information required or which may be submitted includes: Information Disclosure Statements; Terminal Disclaimers; Petitions to Revive; Express Abandonments; Appeal Notices; Petitions for Access; Powers to Inspect; Certificates of Mailing or Transmission; Statements under § 3.73(b); Amendments; Petitions and their Transmittal Letters; and Deposit Account Order Forms.

*OMB Number:* 0651–0032.

*Title:* Initial Patent Application.

*Form Number:* PTO/SB/01–07/13PCT/17–19/29/101–110.

*Type of Review:* Approved through October of 2002.

*Affected Public:* Individuals or Households, Business or Other For-Profit Institutions, Not-for-Profit Institutions and Federal Government.

*Estimated Number of Respondents:* 319,350.

*Estimated Time Per Response:* 9.35 hours.

*Estimated Total Annual Burden Hours:* 2,984,360 hours.

*Needs and Uses:* The purpose of this information collection is to permit the Office to determine whether an application meets the criteria set forth in the patent statute and regulations. The standard Fee Transmittal form, New Utility Patent Application Transmittal form, New Design Patent Application Transmittal form, New Plant Patent Application Transmittal form, Declaration, and Plant Patent Application Declaration will assist applicants in complying with the requirements of the patent statute and regulations, and will further assist the Office in the processing and examination of the application.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these

information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, DC 20231, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

**List of Subjects in 37 CFR Part 1**

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR Part 1 is proposed to be amended as follows:

## PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 continues to read as follows:

**Authority:** 35 U.S.C. 2(b)(2).

2. Section 1.53 is proposed to be amended by revising paragraphs (d)(1) and (d)(3) to read as follows:

* * * * *

(d) * * *

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313(c) is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

* * * * *

(3) The filing fee for a continued prosecution application filed under this paragraph is the basic filing fee as set forth in § 1.16(f) or § 1.16(h).

* * * * *

Dated: June 22, 2001.

**Nicholas P. Godici,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

[FR Doc. 01–17100 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–16–P

---

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR PART 64

**[CC Docket No. 98–67; DA 00–2739]**

## Interstate Telecommunication Relay Service (TRS) Fund Advisory Council and TRS Fund Administrator's Recommended TRS Cost Recovery Guidelines

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** On December 6, 2000, the Commission released a document seeking comment on the cost recovery guidelines recommended by the Interstate Telecommunications Relay Service (TRS) Fund Advisory Council and the TRS Fund Administrator (Advisory Council and Fund Administrator, respectively).

**DATES:** Comments due July 30, 2001. Reply comments due August 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Slipakoff at (202) 418–7705 or *pslipako@fcc.gov* of the Common Carrier Bureau, Network Services Division. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals II, 445 12th Street, SW., Suite 6A207, Washington, DC 20554. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

**SUPPLEMENTARY INFORMATION:** In the March 6, 2000 *Improved TRS Order,* 65 FR 38432 (June 21, 2000), the Commission amended the TRS rules to expand the kinds of relay services available to consumers and to improve the quality of TRS. The Commission also required the Advisory Council and the Fund Administrator to recommend a cost methodology to cover the additional requirements. In their recommendations, the Advisory Council and the Fund Administrator propose, among other things, applying the traditional TRS cost recovery model to each service, but capturing minutes of use and costs separately and establishing separate reimbursement rates.

On November 9, 2000 the Advisory Council and the Fund Administrator filed their recommended TRS cost recovery guidelines as required by the *Improved TRS Order.* Those recommendations propose methodologies for recovering costs associated with the provision of traditional Telecommunications Relay Service (TRS), Speech-to-Speech (STS) Service, and Video Relay Service (VRS). These recommendations were placed on public notice on December 6, 2000. Comments were initially due on January 5, 2001 and reply comments were due on January 19, 2001. We now seek additional comment on these recommendations.

The Advisory Council and Fund Administrator's Recommended TRS Cost Recovery Guidelines will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554, (202) 418–0270. It may also be viewed at *https://haifoss.fcc.gov/cgibin.ws.exe/prod/ecfs/comsrch_v2.hts*, by typing 98–67 in the proceeding box and 11/09/2000 in the date box. The recommended guidelines may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036, telephone 202–857–3800, facsimile 202–857–3805, TTY 202–293–8810.

**Initial Regulatory Flexibility Analysis**

1. 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 in this document. 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 document. The Commission will send a copy of the document including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). In addition, the document and IRFA (or summaries thereof) will be published in the **Federal Register**. *See* id.

*A. Need for, and Objective of, the Proposed Rules*

2. The Commission is issuing this document to seek comment on the recommended TRS cost recovery guidelines filed by the Advisory Council and the Fund Administrator on

November 9, 2000. For traditional TRS cost recovery, the Advisory Council and the Fund Administrator recommended that the Commission: (1) Continue to use the current national average costing and pricing methodology for the annual development of the interstate cost recovery reimbursement rate; (2) review the TRS Center Data Request to ensure that various sections and categories continue to be appropriate and up to date; (3) use the same allocation methodology in place today for allocating toll-free and 900 call minutes between interstate and intrastate demand; and (4) direct that Spanish relay costs be collected separately to test whether they are significantly different from English relay costs, and continue to reimburse providers on completed conversation minutes at a single national average reimbursement rate if there is no difference between the Spanish and English relay per-minute costs.

3. The Advisory Council and the Fund Administrator make the following recommendations for STS cost recovery: (1) The same cost recovery methodology used for computing the reimbursement rate in place today for traditional TRS interstate cost recovery could be used to develop the STS reimbursement rate; (2) due to its unique characteristics, a separate reimbursement rate based on STS costs and minutes should be calculated; (3) the TRS Center Data Request should be expanded to include specific STS sections to capture the costs and minutes separately from traditional TRS or VRS; and (4) providers should be reimbursed for completed conversation minutes at the national average reimbursement rate for STS.

4. The Advisory Council and the Fund Administrator make the following four recommendations with respect to VRS cost recovery: (1) The same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate; (2) providers should be reimbursed based on completed conversation minutes at a national average reimbursement rate; (3) the TRS Center Data Request should be expanded to include specific VRS sections to capture VRS costs and demand separately; and (4) due to its unique characteristics, a separate reimbursement rate based on VRS costs and demand should be calculated.

*B. Legal Basis*

5. The authority for actions proposed in this document may be found in §§ 64.603, and 64.604 of the Commission's Rules, 47 CFR 64.603, 64.604, and in sections 1, 2, 4, 225, 255, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r).

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

6. 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. *See* 5 U.S.C. 603(b)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' *See* 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. *See* 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3). 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). *See* Small Business Act, 15 U.S.C. 632 (1996). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' *See* 5 U.S.C. 601(4). Nationwide, as of 1992, there were approximately 275,801 small organizations. *See* 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration). ''Small governmental jurisdiction'' *See* 47 CFR 1.1162 generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' *See* 5 U.S.C. 601(5). As of 1992, there were approximately 85,006 governmental entities in the United States. *See* U.S. Dept. of Commerce, Bureau of the Census, ''1992 Census of Governments.'' This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96%, have populations of fewer than 50,000. *See* id. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96%) are small entities. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by these rules.

7. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its Telecommunications Industry Revenue report, regarding TRS.

8. *TRS Providers.* Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The SBA defines such establishments to be small businesses when they have no more than 1,500 employees. According to the FCC's most recent data, there are 11 interstate TRS providers, which consist of interexchange carriers, local exchange carriers, state-managed entities, and non-profit organizations. The FCC does not have data specifying the number of these providers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and the FCC is thus unable at this time to estimate with greater precision the number of TRS providers that would qualify as small business concerns under the SBA's definition. The FCC notes, however, that these providers include several large interexchange carriers and incumbent local exchange carriers. Consequently, the FCC estimates that there are fewer than 11 small TRS providers that may be affected by the proposed rules, if adopted. The FCC seeks comment generally on its analysis identifying TRS providers, and specifically on whether the FCC should conclude that, for Regulatory Flexibility Act purposes, any of the TRS providers are in fact small entities.

9. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more

than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent local exchange carriers (LECs). The FCC does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small incumbent LECs.

10. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' *See* 5 U.S.C. 601(3). The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. *See* Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of ''small business concern,'' which the RFA incorporates into its own definition of ''small business.'' See 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret ''small business concern'' to include the concept of dominance on a national basis. 13 CFR 121.102(b). Since 1996, out of an abundance of caution, the Commission has included small incumbent LECs in its regulatory flexibility analyses. *See, e.g., Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* CC Docket, 96–98, First Report and Order, 11 FCC Rcd 15499, 16144–45 (1996). We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

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

11. The recommended guidelines may require TRS providers to track Spanish and English relay costs separately to see if there are significant differences between the two services. There may also be additional recordkeeping requirements imposed for STS and VRS cost recovery because these are relatively new services. These costs, however, should be minimal because the tracking procedures are similar to those already in place for traditional TRS. The FCC tentatively concludes that the proposals in the document would impose minimum burdens on small entities. In addition, these recordkeeping measures will promote more efficient service and allow the TRS providers to be reimbursed more accurately for their costs, thus negating any minimal costs imposed by these requirements. Furthermore, we do not expect these costs to burden small entities any more than large entities because the costs are part of the reimbursement process and will allow all providers to be accurately reimbursed. The FCC seeks comment on these tentative conclusions.

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

12. 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. 5 U.S.C. 603(c). The Commission has tentatively concluded that the proposed rules will have minimal economic impact on small entities because these rules are designed to allow all providers to be accurately reimbursed. Furthermore, the Advisory Council consists of members of state regulatory bodies, relay users, members of the disabilities community, large and small TRS providers, and large and small TRS contributors. As a result, the proposed guidelines are the result of input from the industry, including small business entities.

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

None.

Report to Congress

13. The Commission will send a copy of this document, including a copy of this IRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the document and this IRFA will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

Ordering Clauses

16. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this Second Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

14. The Initial Regulatory Flexibility Analysis for this document, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained herein.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01–17032 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–U

---

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 01–1483, MM Docket No. 01–134, RM–10137]**

### Radio Broadcasting Services; Elk City, OK and Borger, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by TV 31, L.L.C. requesting the reallotment of NTSC Channel 31 from Elk City, Oklahoma, to Borger, Texas, and modification of the construction permit for Station KBCA to specify Borger, Texas, as the community of license. The coordinates for Channel 31 at Borger are 35–41–56 and 100–53–34. In accordance with Section 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 31 at Borger.

**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's counsel, as follows: Mark N. Lipp, Scott C. Cinnamon, Shook, Hardy & Bacon, 600 14th Street, NW. Suite 800, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–134, 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 Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805. 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* contact.

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

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

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

## PART 73—TELEVISION BROADCAST SERVICES

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

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

**§ 73.606 [Amended]**

2. Section 73.606(b), the Television Table of Allotments under Oklahoma, is amended by removing Channel 31 at Elk City.

3. Section 73.606(b), the Television Table of Allotments under Texas, is amended by adding Borger, Channel 31.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–17036 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–P

---

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 01–1484, MM Docket No. 01–133, RM–10143 and RM–10150]**

### Radio Broadcasting Services; Mason, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on two separate petitions for Mason, Texas. Charles Crawford has proposed the allotment of Channel 249C3 at Mason, Texas, while Katherine Pyeatt has requested the allotment of Channel 269C3 to Mason, Texas. The coordinates for Channel 249C3 at Mason are 30–43–39 and 99–11–49. There is a site restriction 4.3 kilometers (2.7 miles) southeast of the community. The coordinates for Channel 269C3 at Mason are 30–45–00 and 99–10–14. There is a site restriction 5.7 kilometers (3.6 miles) east of the community. Mexican concurrence will be requested for the allotment of Channels 249C3 and 269C3 at Mason.

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

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205; Katherine Pyeatt, 6655 Aintree Circle, Dallas, Texas 75214.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–133, 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 Commission's Reference Information Center, 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

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* contact.

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 CRF 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 Channels 249C3 and 269C3 at Mason.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–17035 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–U

---

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 01–1488; MM Docket No. 01–135, RM–10154; MM Docket No. 01–136; RM–10155; and MM Docket No. 01–137; RM–10156]**

### Radio Broadcasting Services; Caliente, NV; Boswell, OK; and Altus, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes three allotments. The Commission requests comments on a petition filed by Schleicher County Radio proposing the allotment of Channel 291C2 at Caliente,

Nevada, as the community's second local FM transmission service. Channel 291C2 can be allotted to Caliente in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 291C2 at Caliente are 37–36–54 North Latitude and 114–30–40 West Longitude. *See* **SUPPLEMENTARY INFORMATION,** *infra.*

**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, his counsel, or consultant, as follows: Randy Parker, 25415 Gleen Lock, The Woodlands, Texas 77380 (Consultant for Schleicher County Radio); Ann Bavender, Fletcher, Heald & Hildreth, P.L.C., 1300 N. 17th Street, 11th Floor, Arlington, Virginia 22209 (Counsel for Boswell Broadcasting Company); and Katherine Pyeatt, 6655 Aintree Circle, Dallas, Texas (Petitioner for Atlus, Oklahoma).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–135; MM Docket No. 01–136, and MM Docket No. 01–137, 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 Boswell Broadcasting Company proposing the allotment of Channel 282C3 at Boswell, Oklahoma, as the community's first local aural transmission service. Channel 282C3 can be allotted to Boswell in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 282C3 at Boswell, Oklahoma are 34–01–38 North Latitude and 95–52–08 West Longitude.

The Commission requests comments on a petition filed by Katherine Pyeatt proposing the allotment of Channel 295C2 at Altus, Oklahoma, as the community's third local FM transmission service. Channel 295C2 can be allotted to Altus1 in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.8 kilometers (2.3 miles) northeast to avoid a short-spacing to the proposed allotment of Channel 296C3 at Paducah, Texas. The coordinates for Channel 295C2 at Altus are 34–39–30 North Latitude and 99–18–03 West Longitude.

The 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 proposed 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 Oklahoma, is amended by adding Channel 295C2 at Altus and Boswell, Channel 282C3.

3. Section 73.202(b), the table of FM Allotments under Nevada, is amended by adding Channel 291C2 at Caliente.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–17033 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–P

# Notices

Federal Register
Vol. 66, No. 131
Monday, July 9, 2001

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### Notice of Intent To Request an Extension of a Currently Approved Information Collection

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the Agricultural Research Service's (ARS) intention to request an extension of a currently approved information collection, Form AD–761, USDA Patent License Application for Government Invention that expires November 30, 2001.

**DATES:** Comments must be received by September 12, 2001 to be assured of consideration.

**ADDITIONAL INFORMATION OR COMMENTS:** Contact June Blalock, USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131; Telephone Number 301–504–5257.

**SUPPLEMENTARY INFORMATION:**

*Title:* USDA Patent License Application for Government Invention.

*OMB Number:* 0518–0003.

*Expiration Date of Approval:* November 30, 2001.

*Type of Request:* To extend a currently approved information collection.

*Abstract:* The USDA patent licensing program grants patent licenses to qualified businesses and individuals who wish to commercialize inventions arising from federally supported research. The objective of the program is to use the patent system to promote the utilization of inventions arising from such research. The licensing of federally owned inventions must be done in accordance with the terms, conditions and procedures prescribed under 37 CFR Part 404. Application for a license must be addressed to the Federal agency having custody of the invention. Licenses may be granted only if the license applicant has supplied the Federal agency with a satisfactory plan for the development and marketing of the invention and with information about the applicant's capability to fulfill the plan. 37 CFR 404.8 sets forth the information which must be provided by a license applicant. For the convenience of the applicant, USDA has itemized the information needed on Form AD–761, and instructions for completing the form are provided to the applicant. The information submitted is used to determine whether the applicant has both a complete and sufficient plan for developing and marketing the invention and the necessary manufacturing, marketing, technical and financial resources to carry out the submitted plan.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 3 hours per response.

*Description of Respondents:* Businesses or other for profit individuals.

*Estimated Number of Respondents:* 75.

*Frequency of Responses:* One time per invention.

*Estimated Total Annual Burden on Respondents:* 225 hours.

Copies of this information collection and related instructions can be obtained without charge from June Blalock, USDA, ARS, Office of Technology Transfer by calling 301–504–5257.

**COMMENTS:** Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques. Comments may be sent to USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Michael D. Ruff,**

*Assistant Administrator.*

[FR Doc. 01–17083 Filed 7–6–01; 8:45 am]

BILLING CODE 3410–03–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Oregon Coast Provincial Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Oregon Coast Provincial Advisory Committee (PAC) will meet at the Siuslaw National Forest Supervisor's Office, Siuslaw River Room, 4077 SW Research Way, Corvallis, OR 97333, on July 19, 2001. The meeting will begin at 9 a.m. The agenda will include: County Payments Update; Report on Grassy Knoll Ecosystems; Upland Restoration on the Green Peak Density Management Project; Update on the Umpqua Land Exchange Proposal; Round Robin Information Sharing; and Recreation Use Issues & LSR Management in the Marys Peak Area (this will include a field trip to Marys Peak in the afternoon, for which transportation will be provided). Participants are asked to please bring their lunch. The meeting should end around 4 p.m. Interested citizens are encouraged to attend. A fifteen-minute public comment period is scheduled at 11:15 a.m. The committee welcomes the public's written comments on committee business at any time.

**FOR FURTHER INFORMATION CONTACT:** Joni Quarnstrom, Public Affairs Specialist, Siuslaw National Forest, 541/750–7075 or write to Forest Supervisor, Siuslaw National Forest, PO Box 1148, Corvallis, OR 97339.

Dated: June 18, 2001.

**Gloria D. Brown,**

*Forest Supervisor.*

[FR Doc. 01–17085 Filed 7–6–01; 8:45 am]

BILLING CODE 3410–110–M

## DEPARTMENT OF COMMERCE

### Submission For OMB Review; Comment Request

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

*Agency:* U.S. Census Bureau.

*Title:* Current Industrial Reports (Wave II Voluntary).

*Form Number(s):* M327G, M331J, MQ311A, MQ325A, MQ325C, MQ325F, MQ335C, MA311D, MA333N, and MA335L.

*Agency Approval Number:* 0607–0206.

*Type of Request:* Revision of a currently approved collection.

*Burden:* 3,779 hours.

*Number of Respondents:* 2,723.

*Avg Hours Per Response:* 1.39.

*Needs and Uses:* The Census Bureau conducts a series of monthly, quarterly, and annual surveys as part of the Current Industrial Reports (CIR) program. The CIR program focuses primarily on the quantity and value of shipments of particular products and occasionally with data on production and inventories; unfilled orders, receipts, stocks and consumption; and comparative data on domestic production, exports, and imports of the products they cover. Government agencies, business firms, trade associations, and private research and consulting organizations use these data to make trade policy, production, and investment decisions.

Due to the large number of surveys conducted in the CIR program, for clearance purposes, the CIR surveys are divided into ''waves.'' There are three waves and each wave contains a voluntary and mandatory clearance package, making 6 separate clearances. Each year, one wave (2 clearance packages) is submitted for review. Counterpart forms were added to supplement some monthly and quarterly surveys to collect annual information on a mandatory basis from respondents not participating in the more frequent voluntary collections. In this request, we are discontinuing MQ316A, ''Footwear,'' due to budgetary reductions.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Quarterly, Monthly, and Annually.

*Respondent's Obligation:* Voluntary—monthly, quarterly, and annually; Mandatory (Annual Counterpart).

*Legal Authority:* Title 13, United States Code, Sections 182, 224, and 225.

*OMB Desk Officer:* Susan Schechter, (202) 395–5103.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: July 3, 2001.

**Madeleine Clayton,**

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

[FR Doc. 01–17030 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–07–P

## DEPARTMENT OF COMMERCE

### Census Bureau

### Survey of Income and Program Participation (SIPP) Wave 4 of the 2001 Panel

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 7, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *MClayton@doc.gov*).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Judith H. Eargle, Census Bureau, FOB 3, Room 3387, Washington, DC 20233–0001, (301) 457–3819.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

The Census Bureau conducts the SIPP which is a household-based survey designed as a continuous series of national panels. New panels are introduced every few years with each panel usually having durations of one to four years. Respondents are interviewed at 4-month intervals or ''waves'' over the life of the panel. The survey is molded around a central ''core'' of labor force and income questions that remain fixed throughout the life of the panel. The core is supplemented with questions designed to address specific needs, such as obtaining information on taxes, the ownership and contributions made to an Individual Retirement Account, Keogh, and 401K plans, examining patterns in respondent work schedules, and child care arrangements. These supplemental questions are included with the core and are referred to as ''topical modules.''

The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single, unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic-policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983 permitting levels of economic well-being and changes in these levels to be measured over time.

The 2001 Panel is currently scheduled for three years and will include nine waves of interviewing beginning February 2001. Approximately 50,000 households will be selected for the 2001 Panel, of which 37,500 are expected to be interviewed. We estimate that each household will contain 2.1 people, yielding 78,750 interviews in Wave 1 and subsequent waves. Interviews take 30 minutes on average. Three waves of interviewing will occur in the 2001 SIPP Panel during FY 2002. The total annual burden for 2001 Panel SIPP interviews would be 118,125 hours in FY 2002.

The topical modules for the 2001 Panel Wave 4 collect information about:

- Annual Income and Retirement Accounts
- Taxes
- Work Schedule
- Child Care

Wave 4 interviews will be conducted from February 2002 through May 2002.

A 10-minute reinterview of 2,500 persons is conducted at each wave to ensure accuracy of responses. Reinterviews would require an additional 1,253 burden hours in FY 2002.

An additional 2,100 burden hours is requested in order to continue the SIPP Methods Panel testing. The test targets SIPP items and sections that require thorough and rigorous testing in order to improve the quality of core data.

**II. Method of Collection**

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years with each panel having durations of one to four years. All household members 15 years old or over are interviewed using regular proxy-respondent rules. During the 2001 Panel, respondents are interviewed a total of nine times (nine waves) at 4-month intervals making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these individuals move, they are not followed unless they happen to move along with a Wave 1 sample individual.

**III. Data**

*OMB Number:* 0607–0875.

*Form Number:* SIPP/CAPI Automated Instrument.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 78,750 persons per wave.

*Estimated Time Per Response:* 30 minutes per person on average.

*Estimated Total Annual Burden Hours:* 121,478.

*Estimated Total Annual Cost:* The only cost to respondents is their time.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Title 13, United States Code, Section 182.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for the Office of Management and Budget approval of this information collection. They also will become a matter of public record.

Dated: July 3, 2001.

**Madeleine Clayton,**

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

[FR Doc. 01–17029 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–07–P

---

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

**[Docket No. 010628164–1164–01]**

### National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of Proposed Increases in Stockpile Disposals of Mica Splittings and Titanium Sponge

**AGENCY:** Department of Commerce.

**ACTION:** Notice of request for public comments on the potential market impact of proposed increases in the disposal quantities of Mica Splittings and Titanium Sponge from the National Defense Stockpile under the proposed Fiscal Year (FY) 2002 Annual Materials Plan (AMP).

**SUMMARY:** This notice is to advise the public that the National Defense Stockpile Market Impact Committee (co-chaired by the Departments of Commerce and State) is seeking public comments on the potential market impact of proposed increases in the disposal quantities of Mica Splittings and Titanium Sponge National Defense Stockpile under the proposed Fiscal Year (FY) 2002 Annual Materials Plan (AMP).

**DATES:** Comments must be received by August 8, 2001.

**ADDRESSES:** Written comments should be sent to Richard V. Meyers, Co-Chair, Stockpile Market Impact Committee, Office of Strategic Industries and Economic Security, Room 3876, Bureau of Export Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; FAX (202) 482–5650; E–Mail; rmeyers@bxa.doc.gov

**FOR FURTHER INFORMATION CONTACT:** Richard V. Meyers, Office of Strategic Industries and Economic Security, Bureau of Export Administration, U.S. Department of Commerce, (202) 482–3634; or Terri L. Robl, Office of International Energy and Commodity Policy, U.S. Department of State, (202) 647–3423; co-chairs of the National Defense Stockpile Market Impact Committee.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Strategic and Critical Materials Stock Piling Act of 1979, as amended, (50 U.S.C. 98 *et seq.*), the Department of Defense (DOD), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs of the United States for national defense. Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h–1) formally established a Market Impact Committee (the Committee) to ''advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile * * *.'' The Committee must also balance market impact concerns with the statutory requirement to protect the Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, Treasury, and the Federal Emergency Management Agency, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA directs the Committee to ''consult from time to time with representatives of producers, processors and consumers of the types of materials stored in the stockpile.''

The National Defense Stockpile Administrator (''the Administrator'') has proposed revising the proposed FY 2002 Annual Materials Plan (AMP) (previously approved by the Committee) to increase the disposal quantities of Mica Splittings from 4 million pounds to 8.5 million pounds, and Titanium Sponge from 5,000 short tons to 7,000 short tons.

The proposed increase for Mica Splittings will allow the Administrator to consider the possibility of an offer to sell most of the remaining Stockpile inventory of Mica Splittings in one transaction. The proposed increase for

Titanium Sponge will allow the Administrator to sell additional quantities of the material to meet increased industry demand. The Committee is seeking public comments on the potential market impact of these proposed increases.

The quantities of Mica Splittings and Titanium Sponge listed in the proposed FY 2002 AMP are not sales target disposal quantities. They are only a statement of the proposed maximum quantities of these materials that may be disposed of in a particular fiscal year. The quantities of these two materials that will actually be offered for sale will depend on the market for the materials at the time of their offering as well as on the quantities of the materials approved for disposal by Congress.

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the proposed increased disposal quantities of Mica Splittings and Titanium Sponge. Although comments in response to this Notice must be received by August 8, 2001 to ensure full consideration by the Committee, interested parties are encouraged to submit comments and supporting information at any time thereafter to keep the Committee informed as to the market impact of the sales of these materials. Public comment is an important element of the Committee's market impact review process.

Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public file. The Committee will seek to protect such information to the extent permitted by law.

The records related to this Notice will be made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 C.F.R. 4.1 et seq.). Specifically, the Bureau of Export Administration's FOIA reading room is located on its web page, which can be found at *http://www.bxa.doc.gov,* and copies of the public comments received will be maintained at that location (see Freedom of Information Act (FOIA) heading). If requesters cannot access the web site, they may call (202) 482–2165 for assistance.

Dated: June 28, 2001.

**Matthew S. Borman,**

*Deputy Assistant Secretary, Bureau of Export Administration.*

[FR Doc. 01–17101 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–DR–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 85–9A018.

**SUMMARY:** The Department of Commerce has issued an amended Export Trade Certificate of Review to The U.S. Shipper's Association (''USSA'') on July 2, 2001. Notice of issuance of the original Certificate was published in the **Federal Register** on June 9, 1986, (51 FR 20873).

**FOR FURTHER INFORMATION CONTACT:** Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, by E-mail at *oetca@ita.doc.gov,* or by phone at (202) 482–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2000).

The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Amended Certificate**

Export Trade Certificate of Review No. 85–00018, was issued to USSA on June 3, 1986 (51 FR 20873, June 9, 1986), and was last amended on May 28, 1999 (64 FR 29994, June 4, 1999).

USSA's Export Trade Certificate of Review has been amended to:

(1) Add the following as ''Members'' of the Certificate within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Basell USA Inc., Wilmington, DE (Controlling Entity: Basell NV., Hoofddorp, The Netherlands); Resolution Performance Products LLC, Houston, TX; (Controlling Entity: Apollo Management LP, New York, NY); KRATON Polymers U.S. LLC (Controlling Entity: R.K. Polymers LLC, New York, NY); Aventis Crop Science, USA LP (Controlling Entity: Aventis Crop Science Holding SA, Lyon, France); George Avery, Westport, CT; J.W.C. & Company, LLC, Macungie, PA'' and

(2) Change the listing of current member Rhodia, Inc., Cranberry, New Jersey (Controlling Entity: Rhone-Poulenc, S.A., Courbevoie, France) to Rhodia, Inc., Cranberry, New Jersey (Controlling Entity: Rhodia, S.A., Boulonge-Billancourt, France) and

(3) Delete the following members: ANGUS Chemical Company, Buffalo Grove, IL (Controlling Entity: Alberta Natural Gas, Alberta, Canada); Nova Chemicals Inc., Monaca, PA; Rhone-Poulenc AG Company, Research Triangle Park, NC (Controlling Entity: Rhone-Poulenc, S.A., Courbevoie, France); and Rhone-Poulenc Animal Nutrition, Atlanta, GA (Controlling Entity: Rhone-Poulenc, S.A., Courbevoie, France).

The effective date of the amended certificate is April 3, 2001. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: July 2, 2001.

**Vanessa M. Bachman,**

*Acting Director, Office of Export Trading Company Affairs,*

[FR Doc. 01–17054 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–DR–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 070301B]**

### Proposed Information Collection; Comment Request; Billfish Tagging Report

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 7, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David Holts, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla, CA 92038–0271 (phone 858–546–7186).

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

The National Oceanic and Atmospheric Administrations's Southwest Fishery Science Center operates a billfish tagging program. Tagging supplies are provided to volunteers. When they catch and tag fish they submit a brief report on the fish tagged and the location of the tagging. The information obtained is used in conjunction with tag returns to determine billfish migration patterns, mortality rates, and similar information useful in the management of the fishery.

### II. Method of Collection

A paper form the size of a postcard is used.

### III. Data

*OMB Number*: 0648–0009.
*Form Number*: NOAA Form 88–162.
*Type of Review*: Regular submission.
*Affected Public*: Individuals or households.
*Estimated Number of Respondents*: 1,250.
*Estimated Time Per Response*: 5 minutes.
*Estimated Total Annual Burden Hours*: 104.
*Estimated Total Annual Cost to Public*: $0.

### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 2, 2001.

**Madeleine Clayton,**

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

[FR Doc. 01–17092 Filed 7–6–01; 8:45 am]

**BILLING CODE 3510–22–S**

---

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 070301C]**

## Proposed Information Collection; Comment Request; Alaska Marine Sport Fishing Economic Survey

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 7, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Tod Lee, Alaska Fisheries Science Center, F/AKC3, 7600 Sand Point Way, NE, Bldg. 4, Seattle, WA 98115 (phone 206–526–4252).

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

The purpose of the survey is to collect information that will be used to conduct economic analyses of marine sport fisheries off Alaska. The Federal Government is responsible for the management of the Pacific halibut fishery, while the State of Alaska manages the salmon fisheries. The scope of the project includes both the Pacific halibut and the primary salmon fisheries (Chinook, Coho and Sockeye). The survey data will be used to estimate the economic value of a fishing day to anglers, and how catch rates and fishery regulations affects that value. The survey data will also be used to estimate how catch rates and fishery regulation affect the participation decisions of anglers. This type of economic data is currently not available for many areas and fisheries in Alaska. The information derived from the survey will be of use to fishery managers in their effort to evaluate the economic status of the marine sport fisheries off Alaska and the consequences of proposed regulations.

### II. Method of Collection

The data will be collected through a mail survey with a telephone contact of non-respondents. Each respondent will receive an initial questionnaire. A second questionnaire will be mailed to those who have not responded within 3 weeks. Those who do not respond to the second mailing will be contacted by telephone to ask them to complete the questionnaire and return it by mail. The survey instrument will be developed using focus groups to test questions and survey format.

### III. Data

*OMB Number*: None.
*Form Number*: None.
*Type of Review*: Regular submission.
*Affected Public*: Individuals or households.
*Estimated Number of Respondents*: 3,800.
*Estimated Time Per Response*: 20 minutes.
*Estimated Total Annual Burden Hours*: 1,267 hours.
*Estimated Total Annual Cost to Public*: $0.

### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 2, 2001.

**Madeleine Clayton,**

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

[FR Doc. 01–17093 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 070201E]**

## New England Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Enforcement Oversight Committee and Advisory Panel and its Mid-Atlantic Plans Committee in July, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meetings will be held on Tuesday, July 24, 2001, from 9 a.m. to 12 noon. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held in Portland, ME. See **SUPPLEMENTARY INFORMATION** for specific locations.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

### Meeting Dates and Agendas

*Tuesday, July 24, 2001, 9 a.m.- 12 noon.*—Enforcement Oversight Committee and Advisory Panel.

Location: Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775–2311.

The Committee will consider issues concerning: (1) the applicability of Vessel Monitoring Systems (VMS) regulations for vessels voluntarily participating in the VMS program; (2) vessel operators who have had their permits revoked but who continue to operate vessels without an operator permit; (3) possible modification to scallop gear stowage provisions in order to improve safety at sea.

*Tuesday, July 24, 2001, 9 a.m. - 12 noon.*—Mid-Atlantic Plans Committee Meeting.

Location: Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775–2311.

The committee will review and provide guidance to the Council on proposed changes to the Mid-Atlantic Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) and the Summer Flounder, Scup, and Black Sea Bass FMP. They will discuss other Mid-Atlantic issues of concern.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: July 3 , 2001.

**Richard W. Surdi,**

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

[FR Doc. 01–17098 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 070201C]**

## Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Council) Highly Migratory Species Plan Development Team (HMSPDT) will hold a work session, which is open to the public.

**DATES:** The HMSPDT will meet on Monday, July 23, 2001; Tuesday, July 24, 2001; Wednesday, July 25, 2001; Thursday, July 26, 2001; and Friday, July 27, 2001. The HMSPDT will meet each day from 8 a.m. until 5 p.m., except for Friday, July 27, 2001 when the HMSPDT will meet from 8 a.m. until business for the day is completed.

**ADDRESSES:** The work session will be held in the large conference room at the NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, Room D–203, La Jolla, CA 92038–0271; (858) 546–7100.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Dan Waldeck, Pacific Fishery Management Council; (503) 326–6352.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the work session is to continue revising the draft fishery management plan (FMP) for highly migratory species (HMS) per Council guidance stemming from the June 2001 Council meeting.

Although non-emergency issues not contained in the HMSPDT meeting agenda may come before the HMSPDT for discussion, those issues may not be the subject of formal HMSPDT action during this meeting. HMSPDT action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the HMSPDT's intent to take final action to address the emergency.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: July 3, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01–17096 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 070201D]**

### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meetings.

**SUMMARY:** A subcommittee of the Pacific Fishery Management Council's (Council) Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee will hold a telephone conference, which is open to the public.

**DATES:** The telephone conference will be held Tuesday, July 31, 2001, from 2 p.m. to 4 p.m.

**ADDRESSES:** Four listening stations will be available at the following locations:

1. National Marine Fisheries Service, Northwest Region Director's Conference Room 7600 Sand Point Way NE, Building 1 Seattle, WA 98115
   Contact: Mr. Bill Robinson, (206) 526–6267
2. Pacific Fishery Management Council 7700 NE Ambassador Place, Suite 200 Portland, OR 97220–1384
   Contact: Mr. John DeVore, (503) 326–6352
3. California Department of Fish and Game Conference Room, Room 1320 1416 Ninth Street Sacramento, CA 95814
   Contact: Mr. LB Boydstun, (916) 653–6281
4. Washington Department of Fish and Wildlife Natural Resource Building, Room 677 1111 Washington Street SE Olympia, WA 98501
   Contact: (360) 902–2819

*Council address*: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Mr. John DeVore, telephone: (503) 326–6352.

**SUPPLEMENTARY INFORMATION:** The purpose of the telephone conference is to continue development of an analysis of the measures needed for the conversion of the open access fishery to limited entry.

Although non-emergency issues not contained in the meeting agenda may come before the subcommittee for discussion, those issues may not be the subject of formal subcommittee action during this meeting. Subcommittee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the subcommittee's intent to take final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: July 3, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01–17097 Filed 7–6–01; 8:45 am]

**BILLING CODE 3510–22–S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Amendment of Export Visa Requirements for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

July 2, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs providing for the use of a new textile export license/commercial invoice printed on light blue paper.

**EFFECTIVE DATE:** January 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The Governments of the United States and the People's Republic of China have agreed to amend the existing export visa requirements to provide for the use of a new textile export license/commercial invoice, issued by the Government of the People's Republic of China, for shipments of goods produced or manufactured in China and exported from China on and after January 1, 2002. The new license/invoice shall be printed on light blue background paper. The light blue form replaces the light green background form currently in use. The visa stamp is not being changed.

Shipments of textile and apparel products which are produced or manufactured in China and exported from China during the period January 1, 2002 through January 31, 2002 may be accompanied by a visa printed on either the light green background paper or the light blue background paper as described above. Products exported on and after February 1, 2002 must be accompanied by an export visa issued by the Government of the People's Republic of China on the light blue license/invoice form.

See 62 FR 15465, published on April 1, 1997.

**D. Michael Hutchinson**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

July 2, 2001.

Commissioner of Customs,
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 27, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive establishes an export visa requirement for certain cotton, wool, man-made fiber, silk blend, and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China.

Effective on January 1, 2002, for products exported from China on or after January 1, 2002, you are directed to amend the March 27, 1997 directive to provide for the use of export licenses/commercial invoices issued by the Government of the People's Republic of China which are printed on light blue background paper. The light blue form will replace the light green background form currently being used.

To facilitate implementation of this amendment to the export licensing system, you are directed to permit entry of textile products, produced or manufactured in China and exported from China during the period January 1, 2002 through January 31, 2002, for which the Government of the People's Republic of China has issued an export license/commercial invoice printed on either the light green background paper or the light blue background paper as described above.

Products exported on and after February 1, 2002 must be accompanied by an export visa issued by the Government of the People's Republic of China on the light blue license/invoice form.

The requirements for ELVIS (Electronic Visa Information System) remain unchanged.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate

export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–17055 Filed 7–6–01; 8:45 am]

BILLING CODE 3510–DR–S

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comment on Short Supply Request under the African Growth and Opportunity Act (AGOA) and the United States - Caribbean Basin Trade Partnership Act (CBTPA)

July 5, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Request for public comments concerning a request for a determination that micro-denier 30 singles and 36 singles solution dyed staple spun viscose yarns, produced on open-ended spindles, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and CBTPA.

**FOR FURTHER INFORMATION CONTACT:** Janet E. Heinzen or Lori Mennitt, International Trade Specialists, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 112(b)(5)(B) of the AGOA; Section 213(b)(2)(A)(v)(II) of the CBTPA, as added by Section 211(a) of the CBTPA; Sections 1 and 6 of Executive Order No. 13191 of January 17, 2001.

**SUMMARY:**

On June 29, 2001 the Chairman of CITA received a petition on behalf of Fabrictex alleging that micro-denier 30 singles and 36 singles solution dyed staple spun viscose yarn produced on open-ended spindles, for use in knit fabric, classified in subheading 5510.11.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that apparel articles of U.S. formed knit fabrics of such yarns be eligible for preferential treatment under the AGOA and the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether this yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by July 24, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution, N.W., Washington, D.C. 20230.

**BACKGROUND:** The AGOA and the CBTPA provide for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA and the CBTPA also provide for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more AGOA or CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On June 29, 2001 the Chairman of CITA received a petition on behalf of Fabrictex alleging that micro-denier 30 singles and 36 singles solution dyed staple spun viscose yarn, produced on open-ended spindles, for use in knit fabric, classified in HTSUS subheading 5510.11.0000, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the AGOA and the CBTPA for apparel articles that are cut and sewn in one or more AGOA or CBTPA beneficiary countries from U.S. formed knit fabric from such yarn. This is the second petition submitted by Fabrictex on solution dyed staple spun viscose yarn.

CITA is soliciting public comments regarding this request, particularly with respect to whether this yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than July 24, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that this yarn can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc.01–17208 Filed 7–5–01; 2:16 pm]

BILLING CODE 3510–DR–S

## DEPARTMENT OF DEFENSE

### Department of the Army

### Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB) Analysis Panel.

*Date of Meeting:* 12–13 July 2001.

*Time of Meeting:* 0900–1700.

*Places:* RAND (Los Angeles, CA).

*Agenda:* The Analysis Panel of the Army Science Board's (ASB) Summer Study will visit RAND and meet from 0900–1700 each day with the following agenda items:

Demonstration of scenarios

Discussion of emerging findings (will be available in documented briefing form)
Insights from other studies
Discussion of modeling requirements (Janus, JCATS, OneSAF, other)
MOUT implications
Panel discussions/directions

These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

**FOR FURTHER INFORMATION CONTACT:** Karen Williams at (407) 384–3937.

**Wayne Joyner,**

*Executive Assistant, Army Science Board.*

[FR Doc. 01–17006 Filed 7–6–01; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before August 8, 2001.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren—Wittenberg@omb.eop.gov.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

Dated: July 2, 2001.

**John Tressler,**

*Leader, Regulatory Information Management,, Office of the Chief Information Officer.*

### Office of Educational Research and Improvement

*Type of Review:* Revision.

*Title:* Field Test Activities and the 2003–2004 Full-Scale Schools and Staffing Survey (SASS): local educational agencies (LEA), Principal, School, Teacher, Library.

*Frequency:* Two series of field tests and the full-scale SASS.

*Affected Public:* Individuals or households; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 2,764
Burden Hours: 2,232.

*Abstract:* The National Center for Education Statistics (NCES) will use the field test to assess data collection procedures that are planned for the next full-scale SASS in 2003–2004. Policymakers, researchers and practitioners at the national, state and local levels use SASS data which are representative at the national and state levels. Respondents include public and private school principals, teachers and school and LEA staff persons.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her internet address Kathy.Axt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–17008 Filed 7–6–01; 8:45 am]

BILLING CODE 4000–01–U

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before August 8, 2001.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

Dated: July 2, 2001.

**John Tressler,**

*Leader, Regulatory Information Management, Office of the Chief Information Officer.*

**Office of Special Education and Rehabilitative Services**

*Type of Review:* New.

*Title:* Annual Progress Reporting Form for Assistive Technology Grantees.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

Responses: 56;

Burden Hours: 896.

*Abstract:* This data collection will be conducted annually to obtain program and performance information from National Institute on Disability and Rehabilitation Research (NIDRR) state assistive technology grantees on their project activities. The information collected will assist federal NIDRR staff in responding to the Government Performance and Results Act (GPRA). Data will primarily be collected through an internet form.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–17009 Filed 7–6–01; 8:45 am]

BILLING CODE 4000–01–U

## DEPARTMENT OF ENERGY

### Notice of Wetland and Floodplain Involvement

**AGENCY:** Chicago Operations Office, DOE.

**ACTION:** Notice.

**SUMMARY:** DOE proposes to implement a wetland management program at Argonne National Laboratory-East (ANL–E) to maintain and enhance wetland resources and improve wetland function. In accordance with DOE regulations for Compliance with Floodplains/Wetlands Environmental Review Requirements (10 CFR part 1022), DOE will prepare a wetland and floodplain assessment for this proposed action. This assessment will be incorporated into the Environmental Assessment (EA) being prepared for this project in accordance with the requirements of the National Environmental Policy Act. A floodplain statement of findings will be included in any finding of no significant impact that is issued following the completion of the EA or may be issued separately.

**DATES:** Comments are due to the address below no later than July 24, 2001.

**ADDRESSES:** Comments should be addressed to Michael J. Flannigan, Director, Safety and Technical Services Division, U.S. Department of Energy, Chicago Operations Office, 9800 S. Cass Avenue, Argonne, IL 60439. (630) 252–2219.

**FOR FURTHER INFORMATION CONTACT:** Further information on this proposed action and wetlands and floodplain assessment can be obtained from Donna Green, U.S. Department of Energy, Argonne Area Office, 9800 S. Cass Avenue, Argonne, IL 60439. (630) 252–2264.

**SUPPLEMENTARY INFORMATION:** DOE's wetland management program would include: removal of invasive plant species in wetlands and near wetlands by application of herbicide or by cutting or pulling; planting seeds and live plants to increase coverage and diversity of native plants; and prescribed burns to increase native species populations and reduce non-native species. Wetland communities would be monitored regularly to assess wetland conditions; wetland boundaries would be delineated on the ANL-E site map; and DOE would return wetland hydrology to a drained wetland to provide compensatory wetland mitigation for impacts. The wetland that DOE would restore and many of the other wetlands that DOE would manage are located in floodplains.

Issued in Argonne, IL on June 26, 2001.

**Michael J. Flannigan,**

*Director, Safety and Technical Services, Chicago Operations Office, Department of Energy.*

[FR Doc. 01–17068 Filed 7–6–01; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Bonneville Power Administration

### Temporary Small Resource Policy

**AGENCY:** Bonneville Power Administration (BPA), Department of Energy (DOE).

**ACTION:** Notice of availability of Record of Decision (ROD).

**SUMMARY:** This notice announces the availability of the ROD to establish a Temporary Small Resource Policy (Policy) as an incentive to utility customers to use small resources to serve a portion of their electricity needs, reducing firm load on BPA. This ROD is based on input from the public process and information in the BPA Business Plan Environmental Impact Statement (DOE/EIS–0183, June 1995) and the Business Plan Record of Decision (August 15, 1995).

**ADDRESSES:** Copies of the Temporary Small Resource Policy ROD, Business Plan, Business Plan EIS, and Business Plan ROD may be obtained by calling BPA's toll-free document request line: 1–800–622–4520.

**FOR FURTHER INFORMATION CONTACT:** Katherine S. Pierce, KEC–4, Bonneville Power Administration, PO Box 3621, Portland, Oregon, 97208–3621, telephone number 503–230–3962; fax number 503–230–5699; e-mail *kspierce@bpa.gov.*

**SUPPLEMENTARY INFORMATION:** The West Coast is in the midst of a power emergency caused by a demand for electricity that is often greater than its supply and record high wholesale market prices. This Policy is a one-time, short-term response to the West Coast power emergency and is one of many measures BPA is undertaking to address power supplies. BPA and the Pacific Northwest are facing severe conditions during the next 12 to 15 months:

- new Subscription contracts have increased customers' load requirements on BPA, so BPA needs to buy more power;
- the Northwest drought means BPA faces low water conditions and has less hydropower, so BPA and its customers must plan to buy even more power; and
- California's market conditions have driven up the purchase price of market power to unprecedented levels.

This Policy would allow the temporary use of short-term resources by BPA customers to help meet their loads and to relieve immediate supply needs. It is intended to be an interim measure that helps bridge the gap until new long-term resources are available. Implementation of this Policy would

conform to BPA's market-driven approach for participation in the increasingly competitive electric power market.

Issued in Portland, Oregon, on June 22, 2001.

**Stephen J. Wright,**

*Acting Administrator and Chief Executive Officer.*

[FR Doc. 01–17069 Filed 7–6–01; 8:45 am]

BILLING CODE 6450–01–U

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP01–460–000]**

## Canyon Creek Compression Company; Notice of Proposed Changes in FERC Gas Tariff

July 2, 2001.

Take notice that on June 22, 2001, Canyon Creek Compression Company (Canyon) tendered for filing to be part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets listed on Appendix A to the filing, to be effective July 23, 2001.

Canyon states that the purpose of this filing is to implement a negotiated rate provision in its tariff consistent with the Federal Energy Regulatory Commission's (Commission) ''Statement of Policy and Request for Comments'' issued January 31, 1996 in Docket Nos. RM95–6 and RM96–7.

Canyon states that copies of the filing are been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17064 Filed 7–6–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP01–391–000]**

## Clear Creek Storage Company, L.L.C.; Notice of Application

July 2, 2001.

Take notice that on June 22, 2001, Clear Creek Storage, L.L.C. (Clear Creek), 180 East 100 South, Salt Lake City, Utah 84111, filed an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Rules and Regulations, for authorization to convert two existing observation wells to withdrawal wells and construct the piping necessary to connect the two wells to the existing injection/withdrawal lateral, in order to increase the withdrawal capability of its storage reservoir within existing certificated volumes, all as more fully set forth in the application on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call (202) 208–2222 for assistance).

Specifically, Clear Creek seeks to obtain authorization to convert Well Nos. 35–4B and 22–9B, located in its Clear Creek Field in Uinta County, Wyoming, from observation wells to withdrawal wells and construct and operate 336 feet of 4-inch diameter pipeline to connect Well No. 35–4B to the existing injection/withdrawal lateral and 1,000 feet of 4-inch diameter pipeline to connect Well No. 22–9B to the existing injection/withdrawal lateral.

Clear Creek states that the purpose of the proposed construction is to benefit existing customers by providing necessary redundancy in reservoir withdrawal facilities, thereby enhancing the reliability of Clear Creek's storage-transportation system during normal withdrawal activities and in the event of pipeline failure or route system maintenance.

Any questions regarding the application should be directed to Michael B. McGinley, Vice President, Clear Creek Storage Company, L.L.C., 180 East 100 South Street, P.O. Box 45601, Salt Lake City, Utah 84111, at (801) 324–2527.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before July 23, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters

will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to file'' and then ''New User Account.''

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17058 Filed 7–6–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–430–001]**

### Florida Gas Transmission Company; Notice of Compliance Filing

July 2, 2001.

Take notice that on June 27, 2001, Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet to become effective June 25, 2001:

Substitute Second Revised Sheet No. 135A

FGT states that on May 25, 2001, FGT filed the referenced tariff sheet which would permit adjustments to the rate components of discount agreements to achieve the agreed upon overall rate as long as all rate components remain within the applicable minimum and maximum rates. Subsequently, on June 22, 2001, the Federal Energy Regulatory Commission issued an order requiring FGT to change the word may to must on the referenced tariff sheet. FGT states that it is making the tariff revision as required.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17063 Filed 7–6–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER01–2405–000]**

### GNA Energy, LLC; Notice of filing

July 2, 2001.

Take notice that on June 22, 2001, GNA Energy, LLC (GNA Energy) tendered for filing with the Federal Regulatory Commission (Commission), a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority.

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 13, 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 be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17061 Filed 7–6–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. RP00–410–000 and RP01–8–000]**

### Mississippi River Transmission Corporation; Notice of Technical Conference

July 2, 2001.

On July 17, 2000, Mississippi River Transmission Corporation (MRT) submitted a filing to comply with Order No. 637. Several parties filed comments or protests addressing various aspects of MRT's filing. In addition, on October 2, 2000, MRT submitted a filing to comply with section 284.12(c)(2)(ii) of the Commission's regulations.[1] No party protested the filing.

[1] 18 CFR 284.12(c)(2)(ii).

Take notice that a technical conference to discuss the various issues raised by MRT's filings will be held on Wednesday, July 25, 2001, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Parties protesting aspects of MRT's filing in compliance with Order No. 637 should be prepared to discuss alternatives.

All interested parties and Staff are permitted to attend.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17067 Filed 7–6–01; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP98–40–028]**

### Panhandle Eastern Pipe Line Company; Notice of Offer of Settlement

July 2, 2001.

Take notice that on June 22, 2001, Panhandle Eastern Pipe Line Company (Panhandle), on behalf of itself and Sponsoring Parties,[1] filed a Stipulation and Agreement (Settlement) under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. The Settlement is designed to resolve all matters associated with the payment of Kansas ad valorem tax refunds on Panhandle's system for the period before June 28, 1988 due to the Commission's implementation of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Public Service Company of Colorado*.[2] A copy of the Settlement is on file with the Commission and is available for public inspection in the Public Reference Room. The Settlement may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Participation in the Settlement by the first sellers listed on the exhibits to the Settlement is voluntary. Likewise, customers of Panhandle, state regulatory commissions and related entities may elect to opt-out of the settlement. If a state regulatory commission opts out of the settlement, certain Settlement Amounts related to local distribution companies subject to that commission's jurisdiction will be adjusted in accordance with the terms of the settlement.

Any First Seller with a maximum refund obligation of less than $50,000 as of January 31, 2001 will be exempt from any obligation to pay that amount. Large First Sellers (i.e., those with a refund obligation in excess of $400.000) will receive a credit of 25% of their refund obligation. Small First Sellers with a refund obligation between $300,000 and $400.000 will receive a $100,000 credit while Small First Sellers with a refund obligation between $50,00 and $300.000 will receive a $50,000 credit and pay 80% of the remaining amount.

In accordance with Section 385.602(f), initial comments are due by July 12, 2001, and any reply comments are due by July 23, 2001.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17066 Filed 7–6–01; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–419–001]**

### TransColorado Gas Transmission Company; Notice of Compliance Filing

July 2, 2001.

Take notice that on June 28, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Second Revised Sheet No. 206B, to be effective June 18, 2001.

TransColorado states that the filing is being made in compliance with the Commission's June 14, 2001, order in Docket No. RP01–419–000.

On May 15, 2001, TransColorado filed revised tariff sheets (the May 15 filing) to change the tariff references from its Direct Access Request and Tracking System (DART) to a more standardized name of ''Interactive Website.'' The Commission accepted and suspended the tariff sheets to December 1, 2001, or earlier, subject to refund and subject to TransColorado providing clarification and making a correction to a tariff sheet that still contained a reference to the DART system, which was removed and submitted in this filing.

In addition to the corrected tariff sheet, TransColorado provided an explanation for the deletion of Sections 2.1(b) (vii) and (viii), Discount Request Processing and Regulatory Reporting, respectively, proposed in the May 15, filing. TransColorado stated that both of these provisions and reporting formerly conducted on the DART system are now handled on its web site and that no changes are being made to TransColorado's conduct of business and procedures.

TransColorado states that a copy of this filing has been served upon TransColorado's customers, the Colorado Public Utilities Commission and New Mexico Public Utilities Commission.

Any person desiring to protest said filing should file a request with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on

[1] Other than Panhandle, Sponsoring Parties include Anadarko Petroleum Corporation, OXY USA Inc., Amoco Production Company, Pioneer Natural Resources USA, Inc., Duke Energy Services, Inc., Dorchester Hugoton, Ltd., RME Corporation (formerly Union Pacific Resources Company), Biedenharn Petroleum, Inc., Midgard Energy Company, Barrett Energy, Inc. Helen C. Dyer/Saturn Trust, Barbara J. Wilson, Inc., Marcus Barrett III, William O. Barrett, Helmerich & Payne, Inc., Kaiser—Francies Oil Company, Mobil Oil Corporation, Barbara J. Wilson Estate, Joyce A. Mims, Texaco Inc., Anna B. Chamberlain Trust, Credo Exploration Program Ltd. 1979, Carle W. Hoffman, Hoffman Oil Company, First National Oil, Inc., Cabot Oil & Gas Corp., Lee Banks d/b/a Banks Oil Company, Robert Greenberg, BJW Irrevocable Trust No. 1, W.B. Osborn III, CLX Energy Inc., Reserve Pipeline, Inc., Ethel Huffman McKee, et al., Beren Corporation, Central Illinois Public Service Co., ProLiance Energy, Inc., Indiana Office of Utility Consumer Counsel, SEMCO Energy Gas Company, Northern Indiana Public Service Company, Northern Indiana Fuel & Light Company, Kokomo Gas and Fuel Company, Michigan Gas Storage Company, MCN Energy, East Ohio Gas Company, Kansas Gas Service Company, and the Kansas Corporation Commission.

[2] *Public Service Co. of Colorado, et al.* 80 FERC ¶ 61,264 (1997), *reh'g denied,* 82 FERC ¶ 61,058 (1998). Appeal pending. *Anadarko Petroleum Corporation v. FERC*, Case No. 98–1227 et al.

''Login to File'' and then ''New User Account.''

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17065 Filed 7–06–01; 8:45 am]

BILLING CODE 6717–01–M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. ER01–2412–000, et al.]**

## Xcel Energy Operating Companies, et al.; Electric Rate and Corporate Regulation Filings

June 29, 2001.

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

### 1. Xcel Energy Operating Companies, Northern States Power Company, Northern States Power Company (Wisconsin)

[Docket No. ER01–2412–000]

Take notice that on June 22, 2001, Northern States Power Company and Northern States Power Company (Wisconsin) (jointly NSP), wholly-owned utility operating company subsidiaries of Xcel Energy Inc., tendered for filing a Non-Firm and a Short-Term Firm Point-to-Point Transmission Service Agreement between NSP and Missouri River Energy Services. NSP proposes the Agreements be included in the Xcel Energy Operating Companies FERC Joint Open Access Transmission Tariff, Original Volume No. 1, as Service Agreements 191-NSP and 192–NSP, pursuant to Order No. 614.

NSP requests that the Commission accept the agreement effective June 4, 2001, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

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

### 2. American Electric Power Service Corporation

[Docket No. ER01–2413–000]

Take notice that on June 25, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing executed Interconnection and Operation Agreement between Indiana Michigan Power Company and Sugar Creek Energy, L.L.C. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of August 24, 2001. A copy of the filing was served upon the Indiana Utility Regulatory Commission and Michigan Public Service Commission.

*Comment date:* July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 3. Wisconsin Public Service Corporation

[Docket No. ER01–2414–000]

Take notice that, on June 25, 2001, Wisconsin Public Service Corporation (WPSC) filed an executed long-term service agreement with Allegheny Energy Supply Company, LLC (Allegheny) under WPSC's market-based rate tariff, FERC Electric Tariff, Third Revised Volume No. 10 (Tariff). A copy of the filing was served upon Allegheny.

WPSC requests that the Commission waive its notice of filing requirements to allow the service agreement to become effective on May 26, 2001.

*Comment date:* July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 4. Ohio Valley Electric Corporation

[Docket No. ER01–2415–000]

Take notice that on June 25, 2001, Ohio Valley Electric Corporation (OVEC) tendered for filing an Amended and Restated Interconnection and Operation Agreement, dated June 19, 2001, between Jackson County Power, LLC (JCP) and OVEC. Copies of this filing were served upon JCP and the Public Utilities Commission of Ohio.

*Comment date:* July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 5. PPL Montana, LLC

[Docket No. ER01–2416–000]

Take notice that on June 25, 2001, PPL Montana, LLC (PPL Montana) filed with the Commission a Service Agreement between PPL Montana and The Montana Power Company. PPL Montana requests that the Commission grant a waiver so as to permit the Service Agreement to become effective on June 20, 2001. PPL Montana states that it has served a copy of this filing on The Montana Power Company.

*Comment date:* July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 6. Consumers Energy Company

[Docket No. ER01–2417–000]

Take notice that on June 25, 2001 Consumers Energy Company (Consumers) tendered for filing a Service Agreement with Duke Energy Trading and Marketing, L.L.C., (Customer) under Consumers FERC Electric Tariff No. 9 for Market Based Sales. Consumers requested that the Agreement be allowed to become effective as of the date of its filing. Copies of the filing were served upon the Customer and the Michigan Public Service Commission.

*Comment date:* July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 7. Northern Indiana Public Service Company

[Docket No. ER01–2418–000]

Take notice that on June 25, 2001, Northern Indiana Public Service Company tendered for filing an executed Standard Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between Northern Indiana Public Service Company and Calpine Energy Services, L.P. (Calpine). Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Non-Firm Point-to-Point Transmission Service to Calpine pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. OA96–47–000 and allowed to become effective by the Commission. Copies of this filing have been sent to Calpine Energy Services, L.P. the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor.

Northern Indiana Public Service Company has requested that the Service Agreement be allowed to become effective as of June 26, 2001.

*Comment date:* July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 8. Wisconsin Electric Power Company

[Docket No. ER01–2420–000]

Take notice that on June 26, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with The Detroit Edison Company. Copies of the filing have been served on The Detroit Edison Company, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Wisconsin Electric respectfully requests an effective date of June 25, 2001 to allow for economic transactions.

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

**9. Cinergy Services, Inc.**

[Docket No. ER01–1820–002]

Take notice that on June 26, 2001, Cinergy Services, Inc. on behalf of The Cincinnati Gas & Electric Co. and PSI Energy tendered a compliance filing regarding its proposed short-form market-based rate tariff. Copies of this filing have been served on the Indiana Regulatory Commission, Kentucky Public Service Commission and the Public Utilities Commission of Ohio.

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

**10. Gauley River Power Partners, L.P.**

[Docket No. ER01–1964–001]

Take notice that on June 26, 2001, Gauley River Power Partners, L.P. filed revised tariff sheets in compliance with the Commission's June 22, 2001 order in this proceeding.

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

**11. Pennsylvania Electric Company**

[Docket No. ER01–2072–001]

Take notice that on June 26, 2001, Pennsylvania Electric Company (Penelec) (doing business as GPU Energy) submitted an amendment to its filing made on May 17, 2001 in this docket.

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

**12. Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company**

[Docket No. ER01–2291–001]

Take notice that on June 26, 2001, Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company (The NSTAR Companies) tendered for filing revised tariff sheets to their Open Access Transmission Tariffs in this proceeding to reflect corrections to typographical errors contained in the original filing made on June 12, 2001, which expand their offered services over the NSTAR Companies' entitlements to the Phase I/Phase II HVDC facilities.

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

**13. Commonwealth Edison Company**

[Docket No. ER01–2387–001]

Take notice that on June 26, 2001, Commonwealth Edison Company (ComEd) filed an amendment and restated Interconnection Agreement between ComEd and LSP-Nelson Energy LLC to replace and supersede the Interconnection Agreement filed by ComEd in Docket No. ER00–3509–000 on August 24, 2000.

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

**14. EOPT Power Group Nevada, Inc.**

[Docket No. ER01–1897–001]

Take notice that on June 26, 2001, EOPT Power Group Nevada, Inc. (EOPT) filed an Amendment of its Petition filed with the Federal Energy Regulatory Commission for acceptance of its FERC Electric Tariff No. 1.

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

**15. CinCap IX, LLC.**

[Docket No. ER01–2054–001]

Take notice that on June 26, 2001, CinCap IX, LLC tendered for filing an amendment to its May 15, 2001 application for authorization to sell power and ancillary services at market-based rates, and to reassign transmission capacity.

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

**16. Southern Company Services, Inc.**

[Docket No. ER01–2419–000]

Take notice that on June 26, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Companies), filed an agreement for network integration transmission service between Southern Companies and Energy Marketing, a department of SCS, as agent for APC, under the Open Access Transmission Tariff of Southern Companies (FERC Electric Tariff, Fourth Revised Volume No. 5).

*Comment date:* July 17, 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. 01–17057 Filed 7–6–01; 8:45 am]

**BILLING CODE 6717–01–P**

---

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RM95–9–013]**

## Open Access Same-Time Information System and Standards of Conduct

Issued June 29, 2001.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Order Denying Request for Experimental Business Practice Standard.

**SUMMARY:** The Federal Energy Regulatory Commission is denying a request to authorize a 6-month experiment implementing a business practice standard that would allow transmission providers, at the time of reservation request deadlines, to retract their prior acceptances of unconfirmed customer requests for daily firm transmission service and substitute pending pre-confirmed requests for such service, in order of queue time, up to the amount of daily firm available transmission capability remaining.

**FOR FURTHER INFORMATION CONTACT:**

Marvin Rosenberg (Technical Information), Office of Markets, Tariffs, and Rates, Federal Energy Regulatory Commission 888 First Street, NE., Washington, DC 20426, (202) 208–1283.

Paul Robb (Technical Information), Office of Markets, Tariffs, and Rates, Federal Energy Regulatory Commission 888 First Street, NE., Washington, DC 20426, (202) 219–2702.

Gary D. Cohen (Legal Information), Office of the General Counsel, Federal

Energy Regulatory Commission 888 First Street, NE.,Washington, DC 20426,(202) 208–0321.

**SUPPLEMENTARY INFORMATION:**

## Order Denying Request for Experimental Business Practice Standard

We will deny the request from the Market Interface Committee of the North American Electric Reliability Council (MIC) for expedited approval of its proposed experiment on the treatment of unconfirmed requests for daily, firm transmission service, for the reasons stated below.

## Background

On May 29, 2001, the MIC filed a request to modify the Commission's OASIS Business Practice Standards adopted in Order No. 638,[1] to add a new business practice standard dealing with accepted daily, firm point-to-point transmission service that has not been confirmed and to modify a related footnote to Table 4–2 on Reservation Timing Limits. The MIC requests that the Commission implement this proposal on a mandatory, experimental basis for six months beginning no later than June 30, 2001. The MIC further states that, within four months of the effective date, it will provide the Commission with an assessment of the experiment and whether it should be revised, discontinued, or made permanent.

On June 5, 2001, the Commission issued a notice of filing and request for comments regarding the MIC filing (66 FR 31234, June 11, 2001). The notice gave a brief description of the MIC proposal and invited comments on or before June 11, 2001.[2] Comments were invited on the MIC proposal generally and specifically on whether Commission action is needed by June 30, 2001, as requested by the MIC.

On June 11, 2001, Dynegy Power Marketing, Inc. and Coral Power, LLC (collectively ''Dynegy/Coral'') jointly filed a protest opposing the MIC request. Dynegy/Coral argue that the MIC proposal should not be granted on an expedited basis and that it should be rejected outright. Dynegy/Coral's protest was the sole comment filed in response to the June 5, 2001 notice and request for comments.

[1] Open Access Same-Time Information System and Standards of Conduct, Order No. 638, FERC Stats. & Regs., Regulations Preambles 1996–2000 ¶ 31,092 (2000).

[2] This shortened comment period was used to accommodate the MIC's request for action on or before June 30, 2001.

## Discussion

We will deny the MIC's request for expedited approval of its proposed experiment on the treatment of unconfirmed requests for daily, firm transmission service for three reasons. First, although the MIC requests expedited approval of its proposed experiment, the MIC's proposal presents no reason why expedited treatment is needed. Moreover, although our June 5, 2001 notice specifically invited comment on this issue, no comments were filed in support of expedited treatment or giving reasons why prompt action is needed. In fact, Dynegy/Coral's protest, the sole comment filed, argued against expedited approval of the proposed experiment both because it opposed approval of the experiment outright, and because Dynegy/Coral argues that implementation during the summer peak period would cause problems for customers denied service under the MIC's proposal. Given the absence of a showing of need for expedited treatment, we will reject MIC's request for expedited approval of its proposed experiment.

The MIC proposal would allow transmission providers, at reservation request deadlines, to retract their prior acceptance of unconfirmed customer requests for daily, firm transmission service and substitute pending pre-confirmed requests for such service, in order of queue time, up to the amount of daily, firm available transmission capability remaining. The proposal includes phrases such as, ''the transmission provider has the right to move to a retracted status'' and ''after which time that request may be retracted.'' These phrases do not provide a standard for the transmission provider to use in deciding whether to retract customers' unconfirmed accepted requests for daily, firm point-to-point transmission service. Careful monitoring would be necessary to insure that the proposal is not implemented in a discriminatory manner. A customer whose request for transmission service had been accepted would have no way to predict whether a transmission provider might choose to retract its acceptance, which would make it difficult for the customer to make alternative arrangements.

Dynegy/Coral argues that the proposed standard addresses the problem of unused transmission capacity caused by some customers not confirming accepted transmission requests, but does not address the underlying problem caused by the practice of some transmission providers of delaying their acceptance of requests for daily, firm transmission service, even when customers submit their requests early. Dynegy/Coral contends this practice puts customers in a bind that forces them to make alternative arrangements as a protective mechanism. Dynegy/Coral argues that customers should not be punished for taking such precautions, even if they result in some unused transmission capacity. Dynegy/Coral argues that a better solution to avoid unused capacity would be for transmission providers to more uniformly respond to requests for daily, firm transmission service on a timely basis, rather than by taking the unwarranted step of giving greater priority to pre-confirmed service requests. Further, Dynegy/Coral argues that the MIC proposal would force customers to purchase transmission services they will be unable to use.

We agree with Dynegy/Coral that the MIC proposal does not address whether the time period for transmission providers to evaluate requests for daily, firm transmission service needs to be clarified or shortened and that this is a relevant issue. If transmission providers would all respond to requests for daily, firm transmission service on a timely basis, then customers would have adequate time to confirm before reservations are scheduled, and the MIC's proposed business practice might not be needed. We request that the MIC reconsider its motion in light of the concerns raised by Dynegy/Coral. After considering these issues, the MIC may, at its option, make a revised request for an experimental business practice standard.

*The Commission orders*

The request by MIC for expedited approval of a proposed experiment on the treatment of unconfirmed requests for daily, firm transmission service is hereby denied without prejudice, as discussed in the body of this order.

By the Commission.
(SEAL)

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17007 Filed 7–6–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA) and Request for Preliminary Terms and Conditions

July 2, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Unconstructed Project.

b. *Project No.:* 11656–000.

c. *Date Filed:* June 15, 2001.

d. *Applicant:* Lake Dorothy Hydro, Inc.

e. *Name of Project:* Lake Dorothy Hydroelectric.

f. *Location:* In the Tongas National Forest, at Lake Dorothy on Dorothy Creek, near Juneau, Alaska. Township 42S, Range 69E and 70E, Copper River Meridian.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.A. 791(a)–825(r).

h. *Applicant Contact:* Mr. Corry V. Hildenbrand, Lake Dorothy Hydro, Inc., 5601 Tonsgard Court, Juneau, AK 99801–7201, (907) 463–6315.

*Send Comments to:* Mr. Corry V. Hildenbrand, Lake Dorothy Hydro, Inc., 5601 Tonsgard Court, Juneau, AK 99801–7201. AND Ms. Susan Tinney, S. Tinney Associates, Inc., Licensing Coordinator, P.O. Box 985, Lake City, CO 81235.

i. *FERC Contact:* Mike Henry (503) 944–6762 or e-mail at *mike.henry@ferc.fed.us.*

j. *Status of Project:* With this notice the Commission is soliciting (1) preliminary terms, conditions, and recommendations on the Preliminary Draft Environmental Assessment (DEA), and (2) comments on the Draft License Application.

k. *Deadline for filing:* 90 days from the issuance of this notice.

All comments on the Preliminary DEA and Draft License Application should be sent to the addresses noted above in Item (h), with one copy filed with FERC at the following address: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All comments must include the project name and number and bear the heading Preliminary Comments, Preliminary Recommendations, Preliminary Terms and Conditions, or Preliminary Prescriptions.

Comments, protests and interventions and preliminary recommendations, terms and conditions and prescriptions 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Room 2–A, Washington, DC 20426, or by calling (202) 219–1371. A copy of the application may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' from the RIMS Menu and follow the instructions (please call (202) 208–2222 for assistance).

Lake Dorothy Hydro, Inc. has mailed a copy of the Preliminary DEA and Draft License Application to interested entities and parties. Copies of these documents are available for review at Lake Dorothy's Public Reference File established in Lake Dorothy Hydro, Inc.'s office in Juneau, Alaska, or by calling Susan Tinney, S. Tinney Associates, Inc. (970) 944–1020 or by e-mailing tinney@rmi.net.

m. With this notice, we are initiating consultation with the Alaska STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17059 Filed 7–6–01; 8:45 am]

**BILLING CODE 6717–01–M**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

July 2, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12038–000.

c. *Date Filed:* June 4, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Lake Sherburne Dam Hydroelectric Project.

f. *Location:* The proposed project would be located at the Bureau of Reclamation's Lake Sherburne Dam, on Swiftcurrent Creek in Glacier County, Montana. Part of the project would be on lands administered by the U.S. Forest Service (Glacier National Park).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630, (fax) (208) 745–7909, or e-mail address: *npsihydro@aol.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 219–2671.

j. Deadline for filing motions to intervene, protests and comments: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, recommendations, interventions, and protests, may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http:/ /www.ferc.fed.us/efi/doorbell.htm.*

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) The existing 94-feet-high 1086-feet-long Lake Sherburne Dam, (2) the existing Sherburne Reservoir with a surface area of 1,344 acres and a storage capacity of 67,604 acre-feet at a normal elevation of 4,788 feet, (3) a proposed 60 inch-diameter 450 foot-long steel penstock, (4) a proposed powerhouse containing one generating unit with an installed capacity of 1 MW, (5) a proposed 15 kv transmission line approximately 5 miles long, and (6) appurtenant facilities.

The project would have an annual generation of 2.4 GWh.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on

*http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Any desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. 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.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''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., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. 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. 01–17060 Filed 7–6–01; 8:45 am]

**BILLING CODE 6717–01–M**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

July 2, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No.:* P–1494–233.

c. *Date Filed:* June 27, 2001.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. This project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Bob Sullivan, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256–5545.

i. *FERC Contact:* James Martin at *james.martin@ferc.fed.us,* or telephone (202) 208–1046.

j. *Deadline for filing comments, motions, or protests:* August 10, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

Please include the project number (P–1494–233) on any comments or motions filed.

k. *Description of Project:* Grand River Dam Authority, licensee for the Pensacola Project, requests approval to grant permission to Anchors End Marina to dredge approximately 4,500 cubic yards of material to clear the shoreline for future housing additions. The proposed project is on Grand Lake in Section 2, Township 23 North, Range 21 East, Mayes County.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. 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'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or 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. 01–17062 Filed 7–6–01; 8:45 am]

**BILLING CODE 6717–01–M**

---

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Sunshine Act Meeting

July 3, 2001.

The following Notice of Meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C 552B:

**AGENCY HOLDING MEETING:** Federal Energy Regulatory Commission.

**DATE AND TIME:** July 11, 2001, 10:00 A.M.

**PLACE:** Room 2C, 888 First Street, NE., Washington, DC 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

**Note**—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE INFORMATION:** David P. Boergers, Secretary, Telephone (202) 208–0400, for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

**771st—Meeting July 11, 2001, Regular Meeting, 10:00 a.m.**

**Consent Agenda—Markets, Tariffs and Rates—Electric**

CAE–1.
  Docket# ER01–2032, 000, Central Maine Power Company
  Other#s ER01–2130, 000, Central Maine Power Company
CAE–2.
  Docket# ER01–2055, 000, Arizona Public Service Company
CAE–3.
  Docket# ER01–2081, 000, Allegheny Energy Supply Company, LLC
  Other#s ER00–2998, 001, Southern Company Services, Inc.; ER00–2999, 001, Southern Company Services, Inc.; ER00–3000, 001, Southern Company Services, Inc.; ER00–3001, 001, Southern Company Services, Inc.
CAE–4.
  Docket# ER01–1676, 000, FPL Energy MH 50, L.P.
  Other#s ER01–1676, 001, FPL Energy MH 50, L.P.
CAE–5.
  Docket# ER01–2086, 000, San Manuel Power Company, LLC
CAE–6.
  Docket# ER01–2092, 000, Allegheny Energy Supply Lincoln Generating Facility, LLC
  Other#s ER00–2998, 001, Southern Company Services, Inc.; ER00–2999, 001, Southern Company Services, Inc.; ER00–3001, 001, Southern Company Services, Inc.
CAE–7.
  Docket# ER01–2141, 000, Riverside Canal Power Company
  Other#s ER01–2100, 000, Delano Energy Company, Inc.; ER01–2112, 000, Mountainview Power Company
CAE–8.
  Docket# ER01–2097, 000, Portland General Electric Company
  Other#s ER01–2103, 000, Enron Power Marketing, Inc.
CAE–9.
  Omitted
CAE–10.
  Docket# ER01–2195, 000, Mid-Continent Area Power Pool
CAE–11.
  Omitted
CAE–12.
  Omitted
CAE–13.
  Docket# RT01–74, 002, Carolina Power & Light Company
  Other#s RT01–74, 003, Carolina Power & Light Company
CAE–14.
  Docket # RT01–88, 000, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of: Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company
  Other#s EC99–80, 009, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of: Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company;
  EC99–80, 011, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of:

Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company;

ER99–3144, 009, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of: Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company;

ER99–3144, 011, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of: Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company;

RT01–88, 001, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of: Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company;

RT01–88, 003, Alliance Companies, Ameren Corporation on behalf of: Union Electric Company and Central Illinois Public Service Company, American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, Consumers Energy and Michigan Electric Transmission Company, Exelon Corporation on behalf of: Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc., FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, the Detroit Edison Company, International Transmission Company and Virginia Electric and Power Company

RT01–84, 000, Illinois Power Company;

RT01–26, 000, Northern Indiana Public Service Company;

RT01–37, 000, The Dayton Power and Light Company

CAE–15.

Docket# ER01–2090, 000, American Electric Power

CAE–16.

Docket# ER01–2122, 000, Ameren Services Company

Other#s ER01–2123, 000, Ameren Services Company

CAE–17.

Docket# RT01–34, 000, Southwest Power Pool, Inc.

Other#s RT01–34, 002, Southwest Power Pool, Inc.; RT01–75, 000, Entergy Services, Inc.; RT01–75, 003, Entergy Services, Inc.; EC01–94, 000, American Electric Power Service Corporation; EC01–100, 000, Oklahoma Gas and Electric Company; EC01–103, 000, Western Resources, Inc.; and Kansas Gas; and Electric Company; EC01–106, 000, Midwest Energy, Inc.; EC01–108, 000, Kansas City Power & Light Company; EC01–109, 000, The Empire District Electric Company; EC01–111, 000, Southwestern Public Service Company; EC01–113, 000, Cleco Power LLC

CAE–18.

Docket# ER00–3591, 007, New York Independent System Operator, Inc.

Other#s EL00–70, 005, New York State Electric and Gas Corporation v. New York Independent System Operator, Inc.; ER00–1969, 003, New York Independent System Operator, Inc.; ER00–3038, 004, New York Independent System Operator, Inc.

≤CAE–19.

Docket# ER97–1523, 040, New York Independent System Operator, Inc.

Other#s OA97–470, 038, New York Independent System Operator, Inc.; ER97–4234, 036, New York Independent System Operator, Inc.

CAE–20.

Docket# QF90–176, 003, Vineland Cogeneration Limited Partnership

CAE–21.

Docket# EF00–5092, 000, United States Department of Energy—Western Area Power Administration

CAE–22.

Docket# ER01–1527, 003, Sierra Pacific Power Company

Other#s ER01–1529, 003, Nevada Power Company

CAE–23.

Docket# EL01–47, 005, Removing Obstacles to Increased Electric Generation and Natural Gas Supply in the Western United States

CAE–24.

Omitted

CAE–25.

Docket# EL01–45, 001, Consolidated Edison Company of New York

Other#s ER01–1385, 001, Consolidated Edison Company of New York

CAE–26.

Omitted

CAE–27.

Docket# ER99–230, 001, Alliant Services Company

CAE–28.

Docket# EF98–3011, 001, United States Department of Energy—Southestern Power Administration

CAE–29.

Docket# EL98–52, 004, North American Electric Reliability Council

Other#s ER99–1986, 002, North American Electric Reliability Council; ER99–2000, 002, North American Electric Reliability Council

CAE–30.

Docket# ER99–3084, 001, Energy Services, Inc.

Other#s ER99–3093, 001, Energy Services, Inc.; ER99–3133, 001, Energy Services, Inc.; ER99–3175, 001, Energy Services, Inc.; ER99–3176, 001, Energy Services, Inc.; ER99–3188, 001, Energy Services, Inc.; ER99–3252, 001, Energy Services, Inc.; ER99–3302, 001, Energy Services, Inc.; ER99–3315, 001, Energy Services, Inc.

CAE–31.

Docket# ER00–3577, 002, New England Power Pool

Other#s ER00–3577, 003, New England Power Pool

CAE–32.

Docket# EC00–63, 001, Sierra Pacific Power Company, Nevada Power Company and Portland General Electric Company

Other#s ER00–1801, 001, Sierra Pacific Power Company, Nevada Power Company and Portland General Electric Company

CAE–33.

Docket# EL00–95, 038, San Diego Gas & Electric Company v. Sellers of Energy

and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange
Other#s EL00–98, 036, Investigation of Practices of California Independent System Operator and the California Power Exchange
CAE–34.
Docket# RT01–35, 001, Avista Corporation, Bonneville Power Administration, Idaho Power Company, Montana Power Company, Nevada Power Company, Pacificorp, Portland General Electric Company, Puget Sound Energy, Inc.; and Sierra Pacific Power Company
Other#s RT01–15, 001, Avista Corporation, Montana Power Company, Nevada Power Company, Portland General Electric Company, Puget Sound Energy, Inc.; and Sierra Pacific Power Company
CAE–35.
Omitted
CAE–36.
Docket# ER00–565, 002, Pacific Gas & Electric Company
CAE–37.
Docket# EL01–60, 001, Public Utility District of Texas
CAE–38.
Docket# EL01–19, 000, H.Q. Energy Services (U.S.) Inc. v. New York Independent System Operator, Inc.
CAE–39.
Docket# EL01–46, 000, Axia Energy, L.P. v. Southwest Power Pool, Inc.
CAE–40.
Docket# EL01–78, 000, LG&E Energy Marketing, Inc. v. Southern Company Services, Inc.; and Georgia Transmission Corporation
CAE–41.
Docket# EL01–42, 000, Universal Studios, Inc. v. Southern California Edison
CAE–42.
Docket# EL01–12, 000, Gregory 7 Beverly Swecker v. Midland Power Cooperative
CAE–43.
Omitted
CAE–44.
Omitted
CAE–45.
Docket# ER00–1387, 000, Ameren Services Company
Other#s ER00–2364, 000, Ameren Services Company
CAE–46.
Docket# EL00–99, 000, Maine Public Utilities Commission, United Illuminating Company and Bangor Hydro-Electric Company v. Iso New England, Inc.
Other#s EL00–100, 000, Maine Public Utilities Commission, United Illuminating Company and Bangor Hydro-Electric Company v. Iso New England, Inc.; EL00–112, 000, Maine Public Utilities Commission, United Illuminating Company and Bangor Hydro-Electric Company v. Iso New England, Inc.
CAE–47.
Docket# ER01–2144, 000, New England Power Pool
CAE–48.
Docket# ER01–2074, 000, Calhoun Power Company I, LLC
CAE–49.
Docket# RT01–2, 000, PJM Interconnection, L.L.C., Allegheny Electric Cooperative, Inc., Atlantic City Electric Company, Baltimore Gas & Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Peco Energy Company, Pennsylvania Electric Company, PPL Electric Utilities Corporation, Potomac Electric Power Company, Public Service Electric & Gas Company and UGI Utilities Inc.
CAE–50.
Docket# RT01–98, 000, PJM Interconnection, L.L.C. and Allegheny Power
Other#s RT01–10, 000, Allegheny Power
CAE–51.
Docket# RT01–95, 000, New York Independent System Operator, Inc., Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corporation, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc.; and Rochester Gas & Electric Corporation
CAE–52.
Docket# RT01–86, 000, Bangor Hydro-Electric Company, Central Maine Power Company, National Grid USA, Northeast Utilities Service Company, The United Illuminating Company, Vermont Electric Power Company and Iso New England Inc.
Other#s RT01–94, 000, Nstar Services Company
CAE–53.
Docket# RT01–77, 000, Southern Companies Services, Inc.
CAE–54.
Docket# EL01–93, 000, Mirant Americas Energy Marketing, L.P., Mirant New England, LLC, Mirant Kendall, LLC and Mirant Canal, LLC v. Iso New England Inc.
CAE–55.
Docket# RT01–99, 000, Regional Transmission Organizations
CAE–56.
Docket# RT01–100, 000, Regional Transmission Organizations

**Consent Agenda—Markets, Tariffs and Rates—Gas**

CAG–1.
Docket# RP01–457, 000, Northern Border Pipeline Company
CAG–2.
Docket# PR01–9, 000, Cranberry Pipeline Corporation
CAG–3.
Docket# RP00–340, 000, Gulf South Pipeline Company, LP
Other#s RP00–340, 001, Gulf South Pipeline Company, LP; RP01–7, 000, Gulf South Pipeline Company, LP
CAG–4.
Docket# RP00–458, 000, Clear Creek Storage Company, L.L.C.
CAG–5.
Docket# RP00–405, 000, Gulf States Transmission Corporation
Other#s RP00–617, 000, Gulf States Transmission Corporation; RP00–617, 001, Gulf States Transmission Corporation
CAG–6.
Docket# RP00–342, 000, Migc, Inc.
Other#s RP01–57, 000, Migc, Inc.
CAG–7.
Docket# RP95–409, 009, Northwest Pipeline Corporation
Other#s RP95–409, 010, Northwest Pipeline Corporation
CAG–8.
Omitted
CAG–9.
Omitted
CAG–10.
Omitted
CAG–11.
Docket# PR00–9, 000, Epgt Texas Pipeline, L.P.
CAG–12.
Docket# PR00–18, 000, Great Lakes Energy Partners, L.L.C.
CAG–13.
Docket# RP01–400, 001, PG&E Gas Transmission, Northwest Corporation
CAG–14.
Docket# OR99–15, 000, Wolverine Pipe Line Company
CAG–15.
Docket# RP96–389, 025, Columbia Gulf Transmission Company
CAG–16.
Docket# RP01–456, 000, Tennessee Gas Pipeline Company

**Consent Agenda—Miscellaneous**

CAM–1.
Omitted

**Consent Agenda—Energy Projects—Hydro**

CAH–1.
Omitted
CAH–2.
Omitted
CAH–3.
Docket# P–7481, 068, NYSD LTD. Partnership
CAH–4.
Docket# P–739, 012, Appalachian Power Company
Other#s P–77, 114, Pacific Gas and Electric Company; P–96, 029, Pacific Gas and Electric Company; P–175, 016, Pacific Gas and Electric Company; P–178, 013, Pacific Gas and Electric Company; P–233, 077, Pacific Gas and Electric Company; P–401, 025, Indiana Michigan Power Company; P–487, 029, PP&L, Inc.; P–606, 018, Pacific Gas and Electric Company; P–619, 091, Pacific Gas and Electric Company; P–803, 052, Pacific Gas and Electric Company; P–1025, 045, Safe Harbor Water Power Corporation; P–1061, 053, Pacific Gas and Electric Company; P–1121, 055, Pacific Gas and Electric Company; P–1175, 009, Appalachian Power Company; P–1267, 045, Greenwood County, South Carolina; P–1290, 008, Appalachian Power Company; P–1333, 035, Pacific Gas and Electric Company; P–1354, 027, Pacific Gas and Electric Company; P–1403, 040, Pacific Gas and Electric Company; P–1835, 211, Nebraska Public Power District; P–1855, 024, Usgen New England, Inc.; P–1881, 035, PP&L, Inc.;

P–1892, 014, Usgen New England, Inc.; P–1904, 033, Usgen New England, Inc.; P–1962, 036, Pacific Gas and Electric Company; P–1982, 023, Northern States Power Company; P–1988, 026, Pacific Gas and Electric Company; P–2047, 013, Erie Boulevard Hydropower, L.P.; P–2056, 023, Northern States Power Company; P–2058, 017, Avista Corporation; P–2075, 015, Avista Corporation; P–2077, 018, Usgen New England, Inc.; P–2084, 028, Erie Boulevard Hydropower, L.P.; P–2105, 085, Pacific Gas and Electric Company; P–2106, 036, Pacific Gas and Electric Company; P–2107, 008, Pacific Gas and Electric Company; P–2114, 092, Public Utility District No. 2 of Grant County, Washington P–2130, 027, Pacific Gas and Electric Company; P–2155, 018, Pacific Gas and Electric Company; P–2181, 011, Northern States Power Company; P–2210, 067, Appalachian Power Company; P–2232, 426, Duke Power Company; P–2310, 115, Pacific Gas and Electric Company; P–2318, 013, Erie Boulevard Hydropower, L.P.; P–2320, 026, Erie Boulevard Hydropower, L.P.; P–2323, 092, Usgen New England, Inc.; P–2330, 044, Erie Boulevard Hydropower, L.P.; P–2331, 018, Duke Power Company; P–2332, 027, Duke Power Company; P–2376, 031, Appalachian Power Company; P–2440, 042, Northern States Power Company; P–2466, 023, Appalachian Power Company; P–2467, 014, Pacific Gas and Electric Company; P–2474, 014, Erie Boulevard Hydropower, L.P.; P–2482, 032, Erie Boulevard Hydropower, L.P.; P–2491, 027, Northern States Power Company; P–2503, 060, Duke Power Company; P–2514, 063, Appalachian Power Company; P–2538, 056, Erie Boulevard Hydropower, L.P.; P–2539, 017, Erie Boulevard Hydropower, L.P.; P–2545, 071, Avista Corporation; P–2551, 034, Indiana Michigan Power Company; P–2554, 014, Erie Boulevard Hydropower, L.P.; P–2567, 011, Northern States Power Company; P–2569, 080, Erie Boulevard Hydropower, L.P.; P–2570, 027, Ohio Power Company; P–2579, 041, Indiana Michigan Power Company; P–2616, 020, Erie Boulevard Hydropower, L.P.; P–2619, 007, Nantahala Power & Light Company; P–2639, 010, Wisconsin Electric Power Company; P–2645, 101, Erie Boulevard Hydropower, L.P.; P–2651, 014, Indiana Michigan Power Company; P–2661, 013, Pacific Gas and Electric Company; P–2669, 025, Usgen New England, Inc.; P–2670, 016, Northern States Power Company; P–2686, 025, Nantahala Power & Light Company; P–2687, 019, Pacific Gas and Electric Company; P–2692, 026, Nantahala Power & Light Company; P–2696, 015, Erie Boulevard Hydropower, L.P.; P–2697, 011, Northern States Power Company; P–2698, 026, Nantahala Power & Light Company; P–2701, 039, Erie Boulevard Hydropower, L.P.; P–2713, 057, Erie Boulevard Hydropower, L.P.; P–2735, 068, Pacific Gas and Electric Company; P–2740, 044, Duke Power Company; P–2837, 016, Erie Boulevard Hydropower, L.P.; P–4472, 021, Erie Boulevard Hydropower, L.P.; P–5984, 037, Erie Boulevard Hydropower, L.P.; P–7320, 020, Erie Boulevard Hydropower, L.P.; P–7387, 014, Erie Boulevard Hydropower, L.P.; P–11408, 032, Erie Boulevard Hydropower, L.P.

**Consent Agenda—Energy Projects—Certificates**

CAC–1.
Docket# CP00–129, 000, Horizon Pipeline Company, L.L.C.
Others CP00–130, 000, Horizon Pipeline Company, L.L.C.; CP00–131, 000, Horizon Pipeline Company, L.L.C.; CP00–132, 000, Natural Gas Pipeline Company of America

CAC–2.
Docket# CP01–92, 000, East Tennessee Natural Gas Company

CAC–3.
Docket# CP01–115, 000, Transwestern Pipeline Company

CAC–4.
Docket# CP01–154, 000, Maritimes & Northeast Pipeline, L.L.C.

CAC–5.
Omitted

CAC–6.
Docket# CP01–60, 000, Williams Gas Pipelines Central, Inc.

CAC–7.
Docket# CP99–580, 002, Southern LNG Inc.
Others CP99–579, 002, Southern LNG Inc.; CP99–582, 003, Southern LNG Inc.

CAC–8.
Docket# CP01–2, 000, Columbia Gas Transmission Corporation

CAC–9.
Omitted

**Energy Projects—Hydro Agenda**

H–1.
Reserved

**Energy Projects—Certificates Agenda**

C–1.
Reserved

**Markets, Tariffs and Rates—Electric Agenda**

E–1.
Reserved

**Markets, Tariffs and Rates—Gas Agenda**

G–1.
Reserved

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–17167 Filed 7–5–01; 11:51 am]

BILLING CODE 6717–01–U

## EXPORT-IMPORT BANK OF THE UNITED STATES

### Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee of the Export-Import Bank of the United States (Export-Import Bank)

**SUMMARY:** The Sub-Saharan Africa Advisory Committee was established by P.L. 105–121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee and insurance programs of the Bank. Further, the committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for the trade with Sub-Saharan Africa.

*Time and Place:* Wednesday, July 18, 2001, at 9:30 a.m. to 12:00 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

*Agenda:* This meeting will focus on strategic partnerships with funds, banks and U.S. Government Agencies.

*Public Participation:* The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as sign language interpreter) or other special accommodations, please contact, prior to July 13, 2001, Teri Stumpf, Room 1215, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3502 or TDD (202) 565–3377.

**FURTHER INFORMATION CONTACT:** For further information, contact Teri Stumpf, Room 1215, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565–3502.

**Peter B. Saba,**

*General Counsel.*

[FR Doc. 01–16999 Filed 7–6–01; 8:45 am]

BILLING CODE 6650–01–M

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission, Comments Requested

June 29, 2001.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before September 7, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0667.

*Title:* Section 76.1621 Equipment compatibility offer.

*Form Number:* N/A.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 10,480.

*Estimated Time Per Response:* 1–3 hours.

*Total Annual Burden:* 10,515 hours.

*Total Annual Costs:* $5,300.

*Needs and Uses:* Section 76.1621 of the Commission's rules prohibits cable system operators from scrambling or otherwise encrypting signals carried on the basic service tier. However, cable system operators may file a waiver of this prohibition with the Commission. In addition, section 76.1621 requires cable system operators that use scrambling or encryption equipment to provide subscribers special equipment that will enable the reception of multiple signals. Section 76.1622 requires cable system operators to provide in writing a consumer education program concerning equipment compatibility. The Commission has set forth these disclosure requirements for consumer protection purposes to inform subscribers of compatibility matters, and notify subscribers of cable operator's requests to waive the prohibition on signal encryption.

*OMB Control No.:* 3060–0986.

*Title:* Federal-State Joint Board on Universal Service—Plan for Reforming the Rural Universal Service Support Mechanism, CC Docket No. 90–45.

*Form No.:* N/A.

*Type of Review:* Extension.

*Respondents:* Business or Other for Profit; State, Local or Tribal Government.

*Number of Respondents:* 7099.

*Estimated Time Per Response:* .81 hours per response (avg).

*Total Annual Burden:* 5770.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* $0.

*Frequency of Response:* On occasion; Quarterly; Annually; One-Time Requirement; Third Party Disclosure.

*Needs and Uses:* In CC Docket 96–45, released May 23, 2001 (FCC 01–157), the Commission modified its rules for providing high cost universal service support to rural telephone companies for the next five years based upon the proposals made by the Rural Task Force. Carriers are required to elect one of three paths implementing rural high cost reform. Carriers electing Path One must certify that it will not disaggregate and target support. Carriers selecting Path Two must file a disaggregation plan. Carriers selecting Path Three must self-certify and provide a description of the rationale used to disaggregate support, including the methods and data and a discussion of how the plan complies with the self-certification guidelines, among other things. Rural carriers that elect to disaggregate and target per-line support under either Path Two or Three are required to report loops at the cost-zone level. States are required to file annual certifications to ensure that carriers use universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended consistent with Section 254(e). The Commission requires the filing of line count data on a regular quarterly basis upon competitive entry into rural carrier study areas. Carriers must provide written notice in conjunction with their annual or quarterly submissions to NECA indicating that a study area meets the 14% TPIS trigger. Rural carriers must provide written notice when their index year has been established for the purposes of calculating eligibility for safety value support.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01–17031 Filed 7–6–01; 8:45 am]

**BILLING CODE 6712–01–P**

---

## FEDERAL COMMUNICATIONS COMMISSION

**[DA 01–1549]**

## Consumer/Disability Telecommunications Advisory Committee

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the date, time, and agenda for the next meeting of the Consumer/Disability Telecommunications Advisory Committee (hereinafter ''the Committee''), whose purpose is to make recommendations to the Commission regarding consumer and disability issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations) in proceedings before the Commission.

**DATES:** The meeting of the Committee will take place on August 6, 2001, from 9 a.m. to 5 p.m.

**ADDRESSES:** The Committee will meet at the Federal Communications Commission, Room TW–C305, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Scott Marshall, Designated Federal Officer, Consumer/Disability Telecommunications Advisory Committee, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Telephone 202–418–2809 (voice) or 202–418–0179 (TTY); Email: cdtac@fcc.gov.

**SUPPLEMENTARY INFORMATION:** By Public Notice dated and released July 2, 2001, the Federal Communications Commission announced the next meeting of its Consumer/Disability Telecommunications Advisory Committee. The establishment of the Committee had been announced by Public Notice dated November 30, 2000, 15 FCC Rcd 23798, as published in the **Federal Register** (65 FR 76265, December 6, 2000).

During the Committee's August 6th meeting, highlights of the Committee's agenda will include:

- Discussion and Committee recommendations concerning recent

Commission proposals to reform the Universal Service Fund contribution system [CC Docket Nos.: 96–45, 98–171, 90–571, 92–237, 99–200, and 95–116];

• Further definition and prioritization of issues to be addressed by the Committee's three subcommittee working groups; and

• Consideration of a request for membership by the U.S. Telecom Association.

**Availability of Copies and Electronic Accessibility**

A copy of the July 2, 2001 Public Notice is available in alternate formats (Braille, cassette tape, large print or diskette) upon request. It is also posted on the Commission's website at www.fcc.gov/cib/cdtac. The Committee meeting will be broadcast on the Internet in Real Audio/Real Video format with captioning at www.fcc.gov/cib/cdtac. The meeting will be sign language interpreted and realtime transcription and assistive listening devices will also be available. The meeting site is fully accessible to people with disabilities. Copies of meeting agendas and handout material will also be provided in accessible formats. Meeting minutes will be available for public inspection at the FCC headquarters building and will be posted on the Commission's website at www.fcc.gov/cib/cdtac.

Committee meetings will be open to the public and interested persons may attend the meetings and communicate their views. Members of the public will have an opportunity to address the Committee on issues of interest to them and the Committee. Members of groups or individuals who are not members of the Committee will also have the opportunity to participate in work conducted by subcommittees of the Committee. Written comments for the Committee may also be sent to the Committee's Designated Federal Officer, Scott Marshall. Notices of future meetings of the Committee will be published in the **Federal Register**.

Federal Communications Commission.

**Karen Peltz Strauss,**

*Deputy Bureau Chief, Consumer Information Bureau.*

[FR Doc. 01–16998 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

**[MM Docket No. 01–145; DA 01–1582]**

## MDS Two-Way Transmissions

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Mass Media Bureau, Video Services Division seeks comment on a request for declaratory ruling to remove minimum sub-carrier requirement for Orthogonal Frequency Division Multiplexing (''OFDM'') Modulation in the Multipoint Distribution Service (''MDS'') and Instructional Television Fixed Service (''ITFS'').

**DATES:** Comments due on or before July 19, 2001. Reply comments are due on or before July 26, 2001.

**FOR FURTHER INFORMATION CONTACT:** Brad Lerner (202) 418–7066, Video Services Division, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Mass Media Bureau, Video Service Division's Public Notice entitled, *Pleading Cycle Established for Comments on Request for Declaratory Ruling to Remove Minimum Sub-Carrier Requirement for Orthogonal Frequency Division Multiplexing Modulation in Multipoint Distribution Service and Instructional Television Fixed Service*, DA 01–1582, MM Docket No. 01–145, released July 5, 2001. The full text of this Public Notice is available for inspection and copying during normal business hours in the FCC Reference Room, Room CY–A257, Portals II, 445 12th Street, S.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc. (''ITS''), Portals II, 445 12th Street, S.W. Room CY–B402, Washington, D.C. 20554.

**Synopsis of Public Notice**

On March 13, 2001, Cisco Systems, Inc. (''Cisco'') filed a request that the Commission remove a restriction on permitted OFDM modulation in the MDS and ITFS. Specifically, Cisco requests the Commission declare that a minimum of 256 QAM-modulated carriers (or tones) is not necessary in order to use OFDM modulation in the MDS and ITFS. On July 9, 1996, the Commission adopted a declaratory ruling which permits stations operating in the MDS and ITFS to utilize certain digital emissions on a regular basis, so long as those emissions meet certain requirements for power spectral uniformity and out-of-band emissions. The Commission amended its channel utilization policy to permit the routine authorization of digital transmissions using Vestigial Sideband Modulation (''VSB'') and Quadrature Amplitude Modulation (''QAM''), and indicated that the Commission would consider authorizing the use of other digital modulation schemes based upon demonstrations of noninterference. In a subsequent proceeding, the Commission adopted technical rule changes to provide MDS and ITFS licensees flexibility to fully employ digital technology in delivering two-way communication services and expanded the list of permissible modulation techniques to include Code Division Multiple Access (''CDMA'') and Quadrature Phase Shift Keying (''QPSK'') modulation.

On August 31, 1998, Clarity Wireless, Inc. (''Clarity'') filed a Petition for Declaratory Ruling requesting that the Commission authorize the use of OFDM digital modulation to provide MDS and ITFS networking. Based on a study commissioned by Clarity, the Commission declared that OFDM could be used in the MDS and ITFS and required that a minimum of 256 QAM-modulated carriers (or ''tones'') be utilized.

In support of its request that the Commission remove the 256 QAM-modulation requirement, Cisco states the Commission has encouraged the use of new digital modulation techniques and established a flexible technology policy whereby advanced digital technologies would be authorized on a case-by-case basis. Cisco notes that the Commission has previously indicated that it would approve certain digital modulation types without test data if it were determined to be a subset of an already approved modulation type. Cisco asserts that the 256-tone limit adopted in the OFDM Order needlessly constrains the OFDM modulations, thereby preventing greater efficiencies in MDS/ITFS operations. Cisco states that removal of the 256 QAM-modulation requirement will allow designers to optimize their systems based on various channels and allow operators to provide a wider range of services to consumers.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01–17169 Filed 7–6–01; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

## Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will

meet in open session at 10:00 a.m. on Tuesday, July 10, 2001, to consider the following matters:

*Summary Agenda:* No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Request for Comment on Study of Banking Regulations Regarding the Online Delivery of Banking Services.

*Discussion Agenda:* Memorandum and resolution re: Joint Advance Notice of Proposed Rulemaking: Community Reinvestment Act Regulations.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); (202) 416–2007 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: July 3, 2001.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 01–17144 Filed 7–5–01; 10:11 am]

BILLING CODE 6714–01–M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

*Title:* FEMA Contract Clause—Accessibility of Meetings, Conferences and Seminars to Persons with Disabilities.

*Type of Information Collection:* Extension of a currently approved collection.

*OMB Number:* 3067–0213.

*Abstract:* Contractors who plan meetings, conferences or seminars for FEMA must submit a plan to the Contracting Officer detailing how the minimum accessibility standards for the disabled set forth in the contract clause will be met.

*Affected Public:* Business or Other For-Profit.

*Number of Respondents:* 10.

*Estimated Time per Respondent:* 3 hours.

*Estimated Total Annual Burden Hours:* 30 hours.

*Frequency of Response:* On Occasion.

**COMMENTS:** Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625 or facsimile number (202) 646–3347, or email *muriel.anderson@fema.gov.*

**Thomas F. Behm,**

*Acting Director, Program Services Division, Operations Support Directorate.*

[FR Doc. 01–17026 Filed 7–6–01; 8:45 am]

BILLING CODE 6718–01–P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

*Title:* CSEPP Program Evaluation and Customer Satisfaction Baseline Survey.

*Type of Information Collection:* New Collection.

*OMB Number:* New.

*Abstract:* Consistent with a performance-based management approach required by GPRA, CSEPP will collect data from federal, state, and local governments to measure program effectiveness and establish a quantitative baseline for customer satisfaction with existing products and services. Findings from the data will be used to set performance goals and customer service standards, while providing benchmarks for program monitoring and evaluation.

*Affected Public:* Federal, State, and Local Governments.

*Number of Respondents:* 555.

*Estimated Time per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 420 hours.

*Frequency of Response:* Annually.

**COMMENTS:** Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625 or facsimile number (202) 646–3347, or email *muriel.anderson@fema.gov.*

**Thomas F. Behm,**

*Acting Director, Program Services Division, Operations Support Directorate.*

[FR Doc. 01–17027 Filed 7–6–01; 8:45 am]

BILLING CODE 6718–01–P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal

Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 23, 2001.

**A. Federal Reserve Bank of Minneapolis** (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

*1. Fred A. Bon,* Steele, North Dakota; Paul D. Bakkum, Steel, North Dakota; and Thomas W. Capouch, Portland, North Dakota; to acquire voting shares of The First and Farmers Bank Holding Company, Portland, North Dakota, and thereby indirectly acquire voting shares of The First and Farmers Bank, Portland, North Dakota.

Board of Governors of the Federal Reserve System, July 2, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01–17025 Filed 7–6–01; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 1, 2001.

**A. Federal Reserve Bank of Kansas City** (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

*1. Team Financial, Inc., ESOP, Team Financial, Inc., and Team Financial Acquisition Subsidiary, Inc.,* all of Paola, Kansas; to merge with Post Bancorp, Inc., Colorado Springs, Colorado, and thereby indirectly acquire Colorado Springs National Bank, Colorado Springs, Colorado.

Board of Governors of the Federal Reserve System, July 2, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01–17023 Filed 7–6–01; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 1, 2001.

**A.Federal Reserve Bank of Chicago** (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

*1. Hasten Bancshares,* Indianapolis, Indiana; to acquire Harrington Financial Group, Inc., Overland Park, Kansas, and thereby indirectly acquire Harrington Bank, FSB, Richmond, Indiana, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, July 2, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01–17024 Filed 7–6–01; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 4:00 p.m., Thursday, July 12, 2001.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Michelle A. Smith, Assistant to the Board; 202–452–3204.

**SUPPLEMENTARY INFORMATION:** You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 5, 2001.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 01–17250 Filed 7–5–01; 3:48 am]

BILLING CODE 6210–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Meeting of the National Human Research Protections Advisory Committee

**AGENCY:** Office of Public Health and Science, Office for Human Research Protections.

**ACTION:** Notice of July 30–31, 2001 Meeting.

**SUMMARY:** Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Human Research Protections Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed below. Individuals planning on attending the meeting and who want to ask questions must submit their requests in writing in advance of the meeting to the contact person listed below.

**DATES:** The Committee will hold its next meeting on July 30–31, 2001. The meeting will convene from 8:30 a.m. to its recess at approximately 5:30 p.m. on July 30 and resume at 8:30 a.m. to 5:00 p.m. EST on July 31.

**ADDRESSES:** DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD, (301)468–4972.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kate-Louise Gottfried, Executive Director, National Human Research Protections Advisory Committee, Office for Human Research Protections, 6100 Executive Boulevard, Room 310B (MSC 7507), Rockville, Maryland 20892–7507, (301)496–7005. The electronic mail address is kg123a@nih.gov.

**SUPPLEMENTARY INFORMATION:** The National Human Research Protections Advisory Committee was established on June 6, 2000 to provide expert advice and recommendations to the Secretary of HHS, Assistant Secretary for Health, the Director, Office for Human Research Protections, and other departmental officials on a broad range of issues and topics pertaining to or associated with the protection of human research subjects.

The draft agenda for the Committee's July meeting is below. Updates to this agenda will be posted on the NHRPAC website at http://ohrp.osophs.dhhs.gov/nhrpac/nhrpac.htm.

**Draft Agenda**

*Monday July 30, 2001*

8:30–8:45am HHS&Human Subject Protection, Arthur Lawrence, Ph.D., Acting Principal Deputy Assistant, Secretary for Health [15 minutes]
8:45am–9:15am The Perilous Intersection of Protection, Human Research Subjects and Conflicts, of Interest, Michael Wood, M.D., President and CEO The Mayo Foundation [30 minutes]
9:15am–9:30 Welcome: Overview of Meeting Mary Faith marshall, Ph.D. Chairperson NHRPAC [15 minutes]
9:30am–10:00am Final Review & Approval of NHRPAC Response to Financial Relationships Interim Guidance Mark Barnes, J.D. Chair, Working Group [30 minutes]
10:00am–12:30pm Update: Children's Workgroup Alan Fleischman, M.D. Chair, Working Group [2 hours, 30 minutes]
[10:30am–10:45am] BREAK [15 minutes]
12:30–1:30pm LUNCH—On your own
1:30pm–3:30pm The Office for Human Research Protectiosn (OHRP) [2 hours]
Introduction Greg Koski, Ph.D., M.D. Director, OHRP [10 minutes]
Education Jeffrey Cohen, Ph.D. Director, Division of Education [15 minutes]
Assuance George Gasparis, Acting Director, Division of Assurances and Quality Improvement [15 minutes]
Compliance Kristina Borror, Ph.D. Division of Compliance [15 minutes]
International Melody Lin, Ph.D., Deputy Director and Director, Office for International Activities [10 minutes]
Policy, Irene Stith-Coleman, Ph.D., Director, Office of Policy, Planning, and Special Projects [10 minutes]
3:30pm–3:45 BREAK [15 minutes]
3:45–5:30 Update and Discussion: Third Parties: Research Subjects? Mary Kay Pelias, J.D., Ph.D. Chair, Working Group [1 hour, 45 minutes]
5:30pm–5:pm Closing Comments/ ADJOURN [15 minutes]

*Tuesday, July 31, 2001*

8:30 am–8:45 am The Honorable Diane DeGette, Congresswoman, Colorado [15 minutes]
8:45 am–9:15 am Human Subject Protections, General Accounting Office (GAO), Marcia G. Crosse, Ph.D., Assistant Director, Health Care—Public Health Issues [30 minutes]
9:15 am–9:45 am National Bioethics Advisory Committee (NBAC), Marjorie Speers, Ph.D., Acting Executive Director, NBAC [30 minutes]
9:45 am–10:45 am HIPAA and the Privacy Regulation: The Implications for Research, Julie Kaneshiro, M.P.P., Policy Analyst, OSP, National Institutes of Health [1 hour]
10:45 am–11:00 am BREAK [15 minutes]
11:00 am–12:30 pm Informed Consent & Decisional Capacity Overview, Mary Faith Marshall, Jeremy Sugarman, MD, MPH, MA, Director, Center for the Study of Medical Ethics and Humanities, Professor of Medicine and Philosophy, Duke University Medical Center, Don Rosenstein, M.D., Chief Psychiatry Consultation-Liaison Service, National Institute of Mental Health, Adil Shamoo, Ph.D., Department of Biochemistry and Molecular Biology, University of Maryland School of Medicine, Jim McNulty, President, Depressive/Manic Depressive Association of Rhode Island [1 hour, 30 minutes]
12:30 pm–1:30 pm LUNCH—on your own [1 hour]
1:30 pm–2:30 pm Informed Consent (Continued) [1 hour]
2:30 pm–4:30 pm Update: Social Science, Felice Levine, Ph.D., Executive Officer, American Sociological Association; Jeffrey Cohen, Ph.D., Director, Education, OHRP [2 hours]
[3:00 pm–3:15 pm] BREAK
4:30 pm–5:00 pm Recap of Meeting & Action Items, Mary Faith Marshall, Ph.D., Chairperson, NHRPAC
5:00 pm ADJOURN

**Kate-Louise Gottfried,**

*Executive Director, National Human Research Protections Advisory Committee.*

[FR Doc. 01–17070 Filed 7–6–01; 8:45 am]

BILLING CODE 4150–28–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Community Coalition Development Projects for African American Communities, Program Announcement 01033

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease

Control and Prevention (CDC) announces the following meeting.

**NAME:** Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Community Coalition Development Projects for African American Communities, PA#01033, meeting.

**TIMES AND DATE:** 9 a.m.–1 p.m., July 23, 2001 (Open); 1 p.m.–2 p.m., July 23, 2001 (Closed); 8:30 a.m.–4:30 p.m., July 24, 2001 (Closed); 8:30 a.m.–8:45 a.m., July 25, 2001 (Open); 8:45 a.m.–4:30 p.m., July 25, 2001 (Closed)

**PLACE:** The Westin Atlanta North at Perimeter, 7 Concourse Parkway, Atlanta, GA 30328.

**STATUS:** Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463.

**MATTERS TO BE DISCUSSED:** The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 01033.

**CONTACT PERSON FOR MORE INFORMATION:** Elizabeth A. Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 8 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: July 2, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.*

[FR Doc. 01–17042 Filed 7–6–01; 8:45 am]

**BILLING CODE 4163–18–P**

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 01D–0269]**

### Draft Guidance for Industry on the Clinical Studies Section of Labeling for Prescription Drugs and Biologics—Content and Format; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Clinical Studies Section of Labeling for Prescription Drugs and Biologics—Content and Format.'' The agency has initiated a comprehensive effort to improve the format and content of prescription drug labeling. FDA intends to carefully coordinate development and implementation of these labeling initiatives to minimize the potential burden for manufacturers and other affected parties.

**DATES:** Submit written comments on the draft guidance by October 9, 2001. General comments on agency guidance documents are welcome at any time.

**ADDRESSES:** Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3844, FAX 1–888–CBERFAX, or Voice Information System at 800–835–4709 or 301–827–1800. Send one self-addressed, adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:**

Janet M. Jones, Center for Drug Evaluation and Research (HFD–4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6758, or

Toni Stifano, Center for Biologics Evaluation and Research (HFM–602), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3028, or e-mail: stifano@cber.fda.gov.

**SUPPLEMENTARY INFORMATION:**

### I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Clinical Studies Section of Labeling for Prescription Drugs and Biologics—Content and Format.'' As part of a comprehensive effort to make prescription drugs safer to use, FDA is engaged in several initiatives to make prescription drug labeling a better information source for health care practitioners—clearer, more informative, more accessible, and more consistent from drug to drug. Recently the agency published a proposed rule to revise the overall format of prescription drug labeling (65 FR 81082, December 22, 2000). Among other things, the agency proposed reordering the sections of the labeling based on the importance of the information to practitioners and the frequency with which practitioners refer to a section. Also, the agency proposed creating a ''highlights'' section and an index.

FDA is working on a proposed rule to revise the current requirements for the pregnancy subsection of labeling (see the notice (62 FR 41061, July 31, 1997) announcing a 21 CFR part 15 hearing to discuss the category requirements, and the notice (64 FR 23340, April 30, 1999) announcing a meeting of a public advisory committee to discuss possible changes to pregnancy labeling).

The agency also is developing guidance documents that focus on the content of certain labeling sections. The first draft guidance, ''Content and Format of the Adverse Reactions Section of Labeling for Human Prescription Drugs and Biologics,'' was made available for public comment on June 21, 2000 (65 FR 38563). This draft guidance, ''Clinical Studies Section of Labeling for Prescription Drugs and Biologics—Content and Format,'' is the second guidance document on the content and format of individual labeling sections. Among other things, this draft guidance discusses what studies to include in the Clinical Studies section, how to describe those studies, and how to present clinical study data in graphs and tables. The agency also is trying to raise awareness, with this draft guidance, of the implications for product promotion of information contained in the Clinical Studies section. This section exists in the current labeling and is expected to continue to exist when the proposed rule to revise the format for prescription drug labeling is made final.

At this time, FDA is also developing guidances for the Adverse Reactions, Clinical Pharmacology, and Warnings/Precautions sections of the labeling. The draft guidance for the Adverse Reactions section was made available for public comment on June 21, 2000 (65 FR 38563). The agency expects to publish draft guidances for the Clinical Pharmacology and Warnings/Precautions sections for comment in the

coming months. The agency has focused its efforts on these sections of the labeling because they typically contain large amounts of important and complex information, and there have been significant differences in their format and content across product classes and individual medical products. Guidances for other labeling sections may be developed later.

This draft level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The draft guidance represents the agency's current thinking on the content and format of the Clinical Studies section of labeling for human prescription drugs and biologics. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach can be used if such approach satisfies the requirements of the applicable statutes and regulations.

## II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

## III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/ohrms/dockets/default.htm, http://www.fda.gov/cder/guidance/index.htm, or at http://www.fda.gov/cber/guidelines.htm.

Dated: June 27, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01–17048 Filed 7–6–01; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

**[Docket No. 00D–1033]**

## Draft Guidance for Industry on Information Program on Clinical Trials for Serious or Life-Threatening Diseases: Implementation Plan; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Information Program on Clinical Trials for Serious or Life-Threatening Diseases: Implementation Plan.'' The draft guidance discusses procedures for submission of protocol information to the Clinical Trials Data Bank established under section 113 of the Food and Drug Administration Modernization Act (Modernization Act), which required the establishment of this data bank and specified what information was to be submitted for it. Procedural issues discussed in this guidance document were not included in an earlier draft guidance document on the scope of the Data Bank, which published in the **Federal Register** on March 29, 2000 (65 FR 16620).

**DATES:** Submit written comments on the draft guidance by September 7, 2001. General comments on agency guidance documents are welcome at any time.

**ADDRESSES:** Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3844, FAX 888–CBER–FAX. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Requests and comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Theresa Toigo, Center for Drug Evaluation and Research (HF–12), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4460.

**SUPPLEMENTARY INFORMATION:**

## I. Description of Guidance

FDA is announcing the availability of a draft guidance for industry entitled ''Information Program on Clinical Trials for Serious or Life-Threatening Diseases: Implementation Plan.'' The draft guidance is intended to provide recommendations for sponsors of investigational new drug applications (INDs) on how to submit information about clinical trials for serious or life-threatening diseases to a clinical trials data bank developed by the National Library of Medicine (NLM), National Institutes of Health (NIH).

The Modernization Act (Pub. L. 105–115), enacted on November 21, 1997, amends section 402 of the Public Health Service Act (42 U.S.C. 282) and directs the Secretary of Health and Human Services (the Secretary), acting through the Director, NIH, to establish, maintain, and operate a data bank of information on clinical trials for drugs for serious or life-threatening diseases and conditions (hereafter referred to as the Clinical Trials Data Bank).

The Clinical Trials Data Bank is intended to be a central resource, providing current information on clinical trials to individuals with serious or life-threatening diseases, to other members of the public, and to health care providers and researchers. Specifically, the Clinical Trials Data Bank will contain information about both federally and privately funded studies of experimental treatments for patients with serious or life-threatening diseases conducted under FDA's IND regulations (21 CFR part 312).

The NIH, through NLM and with input from FDA and others, developed the Clinical Trials Data Bank and is implementing it in a phased approach. The first version of the Clinical Trials Data Bank was made available to the public on February 29, 2000, on the Internet at http://clinicaltrials.gov. It included primarily NIH-sponsored trials.

In the **Federal Register** of March 29, 2000, FDA published a draft guidance entitled ''Information Program on Clinical Trials for Serious or Life-Threatening Diseases: Establishment of a Data Bank.'' The March 29, 2000, draft guidance provided recommendations for industry on the submission of protocol information to the Clinical Trials Data

Bank. It included information on the types of clinical trials for which submissions will be required under section 113 of the Modernization Act, as well as the types of information to be submitted. The draft guidance stated that an implementation plan, addressing procedural issues, would be available later. The draft guidance stated that the implementation plan would include: (1) Information on how to submit protocols to the Clinical Trials Data Bank, (2) information about providing certification to the Secretary that disclosure of information for a particular protocol would substantially interfere with the timely enrollment of subjects in the clinical investigation, (3) discussion about issues related to the voluntary submission of information not required by section 113 of the Modernization Act (e.g., study results, trials for non-serious or non-life-threatening diseases), and (4) a timeframe for submitting the information.

In developing a plan for making publicly available information from the Clinical Trials Data Bank, FDA and NIH considered comments submitted to Docket Nos. 98D–0293 and 00D–1033, ''Section 113 NIH Data Bank—Clinical Trials for Serious Diseases.'' A phased approach was used for developing guidance. A first draft guidance (the March 29, 2000, draft guidance) addressed general information on the scope of the data bank. The draft guidance being made available by this notice discusses procedures that were not included in the first guidance. This draft guidance was developed based on the initial data bank experience using NIH-sponsored trials. A final guidance will be developed that combines the informational and procedural draft guidances and considers comments received on both of the draft guidances.

Section 113(a) of the Modernization Act requires that sponsors of INDs submit to the Clinical Trials Data Bank a description of the purpose of each experimental drug, eligibility criteria for participation in the trial, the location of clinical trial sites, and a point of contact for those wanting to enroll in the trial. The statute requires that the information be provided in a form that can be readily understood by members of the public. This draft guidance provides information on how IND sponsors can fulfill the requirements of section 113(a) of the Modernization Act by submitting information in the following four areas: (1) Descriptive information, (2) recruitment information, (3) location and contact information, and (4) administrative information. FDA and NIH developed these data elements based on the legislative requirements and comments submitted to Docket No. 98D–0293. Information will be submitted to the Clinical Trials Data Bank through a Web-based Protocol Registration System (PRS). For a preview of the PRS system see http://prsinfo.clinicaltrials.gov/.

This draft level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The draft guidance represents the agency's current thinking on submitting information on clinical trials for serious or life-threatening diseases to a Clinical Trials Data Bank developed by the NLM. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

## II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m and 4 p.m., Monday through Friday.

## III. The Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA published notice of a proposed collection of information, along with the first draft guidance, in the **Federal Register** on March 29, 2000. On November 9, 2000 (65 FR 67385), FDA published a notice that the proposed collection of information was submitted to OMB for review. The report considered comments received on the proposed collection of information. On March 23, 2001 (66 FR 16251), as corrected on April 17, 2001 (66 FR 19788), FDA announced OMB's approval of the agency's information collection activities for the program (OMB Control No. 0910–0459).

## IV. Electronic Access

Persons with access to the Internet may obtain the document at either http://www.fda.gov/cder/guidance/index.htm, http://www.fda.gov/cber/guidelines.htm, or http://www.fda.gov/ohrms/dockets/default.htm.

Dated: June 27, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01–17050 Filed 7–6–01; 8:45 am]

BILLING CODE 4160–01–S

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Project: The National Health Service Corps (NHSC) Loan Repayment Program (OMB No. 0915–0127)—Extension**

The NHSC LRP was established to assure an adequate supply of trained primary care health professionals to the neediest communities in the Health Professional Shortage Areas (HPSAs) of the United States. Under this program, the Department of Health and Human Services agrees to repay the educational loans of the primary care health professionals. In return, the health professionals agree to serve for a specified period of time in a federally-designated HPSA approved by the Secretary for LRP participants.

This request for extension of OMB approval will include the NHSC LRP Application, Loan Verification Form, Site Information Form and Request for Method of Advanced Loan Repayment Form.

The estimate of burden is as follows:

| Type of respondents | Number of respondents | Responses per respondent | Total responses | Hours per response | Total burden hours |
|---|---|---|---|---|---|
| Applicants | 800 | 1 | 800 | 1.5 | 1200 |
| Lenders | 45 | 1 | 45 | .25 | 11 |
| Total | 845 | | 845 | | 1211 |

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: July 2, 2001.

**Jane M. Harrison,**

*Director, Division of Policy Review and Coordination.*

[FR Doc. 01–17053 Filed 7–6–01; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Advisory Commission; Request for Nominations for Voting Members

**AGENCY:** Health Resources and Services Administration.

**ACTION:** Notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) is requesting nominations to fill three vacancies on the Advisory Commission on Childhood Vaccines (ACCV). The ACCV was established by Title XXI of the Public Health Service Act (the Act), as enacted by Public Law (P.L.) 99–660 and as subsequently amended, and advises the Secretary of Health and Human Services (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

**FOR FURTHER INFORMATION CONTACT:** Ms. Cheryl A. Lee, Principal Staff Liaison, Policy Analysis Branch, Division of Vaccine Injury Compensation, at (301) 443–2124.

**DATES:** Nominations are to be submitted by August 8, 2001.

**ADDRESSES:** All nominations are to be submitted to the Director, Division of Vaccine Injury Compensation, Bureau of Health Professions, HRSA, Parklawn Building, Room 8A–46, 5600 Fishers Lane, Rockville, Maryland 20857.

**SUPPLEMENTARY INFORMATION:** Under the authorities that established the ACCV, via the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463) and section 2119 of the Act, 42 U.S.C. 300aa–19, as added by Pub. L. 99–660 and amended, HRSA is requesting nominations for three voting members of the ACCV.

The ACCV advises the Secretary on the implementation of the VICP. The activities of the ACCV include: Recommending changes in the Vaccine Injury Table at its own initiative or as the result of the filing of a petition; advising the Secretary in implementing section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying Federal, State, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b); advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; and recommending to the Director, National Vaccine Program Office that vaccine safety research be conducted on various vaccine injuries.

The ACCV consists of nine voting members appointed by the Secretary as follows: three health professionals, who are not employees of the United States government and have expertise in the health care of children, the epidemiology, etiology and prevention of childhood diseases, and the adverse reactions associated with vaccines, at least two shall be pediatricians; three members from the general public, at least two are legal representatives (parents or guardians) of children who have suffered a vaccine-related injury or death; and three attorneys, at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death, and one shall be an attorney whose specialty includes representation of vaccine manufacturers. In addition, the Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration (or the designees of such officials) serve as nonvoting *ex officio* members.

Specifically, HRSA is requesting nominations for three voting members of the ACCV representing: (1) A pediatrician with special experience in childhood diseases; (2) an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death; and (3) a member from the general public who is a legal representative (parent or legal guardian) of a child who has suffered a vaccine-related injury or death. Nominees will be invited to serve 3-year terms beginning January 1, 2002, and ending December 31, 2004.

Interested persons may nominate one or more qualified persons for membership on the ACCV. Nominations shall state that the nominee is willing to serve as a member of the ACCV and appears to have no conflict of interest that would preclude the ACCV membership. Potential candidates will be asked to provide detailed information concerning consultancies, research grants, or contracts to permit evaluation of possible sources of conflicts of interest. A curriculum vitae or resume

should be submitted with the nomination.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or physically disabled candidates.

Dated: June 29, 2001.

**Elizabeth M. Duke,**

*Acting Administrator, HRSA.*

[FR Doc. 01–17052 Filed 7–6–01; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Research Resources; 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 Center for Research Resources Special Emphasis Panel, Comparative Medicine.

*Date:* July 12, 2001.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Charles G. Hollingsworth, Director, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Drive, Room 6018, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892–7965, 301–435–0806, charlesh@ncrr.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:* National Center for Research Resources Special Emphasis Panel, Comparative Medicine.

*Date:* July 18, 2001.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Camille M. King, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, 301–435–0815, kingc@ncrr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: June 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17018 Filed 7–6–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel.

*Date:* July 10, 2001.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* David T George, Scientific Review Administrator, Review Branch, Room 7188, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, national Center for Sleep Disorders Research; 93.837, Hearth and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17016 Filed 7–6–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Arthritis and Musculoskeletal and Skin 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 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

*Date:* August 16, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* John L. Lymangrover, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17013 Filed 7–6–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Arthritis and Musculoskeletal and Skin 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 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

*Date:* August 13, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20853.

*Contact Person:* Tracy A. Shahan, Scientific Review Administrator, National Institutes of Health/NIAMS, Natcher Bldg., Room 5AS25H, Bethesda, MD 20892, (301) 594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17014 Filed 7–6–01; 8:45 am]

BILLING CODE 4140–01–M

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Arthritis and Musculoskeletal and Skin 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 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

*Date:* August 15, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

*Contact Person:* Tommy L. Broadwater, Chief, Grants Review Branch, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25U, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17015 Filed 7–6–01; 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 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 552(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 Mental Health Special Emphasis Panel.

*Date:* July 25, 2001.

*Time:* 1 p.m to 2:30 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:* Peter J. Sheridan, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, 301–443–1513, psherida@mail.nih.gov.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* August 7, 2001.

*Time:* 10 a.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Henry J. Haigler, Associate Director for Staff Development, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301/443–7216.

(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 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17017 Filed 7–6–01; 8:45 am]

BILLING CODE 4140–01–M

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institutes on Alcohol Abuse and Alcoholism; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Alcohol Abuse and Alcoholism Special Emphasis Panel, July 17, 2001, 9 a.m. to July 18, 2001, 5 p.m., The Hyatt Regency Hotel, 100 Bethesda, Metro Center, Bethesda, MD 20814 which was published in the **Federal Register** on May 23, 2001, FR 66 29339.

The meeting has been changed to August 16–17, 2001, at the Radisson Barcelo Hotel, 2121 P Street, NW., Washington, DC. The meeting is closed to the public.

Dated: June 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17019 Filed 7–6–01; 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 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 Allergy and Infectious Diseases Special Emphasis Panel.

*Date:* July 18, 2001.

*Time:* 12 p.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 6700–B Rockledge Dr., Bethesda, MD 20892–7616, (Telephone Conference Call).

*Contact Person:* Paula S. Strickland, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Solar Building, Room 4C02, 6003 Executive Boulevard MSC 7610, Bethesda, MD 20892–7610, 301–402–0643.

(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 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17020 Filed 7–6–01; 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 18, 2001.

*Time:* 8:30 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

*Contact Person:* Mary Clare Walker, 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 18–19, 2001.

*Time:* 8:30 a.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Michael Micklin, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, micklinm@csr.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* July 18, 2001.

*Time:* 9:30 a.m. to 11 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rocklege 2, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Lawrence N. Yager, 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 18, 2001.

*Time:* 10:30 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Victoria S. Levin, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435–0912, levinv@csr.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* July 18, 2001.

*Time:* 1 a.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:* N. Krish Krishnan, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* July 18, 2001.

*Time:* 1 a.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC, Bethesda, MD 20892, (301) 435–0912, mkrause@mail.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* July 18, 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:* Julian L. Azorlosa, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, MSC 7848, Bethesda, MD 20892, (301) 435–1507.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* July 19, 2001.

*Time:* 8 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Club Quarters DC, 839 17th Street, NW., Washington, DC 20006.

*Contact Person:* Anne E Schaffner, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7850, Bethesda, MD 20892, (301) 435–1239, schaffna@csr.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* July 19–20, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

*Contact Person:* Jean Hickman, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435–1146.

*Name of Committee:* Cell Development and Function Integrated Review Group, International and Cooperative Projects Study Section.

*Date:* July 19–20, 2001.

*Time:* 8:30 a.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

*Contact Person:* Sandy Warren, DMD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MDC 7840, Bethesda, MD 20892, (301) 435–1019.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 19, 2001.
*Time:* 8:30 a.m. to 10 a.m.
*Agenda:* To review and evaluate grant applications.
*Place:* Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
*Contact Person:* Mary Clare Walker, 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 19–20, 2001.
*Time:* 9 a.m. to 4 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* St. James Hotel, 950 24th Street, NW., Washington, DC 20037.
*Contact Person:* Julian L. Azorlosa, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, MSC 7848, Bethesda, MD 20892, (301) 435–1507.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 19, 2001.
*Time:* 10 a.m. to 5 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
*Contact Person:* Mary Clare Walker, 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 19, 2001.
*Time:* 1 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:* Jo Pelham, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 19, 2001.
*Time:* 3 p.m. to 4 p.m.
*Agenda:* To review and evaluate grant applications.
*NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).*
*Contact Person:* Richard Panniers, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892, (301) 435–1741.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 19, 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, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435–1716.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 20, 2001.
*Time:* 8:30 a.m. to 5:30 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.
*Contact Person:* Chhanda L. Ganguly, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 20, 2001.
*Time:* 9 a.m. to 5 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.
*Contact Person:* Lee S. Mann, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 20, 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, 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 20, 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:* Michael H. Sayre, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.
*Date:* July 20, 2001.
*Time:* 2 p.m. to 3 p.m.
*Agenda:* To review and evaluate applications.
*Place:* NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
*Contact Person:* Stephen M. Nigida, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

(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 28, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–17021 Filed 7–6–01; 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.

Survey of Organized Consumer Self-Help Entities—(OMB No. 0930–0214, extension)—The mutual support and self-help movement in the United States has mushroomed, and significant numbers of mental health consumer-operated businesses and services are emerging. Increasingly, these groups, organizations, and business are providing support and services to mental health consumers and family members as a complement to, or substitution for, traditional mental health services. The purposes of this project of SAMHSA's Center for Mental Health Services are to estimate the number of these mental health groups, organizations, and businesses nationwide and to describe their characteristics—structure, types of activities engaged in, approaches to well-being and recovery, resources, and linkages to other community groups, organizations, and businesses and services, such as the mental health service delivery system. The survey will gather information from a sample of approximately 3,900 mutual support groups and self-help organizations run by and for recipients of mental health services and/or their family members and consumer-operated businesses and services. Computer Assisted Telephone Interviewing (CATI) will be used to

conduct interviews with in-scope groups, organizations and businesses. This extension will allow for completion of the survey. The total response burden estimate is shown below.

| Instrument | Number of respondents | Responses/respondent | Average burden/response (hrs.) | Total burden (hrs.) |
|---|---|---|---|---|
| Universe Development Contacts | 2,736 | 1 | .17 | 465 |
| Screener | 3,933 | 1 | .17 | 668 |
| Questionnaire | 3,933 | 1 | .42 | 1,652 |
| Total | | | | 2,785 |

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: July 2, 2001.

**Richard Kopanda,**

*Executive Officer, SAMHSA.*

[FR Doc. 01–17044 Filed 7–6–01; 8:45 am]

BILLING CODE 4162–20–P

## 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.

The Treatment Improvement Protocol (TIP) #35 Prospective Study—New—Since 1993, SAMHSA's Center for Substance Abuse Treatment has published 37 Treatment Improvement Protocols, which provide administrative and clinical practice guidance to the substance abuse treatment field. This is the third of three studies and is designed to assess readers' use of TIPs and the impact of TIPs on changing substance abuse treatment practices.

The TIP #35 Prospective Study seeks to determine the most cost effective level of support needed by substance abuse treatment providers to implement in practice the information contained in TIPs. Specifically, this study will examine the use of TIP #35, ''Enhancing Motivation for Change in Substance Abuse Treatment,'' by treatment professionals in four different areas of the country. The study will use a pretest/post-test experimental design in which treatment facilities will be randomly assigned to one of four conditions: (1) The control group (which will receive the TIP and no additional support); (2) a TIP-plus curriculum group; (3) a TIP-plus curriculum and training group; and (4) a TIP-plus curriculum, training, and ongoing support group.

Data will be collected at baseline and follow-up. Measures will include providers' awareness of TIP #35, their knowledge of the content contained in this TIP, their attitudes toward the TIP and its content, and their use of this TIP and its impact on practices within their facilities. Burden for State substance abuse (SSA) agency directors in the four areas of the country chosen will consist of information gathering by telephone. Burden for other respondents will consist of completing the pretest and post-test questionnaires. The total estimated burden for this project is summarized below.

| Respondent | Number of respondents | Responses/respondent | Average hours/response | Total burden (hrs.) |
|---|---|---|---|---|
| SSA Directors | 6 | 1 | 1.0 | 6 |
| Pretest | 577 | 1 | .14 | 81 |
| Facility Directors | | | | |
| Clinical Supervisors | 577 | 1 | .14 | 81 |
| Program Counselors | 2,350 | 1 | .14 | 329 |
| Post-test | 577 | 1 | .19 | 110 |
| Facility Directors | | | | |
| Clinical Supervisors | 577 | 1 | .19 | 110 |
| Program Counselors | 2,350 | 1 | .19 | 447 |
| Total | 3,510 | | | 1,164 |

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, D.C. 20503.

Dated: July 2, 2001.

**Richard Kopanda,**

*Executive Officer, SAMHSA.*

[FR Doc. 01–17045 Filed 7–6–01; 8:45 am]

BILLING CODE 4162–20–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4560–FA–22]**

### Announcement of Funding Award—FY 2000 Lead Hazard Control

**AGENCY:** Office of the Secretary—Office of Healthy Homes and Lead Hazard Control.

**ACTION:** Announcement of funding award.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department as a result of the Lead Hazard Control Super Notice of Funding Availability (SuperNOFA). This announcement contains the names and addresses of the awardees and the amount of the awards.

**FOR FURTHER INFORMATION CONTACT:** Ellis Goldman, Department of Housing and Urban Development, 451, Seventh Street, SW., Washington, DC, 20410, telephone (202) 755–1785, ext. 120. Hearing-or speech-impaired individuals may access this number by calling the Federal Information Relay Service TTY at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** The Lead Hazard Control Program was issued pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

This notice announces the award of $60,000,000.00 to Lead Hazard Control grantees, and will be used to assist States, Indian Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned housing for rental or owner-occupants in partnership with community-based organizations. On February 24, 2000 (65 FR 9539), HUD published a SuperNOFA announcing the availability of approximately $59,000,000.00 in Fiscal Year 2000 funds for the Lead Hazard Control Program. The Department reviewed, evaluated and scored the applications received based on the criteria in the SuperNOFA. As a result, HUD has funded twenty-five grantees for the Lead Hazard Control Program.

The Catalog of Federal Domestic Assistance number for this program is 14.900.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the awards as follows:

| Awardee | Address | Amount of grant |
|---|---|---|
| City of Birmingham | Community Development Department, 710 North 20th Street—Room 1000, Birmingham, AL 35203. | $1,155,840.00 |
| City of Los Angeles | Housing Department, 111 North Hope Street—Room 709, Los Angeles, CA 90012. | 3,000,000.00 |
| City of Hartford | Department of Housing, 550 Main Street, Hartford, CT 06103 | 2,944,932.00 |
| City of New Britain | 27 West Main Street, New Britain, CT 06051 | 2,392,783.00 |
| City of New Haven, | Department of Health, 54 Meadow Street, New Haven, CT 06519 | 2,750,000.00 |
| City of Stamford | Community Development Office, 888 Washington Boulevard, Stamford, CT 06904. | 2,106,089.00 |
| City of Kankakee, | 385 East Oak, Kankakee, IL 60901 | 2,999,981.00 |
| City of Boston | Department of Neighborhood Development, Lead Safe Boston, 38 Winthrop Street, Hyde Park, MA 02136. | 3,000,000.00 |
| City of Lawrence | Office of Planning & Development, 225 Essex Street—3rd Floor, Lawrence, MA 01840. | 3,000,000.00 |
| City of Somerville | Office of Housing & Community Development, 50 Evergreen Avenue, Somerville, MA 02145. | 1,488,638.00 |
| State of Michigan | Department of Community Health, Division of Community Services, Lead Hazard Remediation Program, 3423 North Martin Luther King Blvd., Lansing, MI 48909. | 3,000,000.00 |
| City of Minneapolis | Environmental Health Services, 250 South 4th Street—Room 401, Minneapolis, MN 55415. | 3,000,000.00 |
| Saint Paul—Ramsey County | Department of Public Health, 555 Cedar Street, Saint Paul, MN 55101. | 1,600,000.00 |
| City of Kansas City | Health Department, 2400 Troost Avenue—Suite 4000, Kansas City, MO 64108. | 1,000,000.00 |
| St. Louis County | Office of Community Development, 121 South Meramec—Suite 444, Clayton, MO 63105. | 1,000,000.00 |
| Butte-Silver Bow | Health Department, Environmental Health Division, 25 West Front Street, Butte, MT 59701. | 545,483.00 |
| City of Newark | Department of Health & Human Services, 110 William Street, Newark, NJ 07102. | 3,000,000.00 |
| City of New York | Department of Housing, Preservation & Development 100 Gold Street—Room 9–08, New York, NY 10038. | 3,000,000.00 |
| City of Utica | Department of Urban & Economic Development, 1 Kennedy Plaza, Utica, NY 13502. | 1,155,841.00 |
| City of Akron | Health Department, 177 South Broadway Street, Akron, OH 44308 | 3,000,000.00 |
| City of Cleveland | Department of Public Health, 1925 St. Clair Avenue, Cleveland, OH 44114. | 2,999,562.00 |
| City of Pawtucket | 137 Roosevelt Avenue, Pawtucket, RI 02860 | 2,861,968.00 |
| City of Charleston | Department of Housing & Community Development, 75 Calhoun Street, Charleston, SC 29401. | 2,999,998.00 |
| City of Memphis | Division of Housing & Community Development, 701 North Main, Street—Suite 150, Memphis, TN 38107. | 2,998,885.00 |
| City of Milwaukee | Health Department, Childhood Lead Poisoning Prevention Program, Johnston Community Health Center, 1230 West Grant Street, Milwaukee, WI 53215–2798. | 3,000,000.00 |

Dated: June 27, 2001.

**David E. Jacobs,**

*Director, Office of Healthy Homes and Lead Hazard Control.*

[FR Doc. 01–17012 Filed 7–6–01; 8:45 am]

BILLING CODE 4210–70–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Establishment of the Vieques National Wildlife Refuge

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Secretary of the Navy transferred, without reimbursement, approximately 3,100 acres on the Island of Vieques, Puerto Rico to the Secretary of the Interior. This land was a portion of the facility known as the Naval Ammunition Support Detachment property and is now administered as a national wildlife refuge by the U.S. Fish and Wildlife Service.

**DATES:** This action was effective on May 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Joseph J. Schwagerl, Acting Refuge Manager for the Caribbean Islands Refuges Complex with the Fish and Wildlife Service in Boqueron, Puerto Rico, 787–851–7258.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 1508 of Title XV of Public Law 106–398, the U.S. Navy transferred approximately 3,100 acres (1254.52 hectares) on the Island of Vieques, Puerto Rico to the Department of the Interior to be administered as a wildlife refuge under the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd–668ee).

The Vieques National Wildlife Refuge contains several ecologically distinct habitats including beaches, coastal lagoons, mangroves wetlands, and upland forested areas. The marine environment surrounding the refuge contains coral reefs and sea grass beds. The refuge and its surrounding waters are home to at least four plants and 10 animals on the Federal endangered species list including the West Indian manatee, the brown pelican, and four species of sea turtles.

A Cooperative Management Agreement made among the U.S. Fish and Wildlife Service, the Commonwealth of Puerto Rico, and the Puerto Rico Conservation Trust provides the general management principles for the protection of the refuge lands and other lands on the Islands of Vieques. A Conceptual Management Plan will serve as an interim management plan for the refuge until we develop a Comprehensive Conservation Plan.

Dated: June 27, 2001.

**Marshall P. Jones, Jr.,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 01–17056 Filed 7–6–01; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT–090–1990EX–01]**

### Notice of Extension of Comment Period

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) has extended the public comment period on the Draft Supplemental Environmental Impact Statement (EIS) for Reclamation of the Zortman and Landusky Mines in Phillips County, Montana. The comment period will end on August 9, 2001. The extension was granted in response to several requests for additional time to review the Draft Supplemental EIS.

**DATES:** The comment period on the Draft Supplemental EIS will end on August 9, 2001.

**ADDRESSES:** Address all written comments to Zortman/Landusky Mine Reclamation Plan SEIS, c/o Bureau of Land Management, Lewistown Field Office, P.O. Box 1160, Lewistown, MT 59457–1160. Comments may also be sent electronically to: ZLReclamation__EIS@blm.gov. Please include your name and complete mailing address on all comments.

**FOR FURTHER INFORMATION CONTACT:** Scott Haight, 406–538–1930.

**SUPPLEMENTARY INFORMATION:** This EIS is a draft supplement to the March 1996 Final EIS Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions. With the bankruptcy of the mines' operator, Zortman Mining, Inc., the BLM and DEQ are overseeing reclamation at the mines. The Draft Supplemental EIS has been prepared to analyze additional reclamation alternatives developed by the agencies that may constitute a substantial change from those presented in the 1996 Final EIS. The Draft Supplemental EIS presents 12 reclamation plans, six for reclamation of the Zortman Mine and six for reclamation of the Landusky Mine. The reclamation plans were developed based upon public scoping comments and through consultation with the Fort Belknap government and the Environmental Protection Agency. The Draft Supplemental EIS discloses the environmental consequences of each alternative. Alternative Z6 is identified in the Draft Supplemental EIS as the DEQ and BLM preferred reclamation alternative for the Zortman Mine, and Alternative L4 is identified as the preferred reclamation alternative for the Landusky Mine. The identification of the preferred alternatives does not constitute an agency decision but is intended to help focus public comment on the alternatives more likely to be selected.

**Authority:** Sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332).

Dated: June 21, 2001.

**Bruce W. Reed,**

*Field Manager, Bureau of Land Management.*

[FR Doc. 01–17130 Filed 7–6–01; 8:45 am]

BILLING CODE 4310–DN–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[2200–ULEP; OR930–7122–DS–9033: GP1–0228]**

### Notice of Intent To Prepare an Environmental Impact Statement

1. Description of the proposed planning action: The Bureau of Land Management (BLM) proposes to work with the Foundation for Voluntary Land Exchanges (Foundation) to develop a land ownership adjustment plan (plan) and environmental impact statement for approximately 675,000 acres in the Coast Range area of the Umpqua River Basin in western Oregon. The plan will identify the following: non-federal lands or interests in land within the planning area (with concurrence of willing non-federal landowners) that are recommended for acquisition through exchange by the United States; federal lands or interests in land within the planning area that are recommended for disposal in exchange for acquired lands of equal value; and specific land exchanges. This effort is intended to consolidate land ownership to reduce costs of administration and achieve management efficiency. In addition, this consolidation should improve federal and non-federal land management and planning, enhance protection and restoration of listed species' habitats, wetlands, riparian areas, and other environmentally sensitive areas, and improve public access and recreational

use, while allowing for sustainable timber production. Although the selected alternative will be consistent with the intent of the Northwest Forest Plan, some of the current allocations or management direction may be modified. The selected alternative will amend the BLM's Coos Bay, Eugene, and Roseburg districts' Resource Management Plans, and the Siuslaw National Forest Land and Resource Management Plan, unless the no-action alternative is adopted.

2. Identification of the geographic area: The planning area covers approximately 675,000 acres in the Coast Range portion of the lower Umpqua River Basin in western Oregon. The area is primarily (98 percent) within Douglas County, Oregon (approximately 3,000 acres are in Coos County and 12,400 acres in Lane County). Approximately 225,000 acres are BLM-administered lands, 59,000 acres are National Forest lands, 34,300 acres are state lands, 8,300 acres are county or city, and 348,400 acres are privately owned.

3. General types of issues anticipated: In general, the issues anticipated include the following: improved efficiency of land and resource management; management of vegetation communities; minimizing effects on listed and proposed species and their habitats; watershed protection and function; timber sustainability on federal lands; timber supply to small businesses; revenues to state and local governments; consideration of continued public access and recreation; and protection of wetlands, riparian reserves, water quality, and cultural and historic resources.

4. Disciplines to be represented to prepare the plan will include, but not be limited to: wildlife biology, fish biology, forest ecology, silviculture, archaeology, economics, geology, soils, hydrology, lands and minerals, recreation, and land use planning.

5. Kind and extent of public participation: This project will be conducted with an open, public process. Public meetings/open houses will be held in July, during the comment period on the Draft Environmental Impact Statement, and at other times based on need. In addition, meetings will be initiated with city, county, state, and tribal governments, other federal agencies, the Southwest Oregon and Oregon Coast Provincial Advisory committees, and with other groups or agencies upon request. A website for the project, found at http://www.or.blm.gov/umpqua, will include flyers, mailers, and other documents, project updates, contacts, time lines, background, and other pertinent information. The BLM project manager, Patrick Geehan, and the Foundation managers, Marc Kelley and Robert Gill, will be available to discuss public concerns and suggestions. Access to designers of the Multi-Resource Land Allocation Model (Model) and EIS interdisciplinary team members will be through the project managers. Comments concerning the scope of the analysis should be received in writing by August 8, 2001. Anonymous comments will be accepted and analyzed; however, the author(s) will not be ensured protest rights during the protest period. Written comments concerning this proposal may be sent to ULEP, c/o BLM, P.O. Box 2965, Portland, OR 97208. Comments may also be sent via e-mail to *ULEP@or.blm.gov.*

6. Times, dates, locations of public meetings: Preliminary scoping meetings are scheduled as follows: July 16, 2001: Reedsport, Oregon, 3:00–5:00 p.m. and 7:00–9:00 p.m. at the Reedsport High School, Pacific Auditorium, 2260 Longwood Drive. July 17: Roseburg, Oregon, 7:00–9:00 p.m. at the Douglas County Courthouse, 1036 SE Douglas Ave, #216. July 18: Drain, Oregon, 6:00–9:00 p.m. at the Drain Branch Library, 205 West A Ave. July 19: Eugene, Oregon, 6:00–8:00 p.m. at the Eugene City Council Chambers, 777 Pearl Street #105. Public meetings also will be held in Reedsport, Roseburg, Drain, and Eugene during the comment period on the Draft EIS, anticipated to be May through July 2002.

7. Name, title, address, and telephone number of BLM official: For further information contact either the BLM project manager or the Foundation operations manager. The BLM project manager for the Umpqua Land Exchange Project is Patrick Geehan, BLM, P.O. Box 2965, Portland, OR 97208, phone 503–952–6445. The Foundation Project Coordinator is Robert Gill, Foundation for Voluntary Land Exchange, 4033 SW Canyon Road, Portland, OR 97221, phone 503–274–2855.

8. Location and availability of documents relevant to the planning process: Final published documents relevant to the planning process will be available at the BLM Oregon State Office in Portland, Oregon, at the address stated above. These documents will also be available in PDF format on the project website: *http://www.or.blm.gov/umpqua.*

9. Privacy Act disclaimer for individuals who may wish to have their address withheld: Comments, including names and street addresses of respondents, will be available for public review at the Oregon State Office in Portland, Oregon during regular business hours (8:00 a.m. to 4:30 p.m.). Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to protest the proposed decision under 43 CFR 1610.5–2.

Dated: June 28, 2001.

**Patrick H. Geehan,**

*Project Manager.*

[FR Doc. 01–17128 Filed 7–6–01; 8:45 am]

BILLING CODE 4310–33–P

---

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AZ–910–0777–26–241A]**

### State of Arizona Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Arizona Resource Advisory Council Meeting notice.

**SUMMARY:** This notice announces a meeting of the Arizona Resource Advisory Council (RAC). The meeting will be held on July 23–24, in Payson, Arizona. The business meeting will be held from 1:00–4:00 p.m. on Monday, July 23, and 8:00 a.m.–12:00 p.m. on Tuesday, July 24. The first session will be held at Mario's Restaurant, located at 600 E. Highway 260, and the second session will be held across the street at the Inn of Payson, 801 N. B-Line Highway. The agenda items to be covered include the review of the May 16, 2001 meeting minutes; BLM State Director's Update on legislation, regulations and statewide planning efforts; Summary of the Administration's Energy Policy, Update on the Draft Las Cienegas Resource Management Plan and Environmental Impact Statement; Presentation by a Mining Representative on the Impacts of the 3809 Surface Management Regulations for Locatable Mineral Operations; RAC Discussion on the

Arizona National Landscape Conservation System Strategy, and the State Director's 2002 Priorities; Update Proposed Field Office Rangeland Resource Teams; Reports from BLM Field Office Managers; Reports by the Standards and Guidelines, Recreation and Public Relations, Wild Horse and Burro Working Groups; Reports from RAC members; and Discussion of future meetings. A public comment period will be provided at 11:30 a.m. on July 24, 2001, for any interested publics who wish to address the Council.

**FOR FURTHER INFORMATION CONTACT:** Deborah Stevens, Bureau of Land Management, Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2203, (602) 417–9215.

**Michael Fisher,**

*Acting Arizona State Director.*

[FR Doc. 01–17129 Filed 7–6–01; 8:45 am]

**BILLING CODE 4310–32–P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service (MMS)

### Notice of Postponement of Public Hearings and Extension of the Public Comment Period for the Draft Environmental Impact Statement (EIS) for Delineation Drilling Activities in Federal Waters Offshore Santa Barbara County, California

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Announcing a postponement in scheduled public hearings and an extension of the public comment period.

**SUMMARY:** The Minerals Management Service is postponing the previously scheduled July 10 and 12 public hearings on the draft Environmental Impact Statement on Delineation Drilling Activities in Federal Waters Offshore Santa Barbara County, California (FR Vol. 66, No. 120/June 21, 2001/Doc. 0115639/Page No. 33268). We will announce the dates, times, and locations of the re-scheduled public hearings in the **Federal Register** and local media when that information is available. We will also extend the public comment period (as announced in the Notice of Availability published in the June 21, 2001, **Federal Register**), and that date will be provided when the public hearings are rescheduled.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the draft EIS, public hearings, or commenting on the EIS should be directed to Mr. Maurice Hill, Minerals Management Service, Office of Environmental Evaluation, Pacific OCS Region, 770 Paseo Camarillo, Camarillo, California 93010–6064. He may be reached by telephone at (805) 389–7815; or you may contact Mr. John Lane at (805) 389–7820.

**SUPPLEMENTARY INFORMATION:** The June 20, 2001, decision by the U.S. District Court for the Northern District of California requires MMS and the California Coastal Commission to review lease suspensions for the 36 undeveloped OCS oil and gas leases under provisions of the Coastal Zone Management Act. Although the court decision did not address the EIS, the MMS will postpone public hearings on the EIS until we complete action implementing the court's order.

Dated: July 5, 2001.

**Carolita U. Kallaur,**

*Associate Director for Offshore Minerals Management.*

[FR Doc. 01–17209 Filed 7–5–01; 2:16 pm]

**BILLING CODE 4310–MR–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–440]**

### In the Matter of Certain 4-Androstenediol; Request for Written Submissions on the Public Interest and Bonding

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission is requesting briefing on the public interest and the appropriate bond during the period of Presidential review, if a limited exclusion order is issued in the above-captioned investigation. The Commission previously found the only named respondent in the investigation to be in default.

**FOR FURTHER INFORMATION CONTACT:** Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202–205–3104. Copies of all 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. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol.public. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain 4-androstenediol (a nutritional supplement used by body-builders) on December 19, 2000. 65 FR 79424. On April 19, 2001, complainant LPJ, Inc. of Seymour, Illinois (LPJ) moved pursuant to 19 U.S.C. 1337(a)(1) and 19 CFR 210.16 for an order directing the only respondent, Changzhou Huabang Pharmaceutical Group, Ltd. (Changzhou), to show cause why it should not be found in default for failure to respond to LPJ's complaint. The Commission investigative attorney (IA) supported LPJ's motion. The presiding administrative law judge (ALJ) (Judge Luckern) issued Order No. 8 on April 30, 2001, directing Changzhou to show cause why it should not be found in default. Changzhou did not respond to that order.

On May 24, 2001, the ALJ issued an ID finding Changzhou in default pursuant to 19 CFR 210.16, and ruling that it had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. The Commission decided not to review the ID on June 8, 2001, 66 FR 32374 (June 14, 2001), thereby allowing it to become the Commission's final determination under 19 CFR 210.42. On June 25, 2001, pursuant to 19 U.S.C. 1337(g)(1) and 19 CFR 210.16(c)(1), complainant LPJ filed a declaration seeking limited relief against the defaulting respondent. In its declaration, LPJ requested that the Commission issue a limited exclusion order against Changzhou.

Section 337(g)(1), 19 U.S.C. (g)(1), authorizes the Commission to order limited relief against a respondent found in default unless, after consideration of public interest factors, it finds that such relief should not issue. In this investigation, Changzhou has been found in default and LPJ has requested issuance of a limited exclusion order that would deny entry to certain 4-androstenediol manufactured by Changzhou. If the Commission decides to issue a limited exclusion order against Changzhou, it must consider what the amount of the

bond should be during the Presidential review period.

In connection with the final disposition of this investigation, the only potential remedy is an order that could result in the exclusion of 4-androstenediol manufactured by Changzhou from entry into the United States. Accordingly, the Commission is interested in receiving written submissions that address whether such an order should be issued. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, it should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see In the Matter of Certain Devices for Connecting Computers via Telephone Lines, Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates a remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider in this investigation include the effect that a limited exclusion order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission issues a limited exclusion order, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

*Written Submissions:* The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed limited exclusion orders for the Commission's consideration. The written submissions and proposed limited exclusion orders must be filed no later than close of business on July 16, 2001. Reply submissions, if any, must be filed no later than the close of business on July 23, 2001. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and section 210.16 of the Commission's Rules of Practice and Procedure, 19 CFR 210.16.

By order of the Commission.

Issued: July 2, 2001.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01–16991 Filed 7–6–01; 8:45 am]

BILLING CODE 7020–01–P

---

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–395]**

## In the Matter of Certain EPROM, EEPROM, Flash Memory, and Flash Microcontroller Semiconductor Devices, and Products Containing Same; Notice of Decision To Deny Complainant Atmel's Petition for Modification of the Limited Exclusion Order

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to deny complainant Atmel's petition to modify the limited exclusion order issued in the above-captioned investigation.

**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.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on March 18, 1997, based upon a complaint filed by Atmel Corporation alleging that Sanyo Electric Co., Ltd. (''Sanyo''), Winbond Electronics Corporation of Taiwan and Winbond Electronics North America Corporation of California (collectively ''Winbond''), and Macronix International Co., Ltd. and Macronix America, Inc. (collectively ''Macronix'') had violated section 337 in the sale for importation, the importation, and the sale within the United States after importation of certain erasable programmable read only memory (''EPROM''), electrically erasable programmable read only memory (''EEPROM''), flash memory, and flash microcontroller semiconductor devices thereof, by reason of infringement of one or more claims of U.S. Letters Patent 4,511,811 (''the '811 patent''), U.S. Letters Patent 4,673,829 (''the '829 patent''), and U.S. Letters Patent 4,451,903 (''the '903 patent'') assigned to Atmel. 62 FR 13706 (March 21, 1997). Silicon Storage Technology, Inc. (''SST'') intervened in the investigation.

On October 27, 2000, the Commission determined that there was a violation of section 337. The Commission found that the claims in issue of the '903 patent are valid, enforceable, and infringed by the imports of respondents Sanyo and Winbond (but not respondent Macronix), and found a violation of section 337 with regard to the '903 patent as to Sanyo and Winbond. As to the '811 and '829 patents, the Commission found that the claims in issue of those patents are valid and enforceable, but not infringed by the imports of respondents Sanyo, Winbond, or Macronix, and found no violation of section 337 with regard to the '811 and '829 patents.

The Commission determined that the appropriate form of relief was a limited exclusion order prohibiting the importation of EPROMs, EEPROMs, flash memories, and flash microcontroller semiconductor devices, and circuit boards containing those semiconductor memory devices, that infringe claims 1 or 9 of the '903 patent and that are manufactured and/or imported by or on behalf of Sanyo and Winbond. The Commission also determined that the public interest factors enumerated in section 337(d) do not preclude the issuance of the limited exclusion order and that the bond during the Presidential review period should be set at $0.78 per device.

On April 16, 2001, complainant Atmel filed a petition with the Commission to modify the limited exclusion order to cover all semiconductor memory devices manufactured at all other foundries related to or licensed by intervenor SST, i.e., to cover imports from foundries in addition to Sanyo and Winbond. On April 26, 2001, Sanyo, Winbond, and the Commission's Office of Unfair Import Investigations responded to Atmel's petition. On May 7, 2001, Atmel moved for leave to reply to SST's response and attached a reply to SST's response.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.76 of the Commission's Rules of Practice and Procedure, 19 CFR 210.76.

Copies of the Commission Order 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

By order of the Commission.

Issued: July 2, 2001.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01–16992 Filed 7–6–01; 8:45 am]

**BILLING CODE 7020–01–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigations Nos. 731–TA–919–920 (Final)]**

## Certain Welded Large Diameter Line Pipe from Japan and Mexico

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of the final phase of antidumping investigations.

**SUMMARY:** The Commission hereby gives notice of the scheduling of the final phase of antidumping investigations Nos. 731–TA–919–920 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value (LTFV) imports from Japan and alleged LTFV imports from Mexico of certain welded large diameter line pipe.[1,2]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**EFFECTIVE DATE:** June 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Diane J. Mazur (202–205–3184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

**SUPPLEMENTARY INFORMATION:**

### Background

The final phase of these investigations is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain welded large diameter line pipe from Japan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations (including the antidumping investigation relating to Mexico) were requested in a petition filed on January 10, 2001, by Berg Steel Pipe Corp., Panama City, FL; American Steel Pipe Division of American Cast Iron Pipe Co., Birmingham, AL; and Stupp Corp., Baton Rouge, LA.

### Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

### Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties

[1] For purposes of these investigations the Department of Commerce has defined the subject merchandise as certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches (406.4 mm), but less than 64 inches (162.56 cm), whether or not stenciled. This product is normally produced according to American Petroleum Institute (API) specifications, including grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The products are imported under statistical reporting numbers 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, and 7305.19.5000 of the Harmonized Tariff Schedule of the United States. Excluded from the scope of Commerce's investigation are American Water Works Association (AWWA) specification water and sewage pipe and certain other size and grade combinations of line pipe (see Notice of Preliminary Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe from Japan, 66 FR 34151, June 27, 2001).

[2] Commerce has postponed its preliminary determination of sales at LTFV regarding Mexico (66 FR 31211, June 11, 2001). The Commission, for administrative convenience, will apply the current schedule for the final phase of its investigation concerning Mexico. When notified of Commerce's preliminary determination regarding Mexico, if affirmative, the Commission will issue a revised schedule accordingly.

authorized to receive BPI under the APO.

**Staff Report**

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on August 28, 2001, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

**Hearing**

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on September 11, 2001, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 4, 2001. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on September 6, 2001, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

**Written Submissions**

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is September 5, 2001. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 18, 2001; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before September 18, 2001. On October 9, 2001, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 11, 2001, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: June 29, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01–17022 Filed 7–6–01; 8:45 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–01–027]**

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** July 13, 2001 at 11:00 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731–TA–873–874 and 877–879 (Final) (Certain Steel Concrete Reinforcing Bars from Belarus, China, Korea, Latvia, and Moldova)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on July 23, 2001.)
5. Inv. Nos. 701–TA–416 and 731–TA–948 (Preliminary) (Individually Quick-Frozen Red Raspberries from Chile)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on July 16, 2001; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on July 23, 2001.)
6. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: July 5, 2001.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01–17247 Filed 7–5–01; 3:14 pm]

BILLING CODE 7020–02–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice (01–083)]**

### NASA Advisory Council (NAC), Task Force on International Space Station Operational Readiness; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces an open meeting of the NAC Task Force on International Space Station Operational Readiness (IOR).

**DATES:** Thursday, July 26, 2001, 12 p.m.–1 p.m. Eastern Daylight Time.

**ADDRESS:** NASA Headquarters, 300 E Street, SW., Room 7W31, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip Cleary, Code IH, National Aeronautics and Space Administration, Washington, DC 20546–0001, 202/358–4461.

**SUPPLEMENTARY INFORMATION:** This meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

To assess the operational readiness of the International Space Station to support the new crew and the American and Russian flight team's preparedness to accomplish the Expedition Three mission.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: July 2, 2001.

**Beth M. McCormick,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 01–16993 Filed 7–6–01; 8:45 am]

BILLING CODE 7510–01–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice (01–084)]**

## Privacy Act: Report of New System

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of New System of Records.

**SUMMARY:** Each Federal agency is required by the Privacy Act of 1974 to publish a description of the systems of records it maintains containing personal information when a system is substantially revised, deleted, or created. In this notice, NASA provides the required information for a new system of records used to collect information provided by users of Marshall Space Flight Center (MSFC) public Internet Web sites.

**DATES:** The effective date of this notice is July 9, 2001. Comments must be received in writing on or before August 8, 2001.

**ADDRESSES:** Office of the Chief Information Officer, Code AO, NASA Headquarters, 300 E Street SW., Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Roland Ridgeway, 202–358–4485.

**Roland M. Ridgeway, Jr.,**

*Acting NASA Privacy Act Officer.*

### NASA 61IWSR

**SYSTEM NAME:**

MSFC Internet Web Site Record System.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, AL 35812

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Users of MSFC public internet Web sites who submit information to MSFC over the internet or otherwise, and parents/guardians and teachers who provide information pursuant to MSFC's implementation of the Children's Online Privacy Protection Act (COPPA) or other child protection measures.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

All information provided by users of MSFC public Internet Web sites such as name, e-mail address, date of birth, mailing address, school, grade level, employment, artwork, written submissions, and information provided by the parents/guardians and teachers of users pursuant to COPPA or other child protection measures.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2473(c)(8); 44 USC 3101; 15 U.S.C. 6502(b); 16 CFR 312.3–312.8

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The following are routine uses (1) Provide information to MSFC contractors who will administer the MSFC Web sites; (2) Communicate with teachers of children who use the sites; (3) Disclosure to members of the public of student-generated material; (4) generate statistics regarding the demographics of users, (5) Law Enforcement, (6) disclose as a 'routine use' to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, (7) disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, and (8) Court or other formal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored as electronic media.

**RETRIEVABILITY:**

Records may be searched by name, e-mail address, or birthdate.

**SAFEGUARDS:**

During business hours, paper records are maintained in areas accessible only to authorized NASA and NASA contractor personnel. Electronic records are accessible via passwords from workstations located in attended offices. After business hours, buildings have security guards and secured doors.

**RETENTION AND DISPOSAL:**

Records are maintained in Agency files for varying periods of time depending on the need for use of the records. Records collected pursuant to COPPA Section 1303(b)(2)(A), (B), (C), and (D) will be destroyed as soon as possible, but no later than 90 days after the collection of the data. Records collected pursuant to other provisions of COPPA will be destroyed upon the request of the user or the parent/guardian of children who use the site, or not later than 5 years after date of last entry on the record. All other records will be destroyed 5 years after date of last entry on the record per the National Archives and Records Administration's General Records Schedule 14, Item 24(a).

**SYSTEM MANAGER AND ADDRESS:**

AD03/Chief Information Officer, George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, AL 35812

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify the System Manager at the address given above.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should submit their request in writing to the System Manager at the address given above.

**CONTESTING RECORD PROCEDURES:**

The NASA regulations governing access to records, procedures for contesting the contents and for appealing initial determinations are set forth in 14 CFR part 1212.

**RECORD SOURCE CATEGORIES:**

The information is submitted by users of MSFC public Internet Web sites.

[FR Doc. 01–17028 Filed 7–6–01; 8:45 am]

BILLING CODE 7510–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 35–27424]**

## Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

June 29, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the

Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by July 24, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After July 24, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

**Ameren Corp. (70–9877)**

Ameren Corporation (''Ameren''), a registered holding company, 1901 Chouteau Avenue, St. Louis, Missouri 63103, has filed a declaration under sections 6(a), 7, and 12(b) of the Act and rules 45(a) and 54 under the Act, requesting approval for a new program of external financing and credit support arrangements. This new program would replace certain authorizations that the Commission has previously granted.

Ameren requests authority to issue and sell through September 30, 2004 (''Authorization Period'') up to $2.5 billion at any time outstanding (''Securities Limit'') of the following types of securities: common stock (''Common Stock''); [1] options, warrants and other stock purchase rights exercisable for Common Stock (collectively, ''Purchase Rights''); unsecured, long-term debt securities (''Long-Term Debt''); and preferred stock (''Preferred Stock'') and other preferred or equity-linked securities (''Equity-Linked Securities''). These securities, further described below, would be sold at rates or prices and under conditions negotiated or based upon, or otherwise determined by, competitive capital markets.

Common Stock would be sold through underwriters,[2] dealers,[3] agents, or to a limited number of purchasers directly. Ameren might also issue Common Stock in publicly or privately negotiated transactions, as consideration for the equity securities or assets of other companies.[4]

Purchase Rights may be issued in one or more series and, like Common Stock, may be issued to acquire equity securities or assets in transactions that have been authorized by the Commission or are exempt under the Act. Ameren may issue Purchase Rights directly.

Ameren would issue Long-Term Debt directly, or indirectly through one or more subsidiaries organized to facilitate the issuance and sale of long-term debt or equity securities (''Financing Subsidiaries'').[5] Long-Term Debt would have maturities ranging from one to fifty years,[6] and would bear interest at a rate not to exceed at the time of issuance 500 basis points over the yield to maturity of a U.S. Treasury security having a remaining term equal to the average life of the Long-Term Debt or, if no such Treasury security is outstanding, the yield to maturity of a thirty-year U.S. Treasury Bond.

Ameren would issue Preferred Stock directly. Ameren states that Equity-Linked Securities typically combine a security with a fixed obligation (such as preferred stock or debt) with a feature that requires or allows conversion into shares of Common Stock within a relatively short period. These instruments may be tax advantaged. Equity-Linked Securities include trust preferred securities, and debt or preferred securities that are converted or convertible (at the holder's option) into Common Stock and forward purchase contracts for Common Stock. Equity-Linked Securities would be issued either directly by Ameren or one or more Financing Subsidiaries. Both Preferred Stock and Equity Linked Securities would be issued in one or more series. The rights, preferences, and priorities of each series will be designated in the instrument creating each series of securities. These instruments would be redeemed no later than fifty years after the date of issuance unless it is converted into Common Stock, as is possible with Equity-Linked Securities. The dividend rates on Preferred Stock and Equity-Linked Securities would not, at the time of issuance, exceed 700 basis points over the yield to maturity of a U.S. Treasury security having a remaining term equal to the term of such securities or, if no such Treasury security is outstanding, the yield to maturity of a thirty-year U.S. Treasury Bond.

Ameren also requests authority to issue through the Authorization Period up to 25 million shares of Common Stock through stock-based plans that it maintains or will maintain, directly or indirectly, for shareholders, investors, employees, and non-employee directors (collectively, ''Ameren Plans'').[7]These proposed shares of Common Stock would not count against the Securities Limit. Shares of Common Stock issued through the Ameren Plans would either be newly issued shares, treasury shares, or shares purchased in the open market.[8]

In addition, Ameren requests authority to issue and sell, through the Authorization Period, directly or indirectly through one or more Financing Subsidiaries, up to an

[1] Ameren is currently authorized to issue up to an aggregate amount of $25 million of Common Stock for general corporate purposes (other than for use under Ameren's dividend reinvestment and employee benefit plans, further described below). *See Ameren Corp.,* HCAR No. 26841 (March 13, 1998), *as modified by Ameren Corp.,* HCAR No. 27011 (April 26, 1999) (collectively, ''Current Financing Order'').

[2] Common Stock may be sold to underwriters for their own account and resold in one or more transactions, including negotiated transactions, at a fixed public offering price or at varying prices determined at the times of resale. If Common Stock is sold in an underwritten offering, Ameren may grant the underwriters a ''green shoe'' option, permitting the purchase from Ameren at the same price of additional shares solely for the purpose of covering over-allotments.

[3] Ameren may sell Common Stock to dealers, as principals. Those dealers may then resell that Common Stock to the public at varying prices they determine at the times of resale.

[4] Ameren states that these acquisitions would be either expressly authorized in a separate proceeding or exempt under the Act or the rules under the Act.

[5] The Commission authorized Ameren to acquire Financing Subsidiaries through December 31, 2003. *See Ameren Corp.,* HCAR No. 27053 (July 23, 1999) (''Restructuring Order'').

[6] Currently, Ameren is authorized to issue and sell up to an aggregate principal amount of $300 million at any one time outstanding of unsecured notes having maturities of more than one year and up to forty years (''Debentures''), subject to an overall limit of $1.5 billion in short-term debt and Debentures. *See* Current Financing Order.

[7] At present, Ameren maintains the following stock-based plans: (1) Ameren's dividend reinvestment and stock purchase plan (''DRPlus''); (2) Ameren's long-term incentive plan (''1998 Incentive Plan''); (3) Ameren's employee savings investment plan (''SIP''); (4) Ameren's two investment savings plans that permit employees of Central Illinois Public Service Company (''AmerenCIPS''), its direct public-utility company subsidiary, and Ameren Energy Generating Company, an ''energy-related company as that term is defined by rule 58 under the Act, who are members of certain collective bargaining units to defer federal income taxes on contributions to the plans and the earnings on those contributions (collectively, ''Union Investment Plans''). Ameren is authorized to issue up to 15 million shares of Common Stock through December 30, 2002 under the DRPlus, SIP, and Union Investment Plans, *see Ameren Corp.,* HCAR No. 26809 (December 30, 1997), and up to 4 million shares of Common Stock through March 31, 2003 under the 1998 Incentive Plan. *See Ameren Corp.,* HCAR No. 26862 (April 24, 1998).

[8] Ameren open-market purchases of Common stock would be made in accordance with the terms of, or in connection with, the operation of the Ameren Plans under rule 42.

aggregate principal amount at any time outstanding of $1.5 billion in commercial paper and other short-term debt securities (collectively, ''Short-Term Debt'').[9] Short-Term Debt would have maturities of less than one year. The effective cost of money on all Short-Term Debt would not exceed 300 basis points over the London Interbank Offered Rate. Commercial paper would be sold in established domestic or European commercial paper markets. Typically, commercial paper would be sold to dealers at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturities sold to commercial paper dealers generally. It is expected that the acquiring dealers would re-offer it at a discount to corporate, institutional and, with respect to European commercial paper, individual investors.[10] Short-Term Debt may also include back-up credit lines with banks or other institutional lenders established and maintained to support its commercial paper program(s) and other credit arrangements and/or borrowing facilities.[11]

Ameren requests authority to provide guaranties and other forms of credit support (''Guaranties'') on behalf or for the benefit of its direct and indirect nonutility subsidiaries (''Nonutility Subsidiaries''), in an aggregate principal or nominal amount that would not exceed $1.5 billion at any one time outstanding (''Guaranty Limit'').[12] Securities issued by Financing Subsidiaries of Ameren that are guaranteed or supported by other forms of credit enhancement provided by Ameren would not count against the Guaranty Limit. Guaranties would be provided to cover the debt or contractual obligations of any Nonutility Subsidiary as may be appropriate in the ordinary course of the subsidiary's business. Guaranties may be in the form of formal credit enhancement agreements, including ''keep well'' agreements and reimbursement undertakings under letters of credit. Ameren may charge a fee for each Guaranty it provides. Those fees would not exceed the cost, if any, of obtaining the liquidity necessary to perform the Guaranty for the period of time the Guaranty remains outstanding.

Ameren requests authority directly, or indirectly through any Financing Subsidiary, to enter into hedging transactions with respect to existing indebtedness (''Interest Rate Hedges'') using financial instruments commonly used in today's capital markets, such as interest rate swaps, caps, collars, floors, and structured notes (*i.e.*, a debt instrument in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury Securities. Interest Rate Hedges would be used to reduce or manage the effective interest rate cost. These transactions would be for fixed periods and stated notional amounts, and would be entered into only with counterparties (''Approved Counterparties'') whose senior debt ratings, or the senior debt ratings of the parent companies of the counterparties, as published by Standard and Poor's Ratings Group, are equal to or greater than BBB, or an equivalent rating from Moody's Investors Service or Fitch, Inc. Fees, commissions, and other amounts payable to an Approved Counterparty or exchange (excluding, however, the swap or option payments) in connection with an Interest Rate Hedge would not exceed those generally obtainable in competitive markets for parties of comparable credit quality.

Ameren also requests authority directly, or indirectly through any Financing Subsidiary, to enter into hedging transactions with respect to anticipatory debt issuances (''Anticipatory Hedges''). Anticipatory Hedges would only be entered into with Approved Counterparties, and would be utilized to fix the interest rate and/or limit the interest rate risk associated with any new issuance through: A forward sale of exchange-traded U.S. Treasury futures contracts, U.S. Treasury Securities and/or a forward swap (each, ''Forward Sale''); the purchase of put options on U.S. Treasury Securities (''Put Options Purchase''); a Put Options Purchase in combination with the sale of call options on U.S. Treasury Securities (''Zero Cost Collar''); transactions involving the purchase or sale, including short sales, of U.S. Treasury Securities; or some combination of a Forward Sale, Put Options Purchase, Zero Cost Collar and/or other derivative or cash transactions, including, but not limited to structured notes, caps and collars, appropriate for the Anticipatory Hedges. Each Interest Rate Hedge and Anticipatory Hedge would, at the time it is entered into, qualify for hedge accounting treatment under Generally Accepted Accounting Principles. Ameren would comply with all applicable financial disclosure requirements of the Financial Accounting Standards Board associated with hedging transactions.

Ameren states that the proposed securities will not be issued if issuance would result in its common equity as a percentage of its consolidated capitalization (including Short-term Debt) falling below thirty percent. Ameren also states that it would maintain the common stock equity ratios of Union Electric Company (''AmerenUE'') and AmerenCIPS, its direct public-utility company subsidiaries, at or above thirty percent during the Authorization Period.

It is further requested that the Commission release jurisdiction reserved under the Restructuring Order over Ameren's request to allow the Financing Subsidiaries to dividend to Ameren any financing proceeds of a Financing Subsidiary.[13]

**Wisconsin Energy Corporation, et al. (70–9881)**

Wisconsin Energy Corporation (''WEC''), a public utility holding company exempt from registration under section 3(a)(1) of the Act,[14] and Wisconsin Electric Power Company (''WEPCo''), a wholly owned subsidiary holding company of WEC claiming exemption under section 3(a)(1) of the Act by rule 2, both at 31 West Michigan Street, Milwaukee, Wisconsin 53201 (together, ''Applicants''), have filed an application under sections 3(a)(1), 9(a)(2) and 10 of the Act.

WEC is a public utility holding company incorporated in the state of Wisconsin. WEC owns directly all of the common stock of two public utility companies: WEPCo, a combination electric and gas utility company and Edison Sault Electric Company (''Edison Sault''), an electric utility company incorporated in Michigan. WEPCo generates, distributes, and sells electric energy in southeastern, east central and northern Wisconsin and in the Upper Peninsula of Michigan. As of December 31, 2000, WEPCo had approximately

[9] Ameren is currently authorized to issue up to $1.5 billion in Short-Term Debt through February 27, 2003. *See* Current Financing Order.

[10] Ameren expects that this commercial paper would be re-offered to investors such as commercial banks, insurance companies, pension funds, investment trusts, foundations, colleges and universities, finance companies and non-financial corporations.

[11] Only the amounts drawn and outstanding under these agreements and facilities would be counted against the proposed limit on Short-Term Debt.

[12] Currently, Ameren is authorized to provide up to an aggregate amount of $1 billion in Guaranties on behalf or for the benefit of the Nonutility Subsidiaries through February 27, 2003. *See* Current Financing Order.

[13] In the Restructuring Order, the Commission reserved jurisdiction over this proposal, pending completion of the record.

[14] WEC is exempt from registration by order of the Commission. Its exemption was most recently reaffirmed in HCAR No. 27329 (December 28, 2000).

one million electric customers. WEPCo also purchases, distributes and sells natural gas to retail customers and transports customer owned gas in four distinct service areas encompassing approximately 3,800 square miles in Wisconsin with an estimated population of approximately 1,200,000: west and south of the City of Milwaukee, the Appleton area, the Prairie du Chien area, and areas within Iron and Vilas Counties. During 2000, WEPCo had gas operating revenues of $400 million and at December 31, 2000, WEPCo's gas distribution system included approximately 8,200 miles of mains connected at twenty-two gate stations to four different pipeline transmission systems and its gas service territory has an estimated population of approximately 1,200,000. Edison Sault provides retail electric service in certain territories in Michigan.[15]

WEC also owns all of the common stock of WICOR, a public utility holding company incorporated in Wisconsin and exempt from registration under the Act under section 3(a)(1) by order of the Commission.[16] WICOR has one wholly owned public utility subsidiary, Wisconsin Gas, which is a gas utility company organized in Wisconsin. Wisconsin Gas distributed gas to approximately 544,000 customers in 531 communities throughout Wisconsin as of December 31, 2000.

WEPCo seeks to transfer its gas utility assets (''Transferred Assets'') to Wisconsin Gas. The Transferred Assets are expected to have a book value of $479 million and have associated liabilities (''Liabilities'') of $115 million for an aggregate value of approximately $364 million (''Aggregate Value''). Wisconsin Gas will acquire the Transferred Assets along with the Liabilities associated and will provide, as consideration, shares of a newly created Class B common stock (''Class B Common Stock'') with a fair market value of approximately $364 million. Applicants seek authority for WEPCo to acquire the Class B Common Stock from Wisconsin Gas in an amount equal to the Aggregate Value. According to the agreement (''Asset Transfer Agreement''), the Transferred Assets will consist of:

1. All of WEPCo's rights, title and interest in and to all contracts and agreements with customers, suppliers, employees and other persons exclusively related to WEPCo's gas utility business (''Business''), including but not limited to gas supply agreements (''Contracts'');
2. WEPCo's accounts receivable related to the Business;
3. All of WEPCo's rights, title and interest in and to the real property interests used in the distribution of gas and for other purposes in the Business;
4. WEPCo's equipment, computer software, construction in progress, and other items of tangible personal property related to the Business;
5. WEPCo's inventory of gas, fuel, materials and supplies related to the Business;
6. All of the intangible assets owned or used by WEPCo relating primarily to the operation of the Business;
7. All books, documents and records owned or used by WEPCo relating primarily to the operation of the Business;
8. All assets related to the Business and existing at the closing date which are included within the financial books and records of WEPCo related to the Business and described as ''Prepayments and Other Current Assets,'' ''Regulatory Assets,'' ''Accumulated Deferred Income Taxes'' and ''Other Assets''; and
9. All rights to recoveries from third parties and causes of action against third parties relating to any of the Transferred Assets or any of the Assumed Liabilities (as defined below).

Under the Asset Transfer Agreement, Wisconsin Gas will assume the following obligations of WEPCo (''Assumed Liabilities''):

1. All obligations of WEPCo under the Contracts arising from and after the closing date;
2. All obligations of WEPCo related to the Business existing on the closing date or arising after the closing date which are included within the financial books and records of WEPCo related to the Business and described as ''Accounts Payable,'' ''Accrued Liabilities and Other,'' ''Accumulated Deferred Income Taxes,'' ''Regulatory Liabilities'' and ''Other, including Post-Retirement Benefit Obligation;'' and
3. Any and all claims, demands, liabilities, debts, obligations, damages and causes of action for any environmental liability arising out of or related to the operation of the Business prior to the closing date, excluding punitive or exemplary damages.

Wisconsin Gas will pay its own newly issued Class B Common Stock to WEPCo for the Transferred Assets under the Asset Transfer Agreement. Wisconsin Gas will issue to WEPCo the number of shares which reflect the percentage of equity in Wisconsin Gas represented by the Transferred Assets as compared to Wisconsin Gas' total assets after the transaction takes place.[17] The approximate worth of the Class B Common Stock will also be calculated to equal the Aggregate Value, as stated above. Additionally, in order for the transaction to qualify as a tax-free exchange under section 351 of the Internal Revenue Code, Wisconsin Electric must end up controlling at least eighty percent of the total combined voting power of all Wisconsin Gas stock entitled to vote. This will be accomplished by assigning the class A common stock (''Class A Common Stock'') one vote per share and the Class B Common Stock ten votes per share or such other number of votes per share as the Board of Directors of Wisconsin Gas shall determine so that Wisconsin Electric shall have a number of votes representing at least eighty percent of the total combined voting power of all classes of Wisconsin Gas stock entitled to vote immediately after consummation of the transaction.

Currently, the authorized capital stock of Wisconsin Gas consists of: (i) 5,000,000 shares of common stock, $8.00 par value, of which 1,125 shares are issued and outstanding and owned by WICOR, and (ii) 1,500,000 shares of cumulative preferred stock without par value, none of which are issued and outstanding.

The Asset Transfer Agreement requires that, as of the closing date, the entire authorized capital stock of Wisconsin Gas shall consist of: (i) 5,000,000 shares of Class A common stock, $8.00 par value, of which 1,125 shares will be issued and outstanding and owned by WICOR; (ii) 5,000,000 shares of Class B Common Stock, $8.00 par value, none of which shall be issued and outstanding prior to the issuance of shares to WEPCo contemplated by the Asset Transfer Agreement, and (iii) 1,500,000 shares of cumulative preferred stock without par value, none of which will be issued and outstanding.

In addition to Applicants' request for WEPCo to acquire Wisconsin Gas' securities, Applicants request that the Commission approve exemptions for

[15] WEPCo and Edison Sault own membership interests in American Transmission Company LLC, (''ATC''), a limited liability transmission utility company organized in Wisconsin. WEPCo owns approximately forty-two percent and Edison Sault owns approximately six percent of the interests in ATC. In addition, WEPCo owns a forty-eight percent interest in ATC Management Inc., a limited liability company organized to manage the operations of ATC.

[16] *See* Wisconsin Energy Corporation, HCAR No. 27163 (April 10, 2000).

[17] Thus, for illustration purposes only, if sixty percent of Wisconsin Gas' net assets after the transaction will consist of the Transferred Assets, then Wisconsin Gas will issue enough Class B Stock to WEPCo so that WEPCo will own sixty percent of Wisconsin Gas' outstanding common stock.

both WEC and WEPCo under section 3(a)(1) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01–17001 Filed 7–6–01; 8:45 am]

BILLING CODE 8010–01–M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–44497; File No. SR–NASD–98–26]**

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Amendment No. 10 to a Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Extension of Short Sale Rule and Continued Suspension of Primary Market Maker Standards

June 29, 2001.

On June 15, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary, the Nasdaq Stock Market Inc. (''Nasdaq''), submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule to change to: (1) Continue to suspend the current Primary Market Maker (''PMM'') standards until March 1, 2002, and (2) extend the NASD's Short Sale Rule pilot until March 1, 2002 (''Amendment No. 10'').[3] Amendment No. 10 to the proposed rule change, SR–NASD–96–28, is described in Items I and II below, which Items have been prepared by the Nasdaq. The Commission is publishing this notice and order to solicit comments on amendment No. 10 from interested persons and to approve the amendment on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letters from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Belinda Blaine, Associate Director, Division of Market Regulation (''Division''), Commission, dated June 14, 2001; and Mary Dunbar, Vice President, Nasdaq, to Anitra Cassas, Special Counsel, Division, dated June 29, 2001. The current suspension and extension would expire on June 30, 2001. *See* Securities Exchange Act Release No. 43368 (September 27, 2000), 65 FR 59478 (October 5, 2000).''

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In the current amendment, Nasdaq is proposing to extend the Short Sale Rule pilot and the suspension of the existing PMM standards from June 30, 2001 until March 1, 2002. The proposed rule language, as amended, follows. Additions are italicized; deletions are bracketed.

NASD Rule 3350

(a)–(k) No Changes.

(l) This Rule shall be in effect until [June 30, 2001] *March 1, 2002.*

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(1) Background on the NASD's Short Sale Rule

Section 10(a) of the Exchange Act [4] gives the Commission plenary authority to regulate short sales of securities registered on a national securities exchange, as needed to protect investors. Although the Commission has regulated short sales since 1938, that regulation has been limited to short sales of exchange-listed securities. In 1992, Nasdaq, believing that short-sale regulation is important to the orderly operation of securities markets, proposed a short sale rule for trading of its National Market securities that incorporates the protections provided by Rule 10a–1 of the Exchange Act.[5] On June 29, 1994, the Commission approved the NASD's short sale rule, Rule 3350 (''Short Sale Rule''), applicable to short sales [6] in Nasdaq National Market (''NNM'') securities on an eighteen-month pilot basis through March 5, 1996.[7] The NASD and the Commission have extended NASD Rule 3350 numerous times, most recently, until June 30, 2001.[8]

Nasdaq's short-sale rule employs a ''bid'' test rather than a tick test because Nasdaq trades are not necessarily reported to the tape in chronological order. Nasdaq's short sale rule prohibits short sales at or below the inside bid when the current inside bid is below the previous inside bid. Nasdaq calculates the inside bid from all market makers in the security (including bids on exchanges trading Nasdaq securities on an unlisted trading privileges basis), and disseminates symbols to denote whether the current inside bid is an ''up-bid'' or a ''down-bid.'' To effect a ''legal'' short-sale on a down-bid, the short-sale must be executed at a price at least .01 above the current inside bid.[9] The rule is in effect from 9:30 a.m. E.T. until 4 p.m. E.T. each trading day.

To reduce the compliance burdens on its members, Nasdaq's short sale rule also incorporates seven exemptions contained in Rule 10a–1 under the Exchange Act that are relevant to trading on Nasdaq.[10] In addition, in an effort to not constrain the legitimate hedging needs of options market makers, the NASD's short sale rule contains a limited exception for standardized options market makers. The Rule also contains an exemption for warrant market makers similar to the one available for options market makers.

[4] 15 U.S.C. 78j(a).

[5] 17 CFR 240.10a–1.

[6] A short sale is a sale of a security the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. To determine whether a sale is a short sale, members must adhere to the definition of a ''short sale'' contained in Rule 3b–3 of the Exchange Act, which is incorporated into Nasdaq's short sale rule by NASD Rule 3350(k)(1).

[7] *See* Securities Exchange Act Release No. 34277 (June 29, 1994), 59 FR 34885 (July 7, 1994) (''Short Sale Rule Approval Order'').

[8] *See supra*, note 3.

[9] In light of the industry conversion to decimal pricing, Nasdaq recently amended the increment standard for legal short sales from 1/16th to $0.01. The Commission approved the amendment to IM–3350 on a pilot basis, ending March 1, 2002. Securities Exchange Act Release No. 44030 (March 2, 2001), 66 FR 14235 (March 9, 2001).

[10] *See* NASD Rule 3350(c)(2)–(8). The Rule also provides that a member not currently registered as a Nasdaq market maker in a security, and that has acquired the security while acting in the capacity of a block positioner shall be deemed to own such security for the purposes of the Short Sale Rule, notwithstanding that such member may not have a net long position in such security if and to the extent that such member's short position in such security is subject to one or more offsetting positions created in the course of bona fide arbitrage, risk arbitrage, or bona fide hedge activities. In addition, the NASD has recognized that SEC staff interpretations to Rule 10a–1 under the Exchange Act dealing with the liquidation of index arbitrage positions and an ''international equalizing exemption'' are equally applicable to the NASD's short sale rule. *See* NASD Rule 3350(f).

(2) Background on the NASD's Primary Market Maker Standards

To ensure that market maker activities that provide liquidity and continuity to the market are not adversely constrained when the short sale rule is invoked, NASD Rule 3350(c)(1) provides an exemption for ''qualified'' Nasdaq market makers (*i.e.,* market makers that meet the PMM standards). Presently, NASD Rule 4612 provides that a member registered as a Nasdaq market maker pursuant to NASD Rule 4611 may be deemed a PMM if that member meets certain threshold standards.

Since NASD Rule 3350 has been in effect, there have been two methods used to determine whether a market maker is eligible for the PMM exemption. Specifically, from September 4, 1994 through February 1, 1996, Nasdaq market makers that maintained a quotation in a particular NNM security for 20 consecutive business days without interruption were exempt from Rule 3350 for short sales in that security, provided the short sales were made in connection with bona fide market making activity (''the 20-day'' test).[11] From February 1, 1996 until February 14, 1997, the ''20-day'' test was replaced with a four-part quantitative test known as the PMM standards.[12]

Beginning on February 14, 1997, the PMM standards were suspended for all NNM securities due to the impact of the SEC's Order Handling Rules, and corresponding NASD rule change and system modifications on the operation of the four quantitative standards.[13] For example, the requirement that market makers display customer limit orders adversely affected the ability of market makers to satisfy the ''102% Average Spread Standard.'' Since that time all market makers have been designated as PMMs.

In March 1998, Nasdaq proposed PMM standards that received substantially negative comments.[14] In light of those comments, Nasdaq staff convened an advisory subcommittee to develop PMM standards (''Subcommittee'') in August 1998. The Subcommittee met nine times and formulated new PMM standards. On December 9, 1998, the NASD/Nasdaq staff met with the Commission staff and the Subcommittee to receive informal feedback on the new PMM standards. At the conclusion of the meeting, Commission staff noted the progress made by the Subcommittee and requested time to digest and more carefully analyze the proposed new PMM standards.

On July 29, 1999, members of the Nasdaq staff conducted a conference call with members of the Commission staff to receive feedback on the PMM standards that Nasdaq presented at the December 9, 1998 meeting. During the meeting, the Commission staff suggested that Nasdaq modify several of the proposed standards and analyze the impact of those modifications on the primary market maker determination. On September 27, 1999, Nasdaq reported that the NASD Economic Research staff had analyzed data based on the Commission's suggested revisions, and concluded that the Commission's modified standards produced unfavorable results.[15]

The Commission notes that it intends to propose amendments to Rule 10a–1 under the Exchange Act, which applies to exchanges. The Commission recently noticed for public comment Nasdaq's application for registration as a national securities exchange under Section 6 of the Exchange Act.[16]

(3) Current Amendment

Nasdaq believes that it is in the best interest of investors to extend the short sale regulation pilot program. In the Short Sale Approval Order, the Commission stated that ''recognizing the potential for problems associated with short selling, the changing expectations of Nasdaq market participants and the competitive disparity between the exchange markets and the OTC market, the Commission believes that regulation of short selling of Nasdaq National Market securities is consistent with the Act.'' [17] In addition, the Commission stated that it ''believes that the NASD's short sale bid-test, including the market maker exemptions, is a reasonable approach to short sale regulation of Nasdaq National Market securities and reflects the realities of its market structure.'' [18] Nasdaq believes the benefits that the Commission recognized when it first approved NASD Rule 3350 apply with equal force today.

Similarly, Nasdaq believes the concerns that caused the Commission to waive the PMM standards in February 1997 continue to exist today. Nasdaq and the Commission agreed to waive the PMM standards to avoid frustrating operation of the Commission's Order Handling Rules, in light of market factors that were not apparent at the time the Order Handling Rules were implemented.[19] Nasdaq has worked to

[11] *See* Short Sale Rule Approval Order, *supra* note 7.

[12] *Id.* Under the PMM standards, a market maker was required to satisfy at least two of the following four criteria each month to be eligible for an exemption from the short sale rule: (1) The market maker must be at the best bid or best offer as shown on Nasdaq no less than 35 percent of the time; (2) the market maker must maintain a spread no greater than 102 percent of the average dealer spread; (3) no more than 50 percent of the market maker's quotation updates may occur without being accompanied by a trade execution of at least one unit of trading; or (4) the market maker executes 1½ times its ''proportionate'' volume in the stock. If a PMM did not satisfy the threshold standards after a particular review period, the market maker lost its designation as a PMM (*i.e.,* the ''P'' next to its market maker identification was removed). Market makers could re-qualify for designation as a PMM by satisfying the threshold standards in the next review period.

[13] *See* Securities Exchange Act Release Nos. 38294 (February 14, 1997), 62 FR 8289 (February 24, 1997) (order granting temporary accelerated approval of suspension of PMM standards until October 1, 1997; File No. SR–NASD–97–07); 39198 (October 3, 1997), 62 FR 53365 (October 14, 1997) (order granting temporary accelerated approval of continuing suspension until April 1, 1998; File No. SR–NASD–97–73); 39819 (March 30, 1998), 63 FR 16841 (April 6, 1998) (order granting temporary accelerated approval of continuing suspension until May 1, 1998; File No. SR–NASD–98–26); 39936 (April 30, 1998); 63 FR 25253 (May 7, 1998) (order granting temporary accelerated approval of continuing suspension until July 1, 1998; Amendment No. 3 to File No. SR–NASD–98–26); 40140 (June 26, 1998), 63 FR 36464 (July 6, 1998) (order granting temporary accelerated approval of continuing suspension until October 1, 1998; Amendment No. 4 to File No. SR–NASD–98–26); 40485 (September 25, 1998), 63 FR 52780 (October 1, 1998) (order granting temporary accelerated approval of continuing suspension until March 31, 1999; Amendment No. 5 to File No. SR–NASD–98–26); 41195 (March 19, 1999), 64 FR 14778 (March 26, 1999) (order granting temporary accelerated approval of continuing suspension until June 30, 1999; Amendment No. 6 to File No. SR–NASD–98–26); 41568 (June 28, 1999), 64 FR 36416 (July 6, 1999) (order granting temporary accelerated approval of continuing suspension until December 31, 1999; Amendment No. 7 to File No. SR–NASD–98–26); 42219 (December 9, 1999), 64 FR 70753 (December 17, 1999) (granting temporary accelerated approval of continuing suspension until September 30, 2000; Amendment No. 8 to File No. SR–NASD–98–26).

[14] *See* Securities Exchange Act Release 39819 (March 30, 1998), 63 FR 16841 (April 6, 1998).

[15] *See* letter from John F. Malitzis, Assistant General Counsel, Nasdaq, to Richard Strasser, Assistant Director, Division, Commission, dated September 27, 1999.

[16] *See* Securities Exchange Act Release No. 44396 (June 7, 2001), 66 FR 31952 (June 13, 2001).

[17] *See* Short Sale Rule Approval Order, *supra* note 8.

[18] *Id.*

[19] Nasdaq stated at the time that it believed the implementation of the Order Handling Rules created the following three issues: (1) many market makers voluntarily chose to display customer limit orders in their quotes although the Limit Order Display Rule does not yet require it; (2) SOES decrementation for all Nasdaq stocks significantly affected market makers' ability to meet several of the primary market maker standards; and (3) with the inability to meet the existing criteria for a larger number of securities, a market maker may be prevented from registering as a primary market maker in an initial public offering because it fails to meet the 80% primary market maker test contained in Rule 4612(g)(2)(B). *See* Securities Exchange Act Release No. 38294 (February 14, 1997), 62 FR 8289 (February 24, 1997).

address those concerns to the Commission's satisfaction, including convening a special subcommittee on PMM issues, proposing two different sets of PMM standards, and being continuously available and responsive to Commission staff to discuss this issue. Despite these efforts, the Commission and Nasdaq have been unable to establish satisfactory PMM standards. Nasdaq believes that re-instating the PMM standards set forth in NASD Rule 4612 would be extremely disruptive to the market and harmful to investors.

Nasdaq also notes that the Commission has signaled to the securities industry that it is considering fundamental changes to Rule 10a–1 of the Exchange Act that could impact the manner in which Nasdaq and the other markets regulate short sales. On October 20, 1999, the Commission issued a Concept Release on Short Sales in which it sought comment on, among other things, revising the definition of short sale, extending short sale regulation to non-exchange listed securities, and eliminating short sale regulation altogether.[20] Nasdaq believes it would be inappropriate for Nasdaq to alter its regulation of short sales while the Commission is considering changing Rule 10a–1.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 10, including whether the proposed Amendment is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–98–26 and should be submitted by July 30, 2001.

[20] *See* Securities Exchange Act Release No. 42037 (October 20, 1999), 64 FR 57996 (October 28, 1999).

## IV. Commission's Findings and Order Granting Accelerated Approval of the Amendment

After careful consideration, the Commission finds, for the reasons set forth below, that the extension of the Short Sale Rule pilot and the suspension of the existing PMM standards until March 1, 2002 is consistent with the requirements of the Act and the rules and regulations thereunder. In particular, the extension is consistent with section 15A(b)(6)[21] of the Act, which requires that the NASD's rules be designed, among other things, to remove impediments to and perfect the mechanism of a free and open market and a national market system and to promote just and equitable principles of trade.

The Commission finds that continuation of the Short Sale Rule pilot and the continued suspension of the current PMM standards will maintain the status quo while the Commission is considering amending Rule 10a–1 under the Exchange Act. However, this extension of the pilot and continued suspension of the current PMM standards is subject to modification or revocation should the Commission amend Rule 10a–1 in such a manner as to deem the extension or suspension unnecessary or in conflict with any adopted amendments.[22]

The Commission finds good cause for approving the extension of the Short Sale Rule pilot and the suspension of existing PMM standards prior to the 30th day after the date of publication of notice of the filing in the **Federal Register**. It could be disruptive to the Nasdaq market and confusing to market participants to reintroduce the previous PMM standards while new PMM standards are being developed, and while the Commission is considering amending Rule 10a–1 under the Exchange Act.

*It Is Therefore Ordered*, pursuant to Section 19(b)(2) of the Act,[23] that Amendment No. 10 to the proposed rule change, SR–NASD–98–26, which extends the NASD Short Sale Rule pilot and the suspension of the current PMM standards to March 1, 2002, is approved on an accelerated basis.[24]

[21] 15 U.S.C. 78o–3(b)(6).

[22] Absent an exemption, Rule 10a–1 of the Exchange Act would apply to Nasdaq upon Commission approval of their exchange registration.

[23] 15 U.S.C. 78s(b)(2).

[24] In approving Amendment No. 10, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01–17003 Filed 7–6–01; 8:45 am]

BILLING CODE 8010–01–M

[25] 17 CFR 200.30–3(a)(12).

---

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–44499; File No. SR–NASD–2001–14]**

## Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc. To Modify Certain Initial and Continued Listing Standards on Nasdaq

June 29, 2001.

## I. Introduction

On March 8, 2001, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, a proposal to modify certain initial and continued listing standards on Nasdaq. Nasdaq also requested that the Commission grant accelerated approval for a pilot program that would give certain of the proposed new listing standards immediate effectiveness. On April 26, 2001, Nasdaq submitted Amendment No. 1 to the proposal.[3] On May 1, 2001, the Commission published notice of the proposal in the **Federal Register** and approved the proposed pilot program on an accelerated basis.[4] The Commission received one comment on the proposal. This order approves the proposed rule change and Amendment No. 1.

## II. Description of the Proposal

Nasdaq proposed to amend NASD Rules 4200, 4310, 4320, 4420, and 4450 and thereby to modify certain quantitative initial and continued listing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Sara Nelson Bloom, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission (April 25, 2001). In Amendment No. 1, Nasdaq provided a chart that clarifies the proposed schedule for implementing the new listing standards and made certain technical corrections to the proposal.

[4] *See* Securities Exchange Act Release No. 44243 (May 1, 2001), 66 FR 23285 (May 8, 2001).

standards on Nasdaq. These amendments would: (1) Replace the net tangible assets standard with an equity standard; (2) require that currently trading issuers applying for initial listing under the market capitalization alternative demonstrate 90 days of sustained compliance with the bid price and market capitalization requirements before they are eligible to apply to become listed; (3) clarify that Nasdaq will exclude extraordinary or non-recurring items for purposes of determining compliance with the income standard; and (4) adjust the bid price requirement associated with continued listing on the Nasdaq National Market under the market capitalization standard from $5 to $3. Nasdaq stated that these changes were designed to have minimal impact on issuers in the marketplace while providing greater transparency and consistency.

*The Equity Standard*

Companies may qualify for initial or continued inclusion on the Nasdaq National Market or the Nasdaq SmallCap Market based, in part, on their net tangible assets. Net tangible assets are defined as total assets less total liabilities less goodwill. Nasdaq proposed to replace the net tangible assets standard with an equity standard for several reasons. First, Nasdaq stated that the equity standard is more transparent to investors, as it is reflected in issuer financial statements, as opposed to the net tangible assets standard which must be manually calculated. Nasdaq concluded that, for this reason, the equity standard would also provide a better framework for complimentary standards in Nasdaq's developing international markets. Second, Nasdaq asserted that the change would respond to recent accounting developments which may tend to require an increase in the booking of goodwill. Finally, Nasdaq stated that the use of an equity standard is consistent with listing standards on the New York Stock Exchange (''NYSE'') and the American Stock Exchange (''Amex'').[5]

With respect to the Nasdaq National Market, the $6 million net tangible assets requirement for initial listing under Entry Standard 1 (for companies with pre-tax income of at least $1 million in the latest fiscal year or two of the last three years) would be changed to a $15 million stockholders' equity requirement, and the $18 million net tangible assets requirement under Entry Standard 2 (for companies without the above-referenced pre-tax income) would be changed to $30 million in stockholders' equity. In addition, the $4 million net tangible assets continued listing requirement would be changed to $10 million in stockholders' equity. With respect to the SmallCap Market, the $4 million net tangible assets initial inclusion requirement would be changed to $5 million in stockholders' equity, and the $2 million net tangible assets continued inclusion requirement would be changed to $2.5 million in stockholders' equity.

*Seasoning Period for Applicants Relying on the Market Capitalization Standard*

Companies may qualify for listing on Nasdaq based, in part, on their market capitalization. The market capitalization listing standards were originally adopted in 1997 to permit the inclusion of certain financially sound issuers that could not qualify under the net tangible assets requirement as a result of accounting conventions such as the booking of goodwill associated with various merger and acquisition activities or significant depreciation charges.[6] These standards permit an issuer to list with a bid price of $5 and a market capitalization of $75 million (in the case of the Nasdaq National Market) or a bid price of $4 and a market capitalization of $50 million (in the case of the Nasdaq SmallCap Market).

Since the adoption of the rule, Nasdaq has noted certain instances where publicly traded companies (including companies quoted on the OTC Bulletin Board) have applied to list on Nasdaq based on the market capitalization listing standards. In these circumstances, companies may be able to evidence compliance based on short-term price reaction to favorable news, which price increase may not be sustainable over the long term. Accordingly, Nasdaq proposed a ''seasoning'' period of 90 days for currently traded issuers, such that an issuer must maintain the required bid price and market capitalization for that period prior to applying for listing. Nasdaq believes that this seasoning period, especially when coupled with the time necessary to review and process any such application, would provide assurances that a company would be unable to secure a Nasdaq listing based on an unsustainable, short-term run-up in its stock price.

*Extraordinary and Non-Recurring Income Items*

The income standards for the Nasdaq Stock Market currently make no provision for the exclusion of extraordinary or non-recurring items when assessing an issuer's compliance with the income requirements for listing on Nasdaq. However, Nasdaq believes that it is appropriate to exclude extraordinary and non-recurring income items because they do not provide a continuing benchmark of the issuer's financial performance. Accordingly, Nasdaq proposed that the National Market and SmallCap Market rules relating to the income standards be amended to indicate that the income determination will exclude extraordinary and non-recurring items.

*Bid Price Standard for Issuers Qualifying Under the Market Capitalization Standard*

Issuers that seek to qualify for the Nasdaq National Market pursuant to the market capitalization alternative[7] must demonstrate a $5 bid price for both initial and continued inclusion. Nasdaq proposed to adjust the continued inclusion standard, applicable to Nasdaq National Market companies qualifying under the market capitalization standard, from $5 to $3. This would harmonize this standard with other standards by providing a differential between the initial inclusion and continued inclusion requirements.

*Implementation*

To minimize disruption to existing issuers and to allow adequate time for necessary corporate action to comply with the stockholders' equity standard, Nasdaq proposed to provide its issuers with 18 months following Commission approval of the proposed pilot to come into compliance with the new standard. During this time, issuers that do not meet the new stockholders' equity standard could qualify for continued listing under the net tangible assets standard.

Similarly, for issuers that applied for listing prior to the effective date of the rule, Nasdaq proposed that they continue to be able to qualify for listing under the listing standards in force at the time of their application for a period of 90 days from the effective date of the proposed rule change, and thereafter receive the same grace periods provided to current issuers to come into compliance with the new equity test. Alternatively, such issuers may qualify for listing under the new stockholders' equity test for initial inclusion.

[5] *See* NYSE Rules 102 and 103 (initial listing standards), 802 (continued listing standards); Amex Listing Rules 102 (initial listing standards) and 1003 (continued listing standards).

[6] *See* Securities Exchange Act Release No. 38961 (August 22, 1997), 62 FR 45895 (August 29, 1997) (approving SR–NASD–97–16).

[7] *See* NASD Rules 4420(c) and 4450(j).

In addition, Nasdaq proposed a pilot program that would allow issuers that meet the new original listing and maintenance standards but not the old standards to remain listed on Nasdaq for a short period while the Commission considers the overall proposal. The pilot program was designed to ensure that issuers that meet the new standards but not the existing standards are not delisted before the Commission takes final action on the proposed rule change. The standards included in the pilot are: (1) The new bid price requirement found in NASD Rule 4450(b)(4); and (2) the new equity standard, which replaces the old net tangible assets standard, found in NASD Rules 4310(c)(2)(A)(i), 4310(c)(2)(B)(i), 4320(e)(2)(A)(i), 4320(e)(2)(B)(i), 4420(a)(5), 4420(b)(1), and 4450(a)(3). Nasdaq proposed that the pilot program would expire on July 1, 2001, or such earlier time as the Commission takes action on the overall proposal. The Commission approved the pilot program on an accelerated basis on May 1, 2001.[8]

## III. Comment Received

The Commission received one comment on the proposal, from Princeton Video Image, Inc. (''PVI'').[9] PVI agreed with Nasdaq that shifting from a net tangible assets standard to a stockholders' equity standard was an improvement, in that it would be more transparent to investors. PVI asserted, however, that Nasdaq had provided no justification for the simultaneous 150% increase in the dollar threshold for the test. PVI also noted that the proposed rule change would force many companies to raise capital that they do not otherwise need for operations or investment. PVI concluded that the rule would unfairly and unnecessarily dilute shareholders' interests, particularly in companies that have sufficient net tangible assets under the existing standard to meet operating requirements but do not yet generate positive earnings due to revenue recognition requirements or amortization of non-cash charges.

In response to PVI's comment, Nasdaq responded that, since the net tangible assets standard excludes certain intangible assets that are included in equity such as goodwill, it believes that a higher equity requirement is necessary in order to maintain its listing standard at the existing level.[10] An impact analysis conducted by Nasdaq at the end of April 2001 showed that less than 2% of the compliant National Market companies and approximately 3% of the compliant SmallCap companies would not be able to meet the new equity standard. To allow these issuers a sufficient opportunity to come into compliance with the new equity requirement, Nasdaq proposed that the new standard would not be implemented until 18 months after the pilot program is approved by the Commission.

## IV. Discussion

After considering the comment submitted by PVI and Nasdaq's response thereto, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the regulations thereunder applicable to the NASD.[11] In particular, the Commission believes that the proposal is consistent with Section 15A(b)(6) of the Act.[12] Section 15A(b)(6) requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest.

With respect to Nasdaq's proposal to move from a net tangible assets standard to a stockholders' equity standard as part of its listing requirements, the Commission notes that it previously approved a proposal by the NYSE to institute market capitalization and stockholders' equity requirements.[13] In that case, the Commission stated that the amount of stockholders' equity is not an inappropriate measure of a company's suitability for listing on an exchange.[14] Accordingly, the Commission finds that it is reasonable and consistent with the Act to allow Nasdaq to implement a stockholders' equity standard, and that the required minimum thresholds selected by Nasdaq for this standard are reasonable. Relying on Nasdaq's response to the PVI comment, the Commission believes that only a small number of issuers might be adversely affected by the transition from a net tangible assets standard to a stockholders' equity standard, and that the 18-month transition period should provide such issuers with a reasonable amount of time to conform to the new standards.

With respect to Nasdaq's proposal to lower the bid price requirement in Maintenance Standard 2 of NASD Rule 4450 from $5 to $3, the Commission notes that the bid price requirement for initial listing will remain $5.[15] Nasdaq's listing rules generally establish a higher initial threshold for most criteria and a somewhat lower continued requirement to allow for market fluctuations.[16] Establishing a new bid price requirement of $3 for continued listing will make this standard similar to other existing standards that allow issuers to comply with maintenance requirements that are more flexible than the original listing requirements. Accordingly, the Commission finds that it is reasonable and consistent with the Act to approve this aspect of the proposal.

With respect to the proposed ''seasoning period,'' the Commission notes that applicants for listing may be able to evidence compliance based on a short-term price increase that may not be sustainable over the long term. The seasoning period will assure potential investors that the issuer's compliance with the market capitalization standard was not based on an unsustainable, short-term run-up in its stock price. Therefore, the Commission finds that this aspect of the proposal will protect investors and promote just and equitable principles of trade.[17]

The Commission also finds that it is appropriate and consistent with the Act for Nasdaq to exclude extraordinary and non-recurring income items when assessing an issuer's compliance with the listing standards, because financial statements that include such items do not provide a continuing benchmark of an issuer's financial performance. The Commission believes that excluding such items will allow prospective investors to more accurately assess the

[8] *See* Securities Exchange Act Release No. 44243 (May 1, 2001), 66 FR 23285 (May 8, 2001).

[9] *See* Letter from Lawrence L. Epstein, Vice President and Chief Financial Officer, PVI, to Secretary, Commission, dated June 15, 2001.

[10] *See* Email from John D. Nachmann, Senior Attorney, Nasdaq, to Michael Gaw, Special Counsel, Division of Market Regulation, Commission, dated June 29, 2001.

[11] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78o–3(b)(6).

[13] *See* Securities Exchange Act Release No. 42194 (December 1, 1999), 64 FR 69311 (December 10, 1999) (approving SR–NYSE–99–29).

[14] *See id.,* 64 FR 69314.

[15] *See* NASD Rules 4420(a)(5), 4420(b)(4), and 4420(c)(3).

[16] *Compare* NASD Rule 4420 (giving issuers of Nasdaq National Market securities the option of meeting one of three entry standards which include requirements that the market value of publicly held shares be at least $8 million, $18 million, or $20 million, respectively) *with* NASD Rule 4450 (giving issuers of Nasdaq National Market securities the option of meeting one of two maintenance standards which include requirements that the market value of public held shares be at least $5 million or $15 million, respectively).

[17] However, Nasdaq has stated that this requirement would not apply to an issuer listing as part of its initial public offering, because the same concerns do not exist.

financial health of companies listed on Nasdaq in which they might invest.

Finally, Nasdaq proposed a transition period following the Commission's final action on the overall proposal that would allow issuers to rely on certain of the old listing standards for a limited period of time, rather than require them to come into immediate compliance with the new standards.[18] The Commission notes that certain issuers who may reasonably have relied on Nasdaq's prior listing standards to obtain or maintain listing might not be able to obtain or maintain listing if immediate compliance with the new standards were required. Therefore, the Commission finds that it is reasonable and consistent with the Act to allow issuers a short period of time during which they may obtain or maintain listing on Nasdaq pursuant to either the old or the new listing standards.

**V. Conclusion**

IT IS THEREFORE ORDERED, pursuant to section 19(b)(2) of the Act,[19] that the proposed rule change (SR–NASD–2001–14) and Amendment No. 1 thereto are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01–17004 Filed 7–6–01; 8:45 am]

**BILLING CODE 8010–01–M**

---

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–44498; File No. SR–OCC–2001–06]**

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by The Options Clearing Corporation Relating to Clearing Member Qualifications

June 29, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on June 26, 2001, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I and II, below, which Items have been prepared by OCC. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change will eliminate from Article V, Section 1 of OCC's by-laws the requirement that applicants for membership in OCC ''propose to engage upon acceptance in the clearance of options transactions for the applicant's firm account or for the accounts of customers.''

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

OCC wishes to delete from Article V, Section 1 of its by-laws the requirement that applicants for OCC membership ''propose to engage upon acceptance in the clearance of options transactions for the applicant's firm account or for the accounts of customers.'' OCC's by-laws currently contain a membership category designated as ''Hedge Clearing Member'' for clearing members who want to participate in OCC's stock loan/hedge program.[3] OCC has always intended to allow this membership category to be available to firms wanting to participate in this program that do not plan to clear options transactions but meet all other OCC membership criteria. However, OCC overlooked the requirement in Article V, Section 1 when filing the stock loan/hedge program rule changes.[4]

OCC believes that deleting the requirement that members engage in the clearance of options transactions will allow broader participation in the stock loan/hedge program because many firms engaged in the stock loan business do not conduct an options business. Deleting this requirement will also allow OCC to admit firms that intend to clear security futures but not security options.[5]

OCC believes that the proposed rule change is consistent with Section 17A of the Act because it fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and removes impediments to and perfects the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

OCC believes that the proposed rule change will not impose any burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

OCC did not solicit or receive written comments with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Section 17A(b)(3)(F) of the Act[6] requires that the rules of a clearing agency be designed to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions and 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 finds that the proposed rule change is consistent with OCC's obligations under Section 17A of the Act. Under the proposal, OCC will continue to employ its monitoring and risk reduction procedures, which were subject to prior Commission review and approval, with respect to members that participate in the stock loan/hedge program but do not clear options transactions. Furthermore, the rule change will allow OCC to admit additional applicants to participate in its stock loan/hedge program. This should help to perfect the mechanism of a national system for the prompt and

---

[18] *See* 66 FT at 23288 (table showing transition stages).

[19] *Id.*

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] Under the stock/loan hedge program, OCC administers stock loan and borrow transactions between participating clearing members and allows certain stock loan and borrow positions resulting from such transactions to constitute hedges against stock option positions overlying the same stocks for purposes of OCC's margin calculation.

[4] *See* Securities Exchange Act Release No. 40083 (June 11, 1998), 63 FR 33424 (June 18, 1998); Securities Exchange Act Release No. 32638 (July 15, 1993), 58 FR 39264 (July 22, 1993).

[5] OCC will not admit to membership any applicant that is seeking to clear only security futures until its rules for the clearance and settlement of security futures have been approved by the Commission.

[6] 15 U.S.C. 78q–1(b)(3)(F).

accurate clearance and settlement of securities transactions because it will bring more stock loan transactions currently conducted by industry participants outside registered clearing agencies into OCC. This should add efficiencies and safety to such transactions.

OCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing in the **Federal Register** because by so approving it will be possible for more stock loan transactions to be immediately processed through OCC.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at OCC's principal office. All submissions should refer to File No. SR–OCC–2001–06 and should be submitted by July 30, 2001.

*It Is Therefore Ordered,* pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–2001–06) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01–17002 Filed 7–6–01; 8:45 am]

BILLING CODE 8010–01–M

[7] 17 CFR 200.30–3(a)(12).

## SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster #3339]**

### State of Wisconsin; (Amendment #5)

In accordance with notices received from the Federal Emergency Management Agency, dated June 28, 2001, the above-numbered Declaration is hereby amended to include Calumet and Rusk Counties as disaster areas caused by flooding, severe storms and tornadoes occurring between April 10, 2001 and continuing. In addition, the Declaration is also amended to extend the deadline for filing applications for physical damages as a result of this disaster to August 10, 2001.

In addition, applications for economic injury loans from small businesses located in Chippewa, Manitowoc, Price, Sheboygan and Taylor Counties in the State of Wisconsin may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is August 10, 2001 and for economic injury the deadline is February 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 2, 2001.

**Herbert L. Mitchell,**

*Associate Administrator For Disaster Assistance.*

[FR Doc. 01–17088 Filed 7–6–01; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

### Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 5.250 (5¼) percent for the July–September quarter of FY 2001.

**LeAnn M. Oliver,**

*Deputy Associate Administrator for Financial Assistance.*

[FR Doc. 01–17046 Filed 7–6–01; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF STATE

**[Public Notice 3717]**

### Culturally Significant Objects Imported for Exhibition Determinations: ''Caspar David Friedrich: Moonwatchers''

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit ''Caspar David Friedrich: Moonwatchers,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at The Metropolitan Museum of Art, in New York, NY, from on or about September 11, 2001, to on or about November 11, 2001 and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: June 29, 2001.

**Helena Kane Finn,**

*Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 01–17090 Filed 7–6–01; 8:45 am]

BILLING CODE 4710–08–P

## DEPARTMENT OF STATE

**[Public Notice 3718]**

### Culturally Significant Objects Imported for Exhibition Determinations: ''Virtue and Beauty: Leonardo's 'Genevra de' Benci' and Renaissance Portraits of Women''

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Virtue and Beauty: Leonardo's 'Genevra de' Benci' and Renaissance Portraits of Women,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, DC from on or about September 30, 2001 to on or about January 6, 2002, and possible additional venues yet to be determined is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: June 29, 2001.

**Helena Kane Finn,**

*Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 01–17091 Filed 7–6–01; 8:45 am]

BILLING CODE 4710–08–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Meeting

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces a meeting of the FAA Aircraft Repair and Maintenance Advisory Committee. The purpose of the meeting is to continue the Committee's work on its goals and objectives pursuant to its congressional mandate.

**DATES:** The meeting will be held July 17, 2001, 9 a.m. to 4 p.m.

**ADDRESSES:** The meeting will be held at the Federal Aviation Administration, 800 Independence Ave., SW., Bessie Coleman Conference Center, Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Ellen Bowie, Federal Aviation Administration (AFS–340), 800 Independence Avenue, SW., Washington, DC 20591; phone (202) 267–9952; fax (202) 267–5115; e-mail: *Ellen.Bowie@faa.gov.*

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the FAA Aircraft Repair and Maintenance Advisory Committee to be held on July 17, at the Federal Aviation Administration, 800 Independence Avenue, SW., Bessie Coleman Conference Center, Washington, DC 20591.

The agenda will include:

- Introduction of new Designated Federal Official
- Reading and Approval of the Previous Meeting Minutes
- Designated alternate members identified for all Committee members
- FAA briefing on earlier data collection process
- Status reports by ad hoc groups
  —Balance of Trade—Sarah MacLeod
  —Oversight/safety—Nelson DeWees
  —International agreements—FAA Representative, Leo Weston
- Report on other action items
- Committee budget request—James Ballough
- Committee Extension—James Ballough/Thomas Gonzalez
- Clarification of AIR–21 language regarding ''staffing'' and data collection—James Ballough/Russell Unangst
  —Data collection by DOT (AIR–21 sec. 734(d)
  —Staffing definition (AIR–21) sec. 734(c)(2)
- Definition of the Committee workscope vs. mandate
- Statements by members of the public
- Plan/formalize future Committee and working group activities
- Timeline/events discussion
- Next steps
- Closing Remarks and Adjournment

Attendance is open to the public but will be limited to the availability of meeting room space. Persons desiring to present a verbal statement must provide a written summary of remarks. Please focus your remarks on the tasks, specific activities, projects or goals of the Advisory Committee, and benefits to the aviation public. Speakers will be limited to 5-minute presentations. Please contact Ms. Ellen Bowie at the number listed above if you plan to attend the meeting or to present a verbal statement.

Individuals making verbal presentations at the meeting should bring 25 copies to give to the Committee's Executive Director. Copies may be provided to the audience at the discretion of the submitter.

Issued in Washington, DC on July 2, 2001.

**James J. Ballough,**

*Executive Director, Aircraft Repair and Maintenance Advisory Committee.*

[FR Doc. 01–17078 Filed 7–6–01; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement: Delaware County, NY

**AGENCY:** The Federal Highway Administration (FHWA) and the New York State Department of Transportation (DOT).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA and DOT is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Delaware County, New York.

**FOR FURTHER INFORMATION CONTACT:** John Williams, Action Regional Director, 44 Hawley Street, Binghamton, New York,13901, Telephone (607) 721–8116;

or

Robert Arnold, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, Room 719, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone (518) 431–4127.

**SUPPLEMENTARY INFORMATION:**

The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) will prepare an environmental impact statement (EIS) on a proposal to improve NYS Route 17 in Delaware County, New York. The proposed improvement would involve the construction of a new controlled access highway in the Towns of Deposit and Hancock for a distance of about 11.3 kilometers. The project objectives are to eliminate all at-grade intersections and driveways on NYS Route 17 between Hale Eddy and Hancock and to upgrade NYS Route 17 to Interstate standards for the designation of NYS Route 17 to Interstate 86. The project will include at least one interchange and the construction of service roads so that the local community will be able to access the newly constructed controlled access highway.

Alternatives under consideration include: 1. Do Nothing and 2.

Controlled access freeway, built to Interstate standards, with at least one full interchange serving the community of Hale Eddy. Several alignment alternatives are being considered for further study under the controlled access freeway alternative. Alternatives A & A2 incorporate a new diamond interchange in Hale Eddy and reconstructs the freeway on existing alignment. Alternative B provides a new interchange east of Hale Eddy and new alignment north of existing Route 17. Alternative C provides two new diamond interchanges, one in Hale Eddy and one in the Roods Creek Road area and new alignment north of existing Route 17. Alternatives D and E incorporate a new interchange at Roods Creek Road and Hale Eddy, respectively, and new alignment south of Route 17 in the Town of Sanford between Hale Eddy and the Roods Creek Road area. Alternative F provides a new diamond interchange in the Lower Hale Eddy Road area and the freeway would be reconstructed on existing alignment. Alternative G provides two new diamond interchanges, one in the Hungry Hollow Road area and one in the Roods Creek Road area, and new alignment north of existing route 17. Within all of the alternatives noted above, various options for maintaining access to existing properties incorporating service roads are under study. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A Public Informational Meeting was held on March 13, 2001 in the Town of Hancock. After the March meeting a steering committee was formed to address and resolve community issues that could influence development of the project. The committee, which consists of 25 members, met on May 11, 2001. Additional public informational and steering committee meetings are planned and will continue as needed. In addition, a public hearing will be held. The draft EIS will be available for public and agency review and comment. No formal NEPA scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the NYSDOT or FHWA at the addresses provided above.

(Catalog of Federal Domestic Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

**Authority:** 23 U.S.C. 315; 23 CFR 771.123.

Issued on: June 28, 2001.

**Douglas P. Conlan,**

*District Operations Engineer, New York Division.*

[FR Doc. 01–17086 Filed 7–6–01; 8:45 am]

**BILLING CODE 4910–22–M**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2001–9664]**

## Drug Test Results Study

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Motor Carrier Safety Improvement Act of 1999 (MCSIA) directed the Federal Motor Carrier Safety Administration (FMCSA) to conduct a study and report to the Congress on the feasibility and merits of requiring Medical Review Officers and employers to report verified positive drug test results for CDL drivers to the State that issued the driver's license. The FMCSA is initiating a study on this issue and invites public comments on issues relating to the potential impact on all affected parties of implementing this potential requirement.

**DATES:** Please submit comments on or before August 8, 2001.

**ADDRESSES:** Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at *http://dmses.dot.gov/submit.* Please specify the number you are commenting on before listing your comments. All comments received will be available for examination and copying at the above address between 9 a.m. and 5 p.m., et., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard or you may print the acknowledgment page that appears after submitting comments electronically.

**FOR FURTHER INFORMATION CONTACT:** For information about the status of this Notice, you may contact Ms. Kaye Kirby, Office of Bus and Truck Standards and Operations, (202) 366–3109; for information about legal issues related to this notice, Mr. Michael Falk, Office of the Chief Counsel, (202) 366–1384, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

### Electronic Access

You may see all the comments on the Document Management System (DMS) website at: *http://dmses.dot.gov.*

### Background

Section 226 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106–159, 113 Stat. 1748) requires the Secretary of Transportation to conduct a study of the feasibility and merits of requiring Medical Review Officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing in 49 CFR part 382 to the State where the driver is licensed. In addition to the reporting requirement, this potential provision would require prospective employers to query the State that issued the CDL to determine if the State had any record of a verified positive drug test on such driver before hiring any driver. The MCSIA further required the Secretary to report on the study, together with any recommendations the Secretary determines appropriate, to Congress no later than two years after enactment of the law.

In carrying out this study, Congress directed the Secretary to conduct an assessment to identify methods for safeguarding the confidentiality of verified drug test results. In addition, the Secretary was asked to examine the costs, benefits, and safety impacts of requiring States to maintain records of verified positive drug test results; and whether a process should be established to allow drivers to correct errors in their records and to expunge information from their records after a reasonable period of time.

Comments and suggestions are invited concerning the feasibility, and merits of employers and Medical Review Officers reporting positive drug test results to the State that issued the driver's CDL and the burden imposed by such a reporting requirement on the employers, State, and others. Of concern are operational, legal, confidentiality, and financial issues as well as the type of database,

database access, and database management that would be required.

**Comments**

Comments are requested specifically on the following questions:

(1) What impact would this requirement have on the motor carrier industry, drivers, Medical Review Officers, safety advocates, the States and other interested parties?

(2) What would be the benefits, costs, and safety impacts of requiring States to maintain records of verified positive drug test results?

(3) How would such a national record-keeping system safeguard the confidentiality of verified drug test results? What systems or methodology could do so?

(4) Should a process be established to allow drivers to correct errors in their records and to expunge information from their records after a reasonable period of time? What would be considered a reasonable period of time? What documentation would be adequate to justify expunging such a record?

(5) What are the potential costs involved in implementing this program for each State?

(6) What are the benefits of having verified positive drug test results housed in a database so that each prospective employer would be required before hiring any driver to query the State that issued the commercial drivers license (CDL)? What are the disadvantages?

(7) What type of database should be used? Under what conditions should the information be released? Who should have access to this information?

(8) Who should own and/or house the database?

(9) Should the database be centralized or distributed at the State level?

(10) How could we safeguard the confidentiality of verified drug test results?

(11) Are there States that currently have a program in place where verified positive drug test results are submitted to them? If so, what are their experiences and challenges?

**Authority:** 49 U.S.C. 31306; sec. 226, Pub. L. 106–159, 113 Stat. 1748; and 49 CFR 1.73.

Issued on: July 2, 2001

**Brian M. McLaughlin,**

*Acting Deputy Administrator.*

[FR Doc. 01–17099 Filed 7–6–01; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2001–10049]**

### Information Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

**DATES:** Comments should be submitted on or before September 7, 2001.

**FOR FURTHER INFORMATION CONTACT:** Joe Strassburg, Chief, Division of Marine Insurance, Office of Insurance and Shipping Analysis, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–4156 or FAX 202–366–7901. Copies of this collection can also be obtained from that office.

**SUPPLEMENTARY INFORMATION:** *Title of Collection:* War Risk Insurance.

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

*OMB Control Number:* 2133–0011.

*Form Numbers:* MA–355; MA–528; MA–742; MA–828; and MA–942.

*Expiration Date of Approval:* February 28, 2002.

*Summary of Collection of Information:* As authorized by Section 1202, Title XII, Merchant Marine Act, 1936, as amended, (46 App. U.S.C. 1282), the Secretary of the U.S. Department of Transportation may provide war risk insurance adequate for the needs of the waterborne commerce of the United States if such insurance cannot be obtained on reasonable terms from qualified insurance companies operating in the United States. This collection is required for the program. It consists of forms MA–355; MA–528; MA–742; MA–828; and MA–942.

*Need and Use of the Information:* The collected information is necessary to determine the eligibility of the applicant and the vessel(s) for participation in the war risk insurance program.

*Description of Respondents:* Vessel(s) owner or charterer interested in participation in MARAD's war risk insurance program.

*Annual Responses:* 1165.

*Annual Burden:* 626 hours.

*Comments:* Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at *http://dmses.dot.gov/submit*. Specifically address whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT, Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov*.

By Order of the Maritime Administrator.

Date: July 3, 2001.

**Joel C. Richard,**

*Secretary.*

[FR Doc. 01–17087 Filed 7–6–01; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket No. AB–55 (Sub–No. 591X)]**

### CSX Transportation, Inc.—Abandonment Exemption—in Clark and Floyd Counties, IN

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 3.8-mile line of railroad between milepost B–50.5 near Clarksville and milepost B–54.3 near New Albany, in Clark and Floyd Counties, IN.[1] The line traverses United States Postal Service Zip Codes 47129 and 47150.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal

[1] CSXT states that it filed this notice in order to assist the State of Indiana with a road construction project and that it intends to use trackage rights over Louisville & Indiana Railroad Company. CSXT acquired trackage rights over the line in STB Finance Docket No. 33744, *CSX Transportation, Inc.—Trackage Rights Exemption—Louisville & Indiana Railroad Company* (STB served June 21, 2001).

The Town of Clarksville (Town) filed a request for issuance of a notice of interim trail use (NITU) for the entire line pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d). The Board will address the Town's trail use request, and any others that may be filed, in a subsequent decision.

complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 8, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 19, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 30, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by July 13, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by CSXT's filing of a notice of consummation by July 9, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: June 28, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01–16840 Filed 7–6–01; 8:45 am]

**BILLING CODE 4915–00–P**

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket No. AB–57 (Sub-No. 52X)]**

### Soo Line Railroad Company—Abandonment Exemption—in Hennepin County, MN

On June 21, 2001, Soo Line Railroad Company, doing business as Canadian Pacific Railway (Soo Line) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 4.7+/− mile line of railroad, the 29th Street Corridor, also known as the ''Depression Line'', between milepost 428.3+/−(TC&W switch turnout west of France Avenue) and milepost 423.6+/−(near the eastern edge of Cedar Avenue), in Minneapolis, Hennepin County, MN. The line traverses U.S. Postal Service Zip Codes 55406, 55407, 55408, and 55416. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in Soo Line's possession will be made available promptly to those requesting it.

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).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 9, 2001.[1]

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.27 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 31, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–57 (Sub-No. 52X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Diane P. Gerth, 150 South 5th Street, Suite 2300, Minneapolis, MN 55402. Replies to the petition are due on or before July 31, 2001.

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.]

[1] Soo Line seeks expedited consideration of the petition because it is currently paying Hennepin County Regional Rail Authority (Authority), the owner of the majority of the underlying real estate, an easement fee annually of $44,000, or nearly $850.00 per week, which payments petitioner is obligated to make until abandonment authority has been obtained and the track has been removed from the corridor. Soo Line adds that it wants to reuse the line's rail on other parts of its system and asserts that the Authority is seeking to obtain possession of the corridor as soon as possible to begin work on a trail extension on a portion of the line. Petitioner asks that the Board grant abandonment authority by July 15, 2001. As petitioner is aware, the Board must comply with procedural and substantial requirements, including environmental and historic preservation requirements, that preclude honoring such a request. The Board will act in compliance with statutory and regulatory requirements as expeditiously as possible.

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 (EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 29, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01–17079 Filed 7–9–01; 8:45 am]

**BILLING CODE 4915–00–P**

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network; Agency Information Collection Activities; Proposed Collection; Comment Request

**AGENCY:** Financial Crimes Enforcement Network (''FinCEN''), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** In order to comply with the requirements of the Paperwork Reduction Act of 1995, FinCEN intends to submit the information collections addressed in this notice for a three-year extension of approval by the Office of Management and Budget (''OMB''). Prior to submission of the extension request, FinCEN is soliciting comment on those information collections (31 CFR 103.22–103.29, 103.32–103.38, 103.64, 103.81–103.87, and Form TD F 90–22.1, Report of Foreign Bank and Financial Accounts).

**DATES:** Written comments should be received on or before September 7, 2001, to be assured of consideration.

**ADDRESSES:** Direct all written comments to: Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182–2536, *Attention:* PRA Comments—31 CFR Part 103. Comments also may be submitted by electronic mail to the following Internet address: ''regcomments@fincen.treas.gov'' with the caption in the body of the text, ''*Attention:* PRA Comments—Part 103.''

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Stacie A. Larson (703) 905–3590, Office of Chief Counsel, FinCEN, or Cynthia L. Clark, Deputy Chief Counsel, FinCEN (703) 905–3590. A searchable guide to the Code of Federal Regulations can be found on the Internet at: http://www.access.gpo.gov/nara/cfr.

**SUPPLEMENTARY INFORMATION:** The Bank Secrecy Act, Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330, authorizes the Secretary of the Treasury, *inter alia*, to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. Regulations implementing Title II of the Bank Secrecy Act (codified at 31 U.S.C. 5311–5330) appear at 31 CFR part 103. The authority of the Secretary to administer Title II of the Bank Secrecy Act has been delegated to the Director of FinCEN.

The information collected and retained under the regulations addressed in this notice and the information collected on Form TD F 90–22.1 (as well as other Bank Secrecy Act reporting and recordkeeping requirements that are *not* the subject of this notice) assist federal, state and local law enforcement in the identification, investigation, and prosecution of individuals involved in money laundering, tax evasion, narcotics trafficking, organized crime, fraud, embezzlement and other crimes. The information also assists in tax collection and examination and other regulatory matters.

In accordance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, the following information is presented concerning the information collections below.[1]

1. *Title:* Reports of transactions in currency (31 CFR 103.22(b)(1), 103.27(a), 103.27(d) and 103.28).

*OMB Number:* 1506–0009.

*Abstract:* Financial institutions must report transactions in currency that exceed $10,000 (31 CFR 103.22(b)(1)).[2] Before concluding any transaction with respect to which a report must be filed under section 103.22(b)(1), a financial institution must verify and record the name and address of the individual presenting the transaction and must record certain information about any person on whose behalf the transaction is conducted (31 CFR 103.28). Records of reports must be maintained for 5 years (31 CFR 103.27(a)).

*Current Action:* There is no change to the existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The burden for the reporting requirement in the regulations is reflected in the burden for IRS Form 4789. The estimated number of respondents is 229,200. The estimated annual number of responses is 13,000,000, with a reporting average of 19 minutes per response and a recordkeeping average of 5 minutes per response. The estimated total for the annual burden hours is 5,200,000.

2. *Title:* Reports of transactions in currency (31 CFR 103.22(b)(2)), 103.27(a), 102.27(d), and 103.28).

*OMB Number:* 1506–0009.

*Abstract:* Casinos (and card clubs) must report transactions in currency that exceed $10,000 in one business day (31 CFR 103.22(b)(2)). Before concluding any transaction with respect to which a report must be filed under section 103.22(b)(2), a casino must verify and record the name and address of the individual presenting the transaction and must record certain information about any person on whose behalf the transaction is conducted (31 CFR 103.28). Records of reports must be maintained for 5 years (31 CFR 103.27(a)).

*Current Action:* There is no change to the existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions.

*Burden:* The burden for the reporting requirement in the regulations is reflected in the burden for IRS Form 8362. The estimated number of respondents is 480. The estimated number of responses is 216,500, with a reporting average of 19 minutes per response and a recordkeeping average of 5 minutes per response. The estimated total for the annual burden hours is 86,600.

3. *Title:* Transactions of exempt person (31 CFR 103.22(d), 103.27(a) and 103.27(d)).

*OMB Number:* 1506–0009.

[1] The information collections addressed in this notice are currently covered by one OMB Control Number—1506–0009. FinCEN intends to ask OMB to assign specific control numbers to the various information collections so that the administration of the information collections will be simpler in the future.

[2] As explained below, 31 CFR 103.22(b)(2) requires casinos (and card clubs) to report these transactions.

*Abstract:* Banks and other depository institutions (''banks'') may exempt from reporting under 31 CFR 103.22(b)(1) currency transactions exceeding $10,000 by certain customers referred to as eligible persons (31 CFR 103.22(d)). Banks exempt these customers by filing a form designating them as exempt persons and maintaining certain records necessary to document the basis for the exemption and compliance with the exemption procedures of section 103.22(d). For two categories of eligible persons—non-listed businesses and payroll customers—the exemption must be renewed every two years by certifying the application of the bank's suspicious activity reporting program to those customers and recording any changes in control of those customers on a newly filed designation form. Records must be maintained for five years.

*Current Action:* There is no change to the existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The burden for the reporting requirement in the regulations is reflected in the burden for Form TD F 90–22.53. The estimated number of respondents is 22,900. The estimated number of responses is 152,000 with a combined reporting and recordkeeping average of 82 minutes per response. The estimated total for annual burden hours is 182,400.

4. *Title:* Reports of transportation of currency or monetary instruments (31 CFR 103.23 and 103.27).

*OMB Number:* 1506–0009.

*Abstract:* A person must file a report with Treasury if the person knowingly transports currency or monetary instruments of more than $10,000 at one time into or out of the United States, or receives currency or monetary instruments of more than $10,000 at one time transported into the United States from or through a place outside the United States (31 CFR 103.23 and 103.27).

*Current Action:* There is no change to the existing regulations.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Individuals, businesses or for-profit institutions, and non-profit institutions.

*Burden:* The burden for the reporting requirement in the regulations is reflected in the burden for Customs Service Form 4790. The estimated number of responses is 180,000, with a reporting average of 11 minutes per response. The estimated total for the annual burden hours is 33,000.

5. *Title:* Reports of foreign financial accounts (31 CFR 103.24, 103.27(d), 103.32) and Form TD F 90–22.1, Report of Foreign Bank and Financial Accounts.

*OMB Number:* 1506–0009.

*Form Number:* TD F 90–22.1.

*Abstract:* Every person having a financial interest in, or signature authority over, a foreign account over $10,000 must file a report of the account (31 CFR 103.24, 103.27(d)) and must maintain records that contain the name in which the account is maintained, the number of the account, the name and address of the foreign bank, and the type of account and maximum value of the account (31 CFR 103.32).

*Current Action:* There is no change to the existing regulations or the form.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Individuals, businesses or other for-profit institutions, and non-profit institutions.

*Burden:* The burden for the reporting requirement in the regulations is reflected in the burden for Form TD F 90–22.1. The estimated number of respondents is 170,300. The estimated number of responses is 170,300, with a reporting average of 10 minutes per response and a recordkeeping average of 5 minutes per response. The estimated total for annual burden hours is 42,575.

6. *Title:* Reports of transactions with foreign financial agencies (31 CFR 103.25).

*OMB Number:* 1506–0009.

*Abstract:* Treasury may, by regulation, require specified financial institutions to report transactions by persons with designated foreign financial agencies.

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The estimated number of respondents per year is 1. The estimated number of responses is 1, with a reporting burden of 1 hours per respondent, for a total annual burden of 1 hour.[3]

7. *Title:* Reports of certain domestic coin and currency transactions (31 CFR 103.26 and 103.33(d)).

*OMB Number:* 1506–0009.

*Abstract:* Upon a finding that additional reporting or recordkeeping is necessary to carry out the purposes, or prevent the evasion, of the Bank Secrecy Act, Treasury may issue an order requiring financial institutions or groups of financial institutions in certain geographic locations to report certain transactions in prescribed amounts for a limited period of time (31 CFR 103.26). Financial institutions subject to a geographic targeting order must maintain records for such period of time as the order requires but not more than 5 years (31 CFR 103.33(d)).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The estimated number of respondents per year is 3,200. The estimated number of responses is 17,000, with a reporting burden of 19 minutes per response and a recordkeeping burden of 5 minutes per response. The total estimated annual burden is 6,800 hours.[4]

7. *Title:* Purchases of bank checks and drafts, cashier's checks, money orders and traveler's checks (31 CFR 103.29 and 31 CFR 103.38).

*OMB Number:* 1506–0009.

*Abstract:* Financial institutions must maintain records of certain information related to the sale of bank checks and drafts, cashiers checks, money orders, or traveler's checks when the sale involves currency between $3,000–$10,000. The records must be maintained for a period of five years and be made available to Treasury upon request.

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The estimated number of recordkeepers is 60,900. The average burden per recordkeeper is 7.5 hours, for a total estimated annual recordkeeping burden of 456,750 hours.

9. *Title:* Records to be made and retained by financial institutions (31 CFR 103.33 and 103.38).

*OMB Number:* 1506–0009.

*Abstract:* Each financial institution must retain an original or copy of

[3] Should FinCEN issue regulations under this authority, it will provide a burden estimate specific to those regulations.

[4] Although the burden is stated as an annual burden in accordance with the Paperwork Reduction Act, the estimated annual burden is not intended to indicate that there is a geographic targeting order in effect throughout a year or in each year.

records related to extensions of credit in excess of $10,000 (other than those secured by real property), and records related to transfers of funds, currency, other monetary instruments, checks, investment securities, or credit of more than $10,000 to or from the United States (31 CFR 103.33(a)–(c)). Banks and non-bank financial institutions must also maintain records related to, and include certain information as part of, funds transfers or transmittals of funds involving more than $3,000 (31 CFR 103.33(e)–(f), and 103.33(g)). The required records must be maintained for five years (31 CFR 103.38).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:*

*31 CFR 103.33(a)–(c).* The estimated number of recordkeepers is 22,900. The estimated annual recordkeeping burden per recordkeeper is 50 hours, for a total estimated annual recordkeeping burden of 1,145,000 hours .

*31 CFR 103.33(e)–(f).* The estimated number of recordkeepers is 35,500. The estimated annual recordkeeping burden per recordkeeper is 16 hours, for a total estimated annual recordkeeping burden of 568,000.

*31 CFR 103.33(g).* The estimated number of recordkeepers is 35,500. The estimated annual recordkeeping burden per recordkeeper is 12 hours, for a total estimated annual recordkeeping burden of 426,000.

10. *Title:* Additional records to be made and retained by banks (31 CFR 103.34 and 103.38).

*OMB Number:* 1506–0009.

*Abstract:* A bank must make and retain a record of the taxpayer identification number (or other identifying information in the case of a non-resident alien) of certain customers buying or redeeming a certificate of deposit or opening a deposit or share account. A bank must maintain a list containing the names, addresses and account numbers of those persons from whom it has been unable to obtain the taxpayer identification number (and make the list available to the Secretary, upon request). A bank must retain an original or copy of certain documents, as specified in section 103.34. The required records must be maintained for five years (31 CFR 103.38).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The estimated number of recordkeepers is 22,900. The estimated annual recordkeeping burden per recordkeeper is 100 hours for a total annual recordkeeping burden of 2,290,000 hours.

11. *Title:* Additional records to be made and retained by brokers or dealers in securities (31 CFR 103.35 and 103.38).

*OMB Number:* 1506–0009.

*Abstract:* A broker or dealer in securities must make and retain a record of the taxpayer identification number (or other identifying information in the case of a non-resident alien) of customers maintaining an account with the broker or dealer and the social security number of each individual having a financial interest in the account. A broker or dealer must maintain a list containing the names, addresses and account numbers of those persons from whom it has been unable to obtain the taxpayer identification number (and make the list available to the Secretary, upon request). A broker or dealer in securities must retain an original or copy of certain documents, as specified in section 103.35. The required records must be maintained for five years (31 CFR 103.38).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for-profit institutions.

*Burden:* The estimated number of recordkeepers is 8,300. The estimated annual recordkeeping burden per recordkeeper is 100 hours, for a total estimated annual recordkeeping burden of 83,000 hours.

12. *Title:* Additional records to be made and retained by casinos (31 CFR 103.36 and 103.38).

*OMB Number:* 1506–0009.

*Abstract:* Casinos (and card clubs) must make and retain a record of the name, permanent address, and taxpayer identification number each person who deposits funds with the casino, opens an account at the casino, or to whom the casino extends a line of credit (and maintain a list, available to the Secretary upon request, of the names and addresses of persons who do not furnish a taxpayer identification number), and must retain the original or a copy of certain documents, as specified in section 103.36 (31 CFR 103.36(a)&(b)(1)–(8)). Casinos must also maintain a list of transactions with customers involving certain instruments (31 CFR 103.36(b)(9)). Card clubs must maintain records of currency transactions by customers and records of activity at cages (31 CFR 103.36(b)(11)). Casinos that input, store, or retain required records on computer disk, tape or other machine readable media must maintain the records on such media (31 CFR 103.36(c)). Required records must be maintained for five years (31 CFR 103.38).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for-profit institutions.

*Burden:*

*31 CFR 103.36(a)&(b)(1)–(8).* The estimated number of recordkeepers is 480. The estimated annual recordkeeping burden per recordkeeper is 100 hours, for a total estimated annual recordkeeping burden of 48,000.

*31 CFR 103.36(b)(9).* The estimated number of recordkeepers is 480. The estimated annual recordkeeping burden per recordkeeper is 7.5 hours, for a total estimated annual recordkeeping burden of 3,600 hours.

*31 CFR 103.36(b)(11).* The estimated number of recordkeepers is 62. The estimated number of transactions is 215,000 annually and the total estimated annual recordkeeping burden is 686 hours.

*31 CFR 103.36(c).* The estimated number of respondents is 480. The estimated annual recordkeeping burden per recordkeeper is 4 hours, for a total estimated annual recordkeeping burden of 1,920 hours.

13. *Title:* Additional records to be made and retained by currency dealers or exchangers (31 CFR 103.37 and 103.38).

*OMB Number:* 1506–0009.

*Abstract:* A currency dealer or exchanger must make and maintain a record of the taxpayer identification number of certain persons for whom a transaction account is opened or a line of credit is extended, and must maintain a list containing the names, addresses, and account or credit line numbers of those persons from whom it has been unable to secure such information. A currency dealer or exchanger must retain the original or a copy of certain documents, as specified in section 103.37. The required records must be maintained for five years (31 CFR 103.38).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for-profit institutions.

*Burden:* The estimated number of recordkeepers is 2,300. The estimated annual recordkeeping burden per recordkeeper is 16 hours, for a total estimated annual recordkeeping burden of 368,000 hours.

14. *Title:* Nature of records and retention period (31 CFR 103.38).

*OMB Number:* 1506–0009.

*Abstract:* Records required to be retained by a financial institution under 31 CFR part 103 must be retained for 5 years, except for records or reports required under 103.26 which shall be retained for the period of time specified in the targeting order imposing the recordkeeping or reporting requirement to which the particular retention period relates.

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Businesses or for-profit institutions, and non-profit institutions.

*Burden:* The burden for this regulation is reflected in the reporting and recordkeeping provisions of 31 CFR part 103.

15. *Title:* Special rules for casinos (31 CFR 103.64, 103.36(b)(10), and 103.38).

*OMB Number:* 1506–0009.

*Abstract:* This section provides special rules for casinos, including the requirement that casinos maintain a written compliance program.

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Business and other for-profit institutions.

*Burden:* The estimated number of recordkeepers is 480. The estimated annual recordkeeping burden per recordkeeper is 100, for a total estimated annual recordkeeping burden of 48,000 hours.

16. *Title:* Administrative rulings (31 CFR 103.81–87).

*OMB Number:* 1506–0009.

*Abstract:* These sections address administrative rulings under the Bank Secrecy Act. They explain how to submit a ruling request (103.81), how nonconforming requests are handled (103.82), how oral communications are treated (103.83), how rulings are issued (103.85), how rulings are modified or rescinded (103.86), and how information may be disclosed (103.87).

*Current Action:* There is no change to the existing regulation.

*Type of Review:* Extension of a currently approved information collection.

*Affected Public:* Individuals, businesses or for-profit institutions, and non-profit institutions.

*Burden:* The estimated number of responses is 60 annually, with a burden of 1 hours per submission, for a total annual burden of 60 hours.

The following paragraph applies to all the collections of information addressed in this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the Bank Secrecy Act must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

*Requests for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: June 24, 2001.

**James F. Sloan,**

*Director, Financial Crimes Enforcement Network.*

[FR Doc. 01–17089 Filed 7–6–01; 8:45 am]

BILLING CODE 4820–03–P

---

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 25, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before August 8, 2001 to be assured of consideration.

**Bureau of the Public Debt (PD)**

*OMB Number:* 1535–0069.

*Form Number:* PD F 5178, 5179, 5179–1, 5180, 5181, 5182, 5188, 5189, 5191, 5201, 5235, 5236, 5261, 5365, and 5381.

*Type of Review:* Extension.

*Title:* Treasury Direct Forms.

*Description:* The forms are used to purchase and maintain Treasury Bills, Notes, and Bonds.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 431,632.

*Estimated Burden Hours Per Respondent:*

| Form | Response time (minutes) |
|---|---|
| PD F 5178 | 10 |
| PD F 5179 | 10 |
| PD F 5179–1 | 10 |
| PD F 5180 | 10 |
| PD F 5181 | 5 |
| PD F 5182 | 10 |
| PD F 5188 | 10 |
| PD F 5189 | 10 |
| PD F 5191 | 10 |
| PD F 5201 | 10 |
| PD F 5235 | 10 |
| PD F 5236 | 30 |
| PD F 5261 | 6 |
| PD F 5365 | 10 |
| PD F 5381 | 10 |

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden Hours:* 58,628 hours.

*OMB Number:* 1535–0122.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Voluntary Customer Satisfaction Survey to Implement Executive Order 12862.

*Description:* This voluntary customer service survey, as mandated by Executive Order 12862, measures customer satisfaction.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 7,000.

*Estimated Burden Hours Per Respondent:* Varies.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden Hours:* 876 hours.

Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 01–17080 Filed 7–6–01; 8:45 am]

**BILLING CODE 4810–40–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 26, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before August 8, 2001 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–0199.

*Form Number:* IRS Form 5306–A (formerly Form 5306–SEP).

*Type of Review:* Revision.

*Title:* Applications for Approval of Prototype Simplified Employee Pension or Savings Incentive Match Plan for Employees of Small Employers.

*Description:* This form is used by banks, credit unions, insurance companies, and trade or professional associations to apply for approval of a Simplified Employee Pension Plan or Savings Incentive Match Plan to be used by more than one employer. The data collected is used to determine if the prototype plan submitted is an approved plan.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 5,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping: 15 hr., 46 min.

Learning about the law or the form: 1 hr., 17 min.

Preparing, copying, assembling, and sending the form to the IRS: 1 hr., 36 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting./Recordkeeping Burden:* 93,400 hours.

*OMB Number:* 1545–0806.

*Regulation Project Number:* EE–12–78 Final.

*Type of Review:* Extension.

*Title:* Nonbank Trustees.

*Description:* Internal Revenue Code (IRC) section 408(a)(2) permits an institution other than a bank to be the trustee of an individual retirement account (IRA). To do so, an application needs to be filed and various qualifications need to be met. IRS uses the information to determine whether an institution qualifies to be a non-bank trustee.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 23.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 34 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting./Recordkeeping Burden:* 13 hours.

*OMB Number:* 1545–1155.

*Regulation Project Number:* PS–74–89 Final.

*Type of Review:* Extension.

*Title:* Election of Reduced Research Credit.

*Description:* These regulations prescribe the procedure for making the election described in section 280C(c)(3) of the Internal Revenue Code. Taxpayers making this election must reduce their section 41(a) research credit, but are not required to reduce their deductions for qualified research expenses, as required in paragraphs (1) and (2) of section 280C(c).

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Number of Respondents:* 200.

*Estimated Burden Hours Per Respondent:* 15 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 50 hours.

*OMB Number:* 1545–1597.

*Revenue Procedure Number:* Revenue Procedure 2000–12.

*Type of Review:* Extension.

*Title:* Application Procedures for a Qualified Intermediary Status Under Section 1441; Final Qualified Intermediary Withholding Agreement.

*Description:* Revenue Procedure 2000–12 describes application procedures for becoming a qualified intermediary (QI) and the requisite agreement that a qualified intermediary must execute with the IRS.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 88,504.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Estimated Time for QI Account Holder: 30 minutes.

Estimated Time for a QI: 2,093 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting./Recordkeeping Burden:* 301,018 hours.

*OMB Number:* 1545–1616.

*Regulation Project Number:* REG–115393–98 Final.

*Type of Review:* Extension.

*Title:* Roth IRAs.

*Description:* The regulations provide guidance on establishing Roth IRAs, contributions to Roth IRAs, converting amounts to Roth IRAs, recharacterizing IRA contributions, Roth IRA distributions, and Roth IRA reporting requirements.

*Respondents:* Individuals or households, Business or other for-profit, Not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 3,150,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

For designating an IRA as a Roth IRA: 1 minute.

For recharacterizing and IRA contribution: 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting./Recordkeeping Burden:* 125,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 01–17081 Filed 7–6–01; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 29, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,

Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before August 8, 2001 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–0016.

*Form Number:* IRS Form 706.

*Type of Review:* Revision.

*Title:* United States Estate (and Generation-Skipping Transfer) Tax Return.

*Description:* Form 706 is used by executors to report and compute the Federal Estate Tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce these taxes and to verify that the tax has been properly computed.

*Respondents:* Individuals or households, Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 117,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

| Form/Schedule | Recordkeeping | Learning about the law or the form | Preparing the form | Copying, assembling, and sending the form to the IRS |
|---|---|---|---|---|
| 706 | 2 hr., 10 min. | 1 hr., 30 min. | 3 hr., 40 min. | 48 min. |
| Schedule A | 19 min. | 15 min. | 9 min. | 20 min. |
| Schedule A–1 | 45 min. | 25 min. | 58 min. | 48 min. |
| Schedule B | 19 min. | 9 min. | 15 min. | 20 min. |
| Schedule C | 13 min. | 1 min. | 8 min. | 20 min. |
| Schedule D | 6 min. | 6 min. | 8 min. | 20 min. |
| Schedule E | 39 min. | 7 min. | 24 min. | 20 min. |
| Schedule F | 33 min. | 7 min. | 21 min. | 20 min. |
| Schedule G | 26 min. | 22 min. | 11 min. | 13 min. |
| Schedule H | 26 min. | 7 min. | 9 min. | 13 min. |
| Schedule I | 26 min. | 27 min. | 11 min. | 20 min. |
| Schedule J | 26 min. | 7 min. | 15 min. | 20 min. |
| Schedule K | 26 min. | 10 min. | 9 min. | 20 min. |
| Schedule L | 13 min. | 4 min. | 9 min. | 20 min. |
| Schedule M | 13 min. | 31 min. | 24 min. | 20 min. |
| Schedule O | 19 min. | 11 min. | 18 min. | 16 min. |
| Schedule P | 6 min. | 14 min. | 18 min. | 13 min. |
| Schedule Q | 6 min. | 9 min. | 11 min. | 13 min. |
| Schedule Q Worksheet | 6 min. | 9 min. | 58 min. | 20 min. |
| Schedule R | 19 min. | 34 min. | 1 hr., 1 min. | 48 min. |
| Schedule R–1 | 6 min. | 29 min. | 24 min. | 20 min |
| Schedule T | 1 hr., 12 min. | 27 min. | 1 hr., 14 min. | 1 hr., 3 min. |
| Schedule U | 19 min. | 3 min. | 28 min. | 20 min. |
| Cont. Schedule | 19 min. | 2 min. | 7 min. | 20 min. |

*Frequency of Response:* Other (once).

*Estimated Total Reporting. Recordkeeping Burden:* 2,079,835 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 01–17082 Filed 7–6–01; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Monday,
July 9, 2001

# Part II

# Securities and Exchange Commission

**17 CFR Parts 200 and 240**

**Electronic Submission of Securities Transaction Information by Exchange Members, Brokers, and Dealers; Final Rule**

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Parts 200 and 240**

**[Release No. 34–44494; File No. S7–12–00]**

**RIN 3235–AH69**

## Electronic Submission of Securities Transaction Information by Exchange Members, Brokers, and Dealers

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (''Commission'') is adopting Rule 17a–25 under Section 17 of the Securities Exchange Act of 1934 (''Exchange Act''), to require brokers and dealers to submit electronically to the Commission, upon request, information on customer and firm securities trading. Rule 17a–25 is designed to improve the Commission's capacity to analyze electronic submissions of transaction information, thereby facilitating Commission enforcement investigations and other trading reconstructions.

**EFFECTIVE DATE:** August 8, 2001, except § 240.17a–25(b), which shall become effective on January 7, 2002.

**FOR FURTHER INFORMATION CONTACT:** Alton Harvey, Office Chief, at (202) 942–4167; or Anitra Cassas, Special Counsel, at (202) 942–0089, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–1001.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

On May 2, 2000, the Commission proposed for comment Rule 17a–25 [1] under the Exchange Act to require brokers and dealers to submit electronically to the Commission, upon request, information on customer and firm securities trading.[2] The rule is designed to more fully account for evolving trading strategies used primarily by institutional and professional traders, thereby improving the Commission's ability to analyze trading in complex market-wide reconstructions and enforcement investigations. Based on the Commission's experience in analyzing securities transaction information, and after careful consideration of the comments submitted in response to the proposed rule, the Commission is adopting Rule 17a–25 with certain changes discussed below.

### II. Background

The securities industry has witnessed tremendous change in the past two decades, both in the types of market participants and in the variety of trading strategies and products. In particular, increasing numbers of institutional and professional traders now conduct their securities trading through multiple accounts maintained at different broker-dealers. These market participants include institutional investors such as pension funds, insurance companies, foundations, endowments, mutual funds, and hedge funds.

To identify buyers and sellers of securities in enforcement or other regulatory inquiries, the Commission staff regularly sends requests for securities trading records to the most active clearing firms in the relevant security. Firms are requested to submit, within ten business days, information concerning transactions by all proprietary and customer accounts that bought or sold a security during a specified review period.

For several decades, the Commission requested this information by mailing questionnaire forms (known as ''blue sheets'' because of the color on which the forms were printed) to broker-dealers to be manually completed and mailed back to the Commission. In the late 1980s, as the volume of trading and securities transactions dramatically increased, the Commission and the securities self-regulatory organizations (''SROs'') worked together to develop and implement a system with a universal electronic format, commonly known as the ''electronic blue sheet'' or ''EBS'' system, to replace the manual process.[3]

The universal EBS format permits the Commission and the SROs to conduct timely and thorough surveillance and enforcement inquiries. Firms generally use software to scan their account records and download the appropriate information into the standard EBS format, and then transmit the data to the Securities Industry Automation Corporation (''SIAC''). In turn, SIAC routes the file electronically to the Commission's mainframe computer.[4]

In general, the Commission uses the EBS system to obtain securities transaction information for one of two purposes: (1) To assist in the examination for and investigation of possible federal securities law violations, primarily involving insider trading or market manipulation; and (2) to conduct market reconstructions, primarily following significant market volatility. Since its inception, the EBS system has performed effectively as an enforcement tool for analyzing trading in one or two securities over a limited time period. When used for large-scale investigations or market reconstructions involving numerous stocks during peak trading volume periods, however, the information provided by the EBS system has been insufficient. Specifically, the Commission has found it difficult to effectively aggregate EBS transaction information by market participants.[5] To ensure the continued effectiveness of the Commission's enforcement and regulatory programs that rely on EBS information, the Commission proposed Rule 17a–25.

As proposed, Rule 17a–25 would require broker-dealers to electronically submit securities transaction information, including identifiers for prime brokerage arrangements, average price accounts, and depository institutions, in a standardized format, when requested by the Commission staff for enforcement and other regulatory

[1] § 240.17a–25.

[2] *See* Securities Exchange Act Release No. 42741 (May 2, 2000), 65 FR 26534 (May 8, 2000) (''Proposing Release'').

[3] For the last decade, the SROs have required their member firms to use the EBS system to submit customer and proprietary trading data for use in connection with market surveillance and enforcement inquiries, particularly investigations into insider trading and market manipulation. *See, e.g.,* Securities Exchange Act Release Nos. 25859 (June 27, 1988), 53 FR 25029 (July 1, 1988) (approving both the New York Stock Exchange (NYSE) and the American Stock Exchange's (Amex) rules for the electronic submission of transaction information); 26235 (November 1, 1988), 53 FR 44688 (November 4, 1988) (approving the Chicago Board Options Exchange's (CBOE) rule for the electronic submission of transaction information); 26539 (February 13, 1989), 54 FR 7318 (February 17, 1989) (approving the National Association of Securities Dealer's (NASD) rule for the electronic submission of transaction information); and 27170 (August 23, 1989), 54 FR 37066 (September 6, 1989) (approving the Philadelphia Stock Exchange's (Phlx) rule for the electronic submission of transaction information).

[4] If an SRO's surveillance or enforcement staff issues the request, SIAC routes the EBS data from the broker-dealer to the appropriate SRO.

[5] Aggregation of EBS transaction data is rarely a problem for trading reconstructions conducted by Enforcement and OCIE staff because most such inquiries or investigations involve trading in a limited number of stocks over a relatively short time frame. The EBS data transmissions under these circumstances are almost always small enough to permit the Commission staff to use standardized desk-top applications or even manual reviews to eliminate potential double-counting of some transactions. For massive market reconstructions performed by Market Regulation staff, however, the magnitude of the EBS data transmissions precludes the effective use of desk-top applications or manual reviews. As a result, market reconstructions normally require that mainframe computer applications be used for aggregation purposes. The new data elements set forth in Rule 17a–25 will permit the staff to develop mainframe computer applications to sort through massive EBS data transmissions to avoid double counting transactions for market reconstructions.

purposes. In addition, the rule would require broker-dealers to submit, and keep current, contact person information for EBS requests. Proposed Rule 17a–25 was largely patterned after existing SRO rules.[6]

## III. Summary of Comments

The Commission received comments from the Securities Industry Association (''SIA'') and the Pacific Exchange (''PCX'') on the proposed rule.[7] The SIA generally stated that it understood the Commission's need for proposed Rule 17a–25, but noted that there would be difficulties in implementing certain aspects of the proposal. The PCX asked for clarification on the application of the proposed rule to NASD Regulation's new web-based EBS system.[8]

### *A. Transaction Information*

The SIA had a concern with respect to the standard transaction information required under subsection (a)(2) of the proposed rule. One of the data elements required under subsection (a)(2)(ii) of proposed Rule 17a–25 and existing SRO rules[9] is the employer's name of a customer who bought or sold a security that is under review. The SIA indicated that many firms would not be able to readily access this information on their EBS-related systems.[10] As a result, these firms would either have to manually enter this information, or redesign their recordkeeping systems to automatically insert the customer's employer identification.

The SIA also expressed concern about the additional information required under subsection (b) of the proposed rule. The SIA noted that, although the Proposing Release made it clear that subsection (b)(1)(i) of proposed Rule 17a–25 is designed for prime broker arrangements, the generic language might cover other types of transactions that involve shifting a position from one firm to another. These transactions include ''give-ups'' (the executing broker-dealer provides the clearing number of another broker-dealer when reporting a transaction for the comparison process) and ''step-outs'' (the executing broker-dealer provides the clearing number of another broker-dealer after submission of a transaction for the comparison process). The SIA requested rule language tailored more closely to prime brokerage arrangements.[11]

Subsection (b)(1)(ii) of proposed Rule 17a–25 requires the prime broker to indicate the clearinghouse number or alpha symbol of each executing broker-dealer that forwarded part or all of the transaction. The SIA indicated that information concerning prime brokerage arrangements is typically easier for executing brokers to automatically pull up on their systems than for prime brokers. As a result, prime brokers would be required to implement more systems changes than executing brokers.[12]

The SIA also asked for clarification on the amount of information required by subsection (b)(2) of Rule 17a–25, which pertains to average price account identifiers. Citing formatting difficulties and programming costs, the SIA urged the Commission to allow a single identifier to denote that an account is part of an average price account arrangement, rather than requiring broker-dealers to generate separate identifiers for the master account and each sub-account.[13]

### *B. Other Information*

In the Proposing Release, the Commission solicited comments on the feasibility of requiring EBS reports to include execution times or other indicators, such as ''order sequence numbers'' for transactions effected through an automated order routing system. In response, the SIA identified a number of practical problems in implementing these data elements, and suggested that the cost of reformatting broker-dealers' systems or building new systems would outweigh the regulatory need for this information.[14]

Finally, the SIA stressed that delays in implementing Rule 17a–25 may be required due to other systems challenges facing the securities industry over the coming months, such as preparations for the full implementation of decimal pricing.[15]

## IV. Discussion and Basis for Adoption

Today, the Commission is adopting Rule 17a–25 substantially as proposed, with certain changes designed to reflect the comments. The rule applies to all exchange members, brokers and dealers subject to Rule 17a–3 of the Exchange Act.[16] Rule 17a–25 will not impose any additional recordkeeping requirements for broker-dealers; broker-dealers already maintain all of the information required for the EBS reports pursuant to Section 17(a)(1) and Rules 17a–3 and 17a–4 under the Exchange Act.[17]

Rule 17a–25 is intended to accomplish three objectives. First, the rule codifies the requirement that brokers and dealers must electronically submit to the Commission, upon request, information on customer and proprietary securities transaction information. Second, the rule should improve the effectiveness of the Commission's enforcement and regulatory programs by enhancing certain aspects of the EBS system to take into account evolving trading strategies used primarily by institutional and professional traders. Specifically, subsection (b) of Rule 17a–25 requires firms, upon request, to supply three additional data elements that will assist the Commission in aggregating securities transactions by entities trading through multiple accounts at more than one broker-dealer.[18] Finally, by requiring broker-dealers to provide current contact person information, the proposed rule should help ensure that the Commission can effectively direct its EBS requests to broker-dealers.

### *A. Standard Transaction Information*

Subsection (a) of the proposed rule requires submission of the same standard customer and proprietary transaction information the SROs request in connection with their market surveillance or enforcement inquiries.[19] For a proprietary transaction, the broker-dealer must include the

[6] *See, e.g.,* NYSE Rule 410A; Amex Rule 153A; CBOE Rule 15.7; NASD Rule 8211; and Phlx Rule 785.

[7] *See* Letter from Bernard L. Madoff, Chair, SIA Ad hoc Committee on Electronic Bluesheeting, SIA, to Jonathan G. Katz, Secretary, Commission, dated June 15, 2000; and E-mail from Sarah E. Althoff, PCX, dated May 4, 2000.

[8] The PCX indicated that certain clearing firms have opted out of the SIAC EBS system, and now exclusively use the NASDR's new web-based EBS system. The PCX asked if this change alters the scope and goals of proposed Rule 17a–25.

[9] *See supra* note 4.

[10] SIA Letter, at 5–6.

[11] SIA Letter, at 4–5.

[12] SIA Letter, at 5.

[13] *Id.*

[14] SIA Letter, at 6–7.

[15] SIA Letter, at 3.

[16] 17 CFR 240.17a–3.

[17] Section 17(a)(1) of the Exchange Act requires registered broker-dealers to make, keep, furnish, and disseminate records and reports prescribed by the Commission ''as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of'' the Exchange Act. 15 U.S.C. 78q(a)(1). Rules 17a–3 and 17a–4 under the Exchange Act specify minimum requirements with respect to the records that must be maintained by broker-dealers, as well as the periods during which these records and other documents relating to a broker-dealer's business must be preserved. 17 CFR 240.17a–3 and 240.17a–4.

[18] As noted in the Proposing Release, the Commission believes that an enhanced EBS system will provide a more efficient and cost-effective way to conduct timely and accurate reviews of the activities of large traders for regulatory or enforcement purposes, than would further efforts to design and implement the large trader reporting system authorized by the Market Reform Act of 1990, and incorporated into section 13(h) of the Exchange Act. 15 U.S.C. 78m(h). *See* Proposing Release, at 7.

[19] *See supra* note 2.

following information: (1) Clearing house number or alpha symbol used by the broker-dealer submitting the information; (2) clearing house number(s) or alpha symbol(s) of the broker-dealer(s) on the opposite side to the trade; (3) security identifier; (4) execution date; (5) quantity executed; (6) transaction price; (7) account number; and (8) identity of the exchange or market where each transaction was executed. Under the proposed rule, if a transaction was effected for a customer account (as opposed to a proprietary account), the broker-dealer would have been required to also include the customer's name, customer's address, name of the customer's employer, the customer's tax identification number, and other related account information. As noted below, the Commission has modified certain of these requirements in response to comments. Finally, if the transaction was effected for a customer of another firm or broker-dealer, the broker-dealer must state whether the other broker-dealer was acting as principal or agent on the transaction.

The SIA cited two concerns regarding submission of this standard transaction information. First, the SIA noted the practical difficulties faced by firms in readily obtaining the name of the customer's employer on their EBS-related systems. The Commission believes that the identity of a customer's employer, if accurate, would be extremely useful for many investigations, particularly those involving insider trading. However, the Commission, if necessary, can obtain this information from the specific broker-dealer and customer during follow-up inquiries. Accordingly, the Commission is deleting this requirement from subsection (a)(2)(ii) of Rule 17a–25, as adopted.

Second, the SIA asked for clarification as to whether the tax identification number is that of the customer or the customer's employer.[20] Subsection (a)(2)(ii) of Rule 17a–25, as adopted, makes it clear that it is intended to capture the customer's tax identification number, not that of the customer's employer.

*B. Additional Transaction Information*

Subsection (b) of proposed Rule 17a–25 requires broker-dealers, upon request by Commission staff, to provide prime brokerage identifiers, average price account identifiers, and depository institution identifiers. As described in detail below, these additional data elements are needed to aggregate trading by customers that use multiple accounts maintained at different broker-dealers. The Commission is adopting these additional data elements in Rule 17a–25(b) with certain modifications suggested by the SIA.

The SIA asked for additional information on how the Commission estimated that less than 100 broker-dealers would have to make modifications to their existing EBS software. The Commission estimates that EBS requests for prime-brokerage and average price account information will be made almost exclusively to active clearing broker-dealers. The Commission based its estimate of less than 100 clearing firms upon our experience with the EBS system—specifically, the Division of Market Regulation's requests for information for market reconstructions in 1994 and 1997, and the Division of Enforcement's daily use of the EBS system for the last decade. Accordingly, the Commission continues to believe that its estimates are reasonable.

1. Prime Brokerage Identifiers

It is common for an institutional or professional trader to route buy or sell orders through different broker-dealers, who, in turn, forward executed orders to a single broker-dealer—the ''prime broker.'' The prime broker maintains a master account for the institution or professional trader, which simplifies recordkeeping and oversight of trading activity.

Because broker-dealers use different means to identify prime brokerage accounts in EBS submissions, the Commission has had difficulty identifying instances where a transaction was reported twice—by the executing broker-dealer and by the prime broker. As a result, when the Commission performed trading analyses, it may have inadvertently double-counted some trades.

To better analyze this increasingly frequent activity and to avoid inadvertently double-counting these transactions, the Commission proposed two new data elements to uniformly identify prime brokerage transactions. First, under subsection (b)(1)(i) of Rule 17a–25, if a reporting broker-dealer effects trades for a customer, and forwards the account's transactions to a prime broker, then the EBS submission will have to include an identifier for this type of transaction as specified by its designated SRO under Rule 17d–1 of the Exchange Act.[21] The SIA expressed concern that the language in subsection (b)(1)(i) of the proposed rule may cover other types of transactions that involve shifting a position from one firm to another, such as ''give-ups'' or ''step-outs.'' The Commission reiterates that subsection (b)(1)(i) is intended to account for prime brokerage arrangements.[22]

Second, as proposed, subsection (b)(1)(ii) of Rule 17a–25 would have required a prime broker receiving transactions from multiple executing broker-dealers to include in its EBS submission the clearing house number or alpha symbol used by each of the executing brokers. Both the SIA and the SROs[23] raised concerns, however, that this reporting requirement would pose formatting problems.

The Commission believes that the reporting framework as proposed in subsection (b)(1)(ii) of Rule 17a–25 would have provided the Commission staff with the optimal crosschecking capabilities for transactions involving prime brokerage arrangements. Nevertheless, in response to the concerns raised by the SIA and the SROs, the Commission has modified the language in subsection (b)(1)(ii) of Rule 17a–25, as adopted, to require prime brokers to report using an identifier for this type of transaction as specified by their designated SRO under Rule 17d–1 of the Exchange Act.[24] The Commission will work with the SROs to develop a universal identifier that will help the Commission identify a prime brokerage arrangement.

2. Average Price Account Identifiers

Broker-dealers often use ''average price accounts'' as a mechanism to buy or sell large amounts of a given security for their customers. Under this arrangement, a broker-dealer's average price account may buy or sell a security in small increments throughout a trading session, and then transfer the accumulated long or short position to one or more accounts for an average price or volume-weighted average price after the market close.

Similar to transactions involving prime brokerage arrangements, there currently is no uniformity in how broker-dealers identify these transactions in EBS submissions. As a result, the Commission's trading analyses may have inadvertently

[20] SIA Letter, at 6.

[21] 17 CFR 240.17d–1.

[22] If a broker-dealer has a question concerning whether a transaction should be reported under Rule 17a–25(b), as adopted, the broker-dealer can request interpretive guidance from the Commission staff.

[23] Commission staff discussed the feasibility of capturing the prime brokerage identifiers, average price account identifiers, and depository institution identifiers, including cost estimates, with the Intermarket Surveillance Group and the SIA on May 10, 2000 and May 16, 2000, respectively.

[24] 17 CFR 240.17d–1.

double-counted these transactions—once in the EBS submission for the firm's average price account, and again in the EBS submission for the accounts receiving positions from the average price account. Therefore, the Commission proposed two new data elements in subsection (b)(2) of Rule 17a–25 to uniformly identify average price account transactions.

As proposed, under subsection (b)(2)(i), an EBS report for a customer account receiving average price transactions would have had to include identifiers for each relevant average price account. Under subsection (b)(2)(ii), as proposed, an EBS report for a firm's average price account would need to include identifiers for each of the accounts receiving positions from the average price account.

Both the SIA and the SROs [25] cited formatting difficulties and programming costs if subsection (b)(2) was adopted as proposed. While the Commission believes that the reporting framework as proposed in subsection (b)(2) of Rule 17a–25 would have provided the optimal crosschecking capabilities for transactions involving average price accounts, the Commission has modified the language in subsections (b)(2)(i) and (b)(2)(ii) to require a firm to distinguish average price account arrangements with an identifier for this type of transaction as specified by the broker-dealer's designated SRO under Rule 17d–1 of the Exchange Act.[26] The Commission will work with the SROs to develop simple universal identifiers that will help the Commission identify an average price account arrangement.

3. Identifiers Used by Depository Institutions

The Commission did not receive any comments on subsection (b)(3) of proposed Rule 17a–25, which requires a broker-dealer that processes a trade for an account through a depository institution to report the account's depository identifier. The inclusion of a depository account identifier in EBS reports should greatly expedite efforts by the Commission staff to aggregate trading when conducting complex trading reconstructions.

*C. Information To Facilitate EBS Requests*

The Commission did not receive any comments on paragraph (c) of proposed Rule 17a–25. Paragraph (c) requires broker-dealers to submit to the Commission, upon request, certain information about their contact persons, and to keep this information current. The Commission proposed this portion of the rule because it has encountered a recurring problem, due to frequent staff turnover and reorganizations at broker-dealers, in directing EBS requests to the appropriate personnel at broker-dealers. The Commission contemplates initially asking only those broker-dealers that have recently received EBS requests from the Commission to supply current contact information.[27]

*D. Other Information*

In the Proposing Release, the Commission specifically requested comment on other types of information that could be useful in analyzing trading in more complex market-wide trading reconstructions and enforcement investigations. For example, the Commission noted that execution times would be useful in trading reconstructions, particularly those that focus on trading during sharp market swings. To date, however, execution times have not been included in EBS reports because this information generally has not been available through the broker-dealer account records systems that are used to prepare EBS reports (although execution time information may be available in other broker-dealer recordkeeping systems).

The Commission also noted in the Proposing Release that some representatives of the securities industry have previously indicated to the Commission staff that, at least for transactions effected through automated order-routing systems, ''order sequence'' identifiers might be used for EBS reports in lieu of actual execution times.[28] The inclusion of order sequence identifiers in EBS reports would enable the Commission staff to derive order entry times for particular trades. Once such trades are isolated, the transactions' order sequence numbers could be matched with timed order entry reports captured by either the broker-dealer's internal systems or with timed audit trails and related SRO reports.

The SIA identified a number of problems with expanding the EBS system to include execution times or order sequence identifiers. For example, the SIA noted that many clearing firms that handle proprietary accounts of an introducing broker do not typically keep this type of information about the introducing firm. Further, many broker-dealers do not have an automated link between the order file, where this type of information would be kept, to the trade file, which interfaces with the EBS system.[29]

The Commission continues to believe that, in view of the large number of trades that are routed and executed using automated systems, the capture of the appropriate order sequence identifiers in EBS reports could greatly expedite trading reconstructions in which precise timing of particular trading activity is critical. Nevertheless, due to the current configuration of broker-dealers' systems, broker-dealers would incur certain costs and practical difficulties in capturing execution times or order sequence identifiers. Accordingly, the Commission is not modifying Rule 17a–25 to require this type of information at this time.

*E. Exemptions*

The Commission notes that it has traditionally been flexible when working with small broker-dealers who need to supply transaction reports. In cases in which a small broker-dealer does not already have the capacity to submit the information over the EBS system, the Commission staff has accepted manual transmissions. Proposed Rule 17a–25 is neither intended to, nor will it, change this flexible approach in obtaining necessary transaction reports from small broker-dealers. In addition, the Commission may rely on its general exemptive authority under Section 36 of the Exchange Act [30] to exempt particular broker-dealers when the application of

[25] *See supra* note.

[26] 17 CFR 240.17d–1.

[27] The Commission has determined that the most efficient means of obtaining EBS contact information from the appropriate broker-dealers is by request, rather than imposing a general reporting obligation on all broker-dealers. Thousands of broker-dealers who clear their trades through other firms never receive EBS data requests from the Commission. In addition, firms who do not trade with the public or are otherwise inactive traders are rarely asked to supply transaction information. Accordingly, the Commission believes it would be most cost-effective to maintain its list of EBS contacts based on the staff's experience with the types of broker-dealers that are likely to be recipients of future EBS requests.

[28] Firms use these identifiers to trace orders routed through automated systems. These identifiers are also routinely captured by some audit trail systems and other recordkeeping systems, such as the NYSE's daily program trading reports from member firms. The Commission further noted in the Proposing Release that other types of information captured by the SROs' audit trail systems, such as the NASD's Order Audit Trail System, may also be useful to the Commission in its trading analyses. For example, these systems generally capture the date and time of origination or receipt of the order, and information on when the order is transmitted to another department within the member firm, to another member firm, or to a non-member. The SIA noted, however, that connecting information maintained under OATS to the EBS system would raise difficulties and costs. SIA Letter, at 6–7.

[29] *Id.*

[30] 15 U.S.C. 78mm. Procedures for filing applications for orders for exemptive relief under Section 36 are found in the Commission's Rules of General Application, 17 CFR 240.0–12.

the reporting requirements of Rule 17a–25 would not be necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the rule.[31]

*F. Format*

Broker-dealers will submit the information required under Rule 17a–25 in the format specified by the broker-dealer's SRO that is designated under Rule 17d–1 of the Exchange Act, unless otherwise specified by Commission rule. At the current time, we understand that the SROs intend to have their technical specifications revised by 120 days before the effective date for Rule 17a–25(b). In the absence of the necessary SRO technical specifications to implement this paragraph by 120 days before the effective date, the Commission will promulgate rules specifying the technical filing format for EBS submissions.[32]

The PCX asked how the implementation of the NASDR's new web-based EBS system would alter the scope and goals of Rule 17a–25. The Commission believes that the framework for Rule 17a–25 provides sufficient flexibility to allow broker-dealers to report transactions in whatever EBS formats are established by their designated SROs. In particular, the Commission's computer systems are prepared to accommodate the new NASDR system.

## V. Effective Date

The provisions of Rule 17a–25 will be effective on August 8, 2001, except for subsection (b) of Rule 17a–25, which shall become effective on January 7, 2002.

The SIA requested that, in adopting and implementing Rule 17a–25, the Commission be mindful of the ongoing systems challenges in the securities industry, including conversion of the trading cycle from a three-day to a one-day cycle and the full implementation of decimal pricing in stocks and options. The Commission is cognizant of the technological challenges that will be faced by the securities industry over the next few months. Thus, the Commission is delaying the effective date of subsection (b) of Rule 17a–25, and is committed to working with the SROs and the securities industry in developing a strategy for reformatting the EBS system in a manner that does not disrupt other critical systems initiatives in the coming months.

## VI. Paperwork Reduction Act

As described in the Proposing Release, Rule 17a–25 contains ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995,[33] and the Commission submitted them to the Office of Management and Budget (''OMB'') for review. OMB approved the collection of information, and assigned control number 3235–0540. The collection of information is in accordance with the clearance requirements of 44 U.S.C. 3507.

The title for the collection of information is: Rule 17a–25, Electronic Submission of Securities Transaction Information by Exchange Members, Brokers, and Dealers. The final rule does not contain substantive or material modifications to the collections of information originally set forth in the Proposing Release. The collection of information obligations imposed by Rule 17a–25 is mandatory. The retention periods for the collection of information are already specified in Rule 17a–4 of the Exchange Act.[34] The information filed pursuant to Rule 17a–25 will be kept confidential, subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552. 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 control number.

The Commission solicited public comment on the collection of information requirements contained in the Proposing Release. As discussed below, the SIA submitted one comment concerning the number of broker-dealers that will have to modify their EBS-related software to capture and report the new data elements pursuant to subsection (b) of Rule 17a–25.

*A. Summary of Collection of Information Under Rule 17a–25*

Rule 17a–25 requires broker-dealers to electronically submit securities transaction information, including identifiers for prime brokerage arrangements, average price accounts, and depository institutions, in a standardized format when requested by the Commission staff for enforcement and other regulatory purposes. In addition, the rule will also require broker-dealers to submit, and keep current, contact person information for EBS requests.

*B. Use of Information*

The Commission will use the information collected pursuant to proposed Rule 17a–25 for enforcement inquiries or investigations and trading reconstructions, as well as for inspections and examinations.

*C. Respondents*

As explained in the Proposing Release, although Rule 17a–25 will apply to all of the approximately 7,700 broker-dealers that are currently registered with the Commission, most provisions would apply only to the 5,500 broker-dealers who do business with the general public. The Commission further estimated in the Proposing Release that the requirement for submission of identifiers for prime brokerage arrangements, average price accounts, and depository institutions would affect a significantly smaller number of broker-dealers, estimated at less than 100 firms.

In its comment letter, the SIA asked for further explanation of the basis for the Commission's estimate that less than 100 firms would need to perform a one-time modification of their EBS-related software to capture and report the new data elements. As previously discussed, the Commission has used the EBS system for over a decade. For example, the Division of Market Regulation used the EBS reports for market reconstructions in 1994 and 1997, and the Division of Enforcement sends out EBS requests almost on a daily basis. Based on this experience, the Commission estimated the number of active clearing firms that regularly receive EBS requests. Accordingly, the Commission continues to believe that its estimate of less than 100 firms is reasonable.

*D. Total Annual Reporting and Recordkeeping Burden*

As stated in the Proposing Release, Rule 17a–25 should not impose additional burdens on the vast majority of broker-dealers. The Commission staff will work with the few broker-dealers who might not have EBS systems in place to develop cost-effective means of obtaining requested securities

[31] The Commission is amending Rules 30–3, 30–4, and 30–18 of its Rules of Practice to add new paragraphs (a)(69), (a)(12), and (h), respectively. 17 CFR 200.30–3, 200.30–4, and 200.30–18. These paragraphs delegate the authority to the Directors of the Division of Market Regulation, the Division of Enforcement, and the Office of Compliance Inspections and Examinations to grant or deny, in whole or in part, exemptions from the requirements of Rule 17a–25. The Office of Compliance Inspections and Examinations uses the EBS system as part of its inspections and examinations.

[32] If the Commission sets the technical filing requirements for EBS submissions, we anticipate adopting these requirements using a similar approach to that used by the Commission in specifying the technical formatting requirements for electronic filings through the EDGAR system. Securities Act Release No. 7858 (May 16, 2000), 65 FR 34079 (May 26, 2000).

[33] 44 U.S.C. 3501 *et seq.*

[34] 17 CFR 240.17a–4.

transaction information, whether using the EBS system or other mechanisms. In addition, if electronic reporting of securities transaction information is not feasible or is unreasonably expensive for a particular small broker-dealer, the Commission may use its general exemptive authority under Section 36 of the Exchange Act.

1. Burden-Hours for Broker-Dealers [35]

As discussed in the Proposing Release, the annual hour burden of the proposed rule for individual broker-dealers varies widely because of differences in the levels of activities of the respondents and because of differences in the current recordkeeping systems of the respondents. However, it is estimated that electronic response firms would spend approximately 8 minutes and manual response firms would spend 1½ hours responding to an average blue sheet request. Based on its experience with the EBS system, the Commission estimates that it sends approximately 14,000 electronic blue sheet requests per year, of which approximately 350 are sent to manual response firms. Accordingly, the annual aggregate hour burden for electronic response firms is estimated to be 1,820 hours ($13{,}650 \times 8 \div 60$). The annual aggregate hour burden for manual response firms is estimated to be 525 hours ($350 \times 90 \div 60$).

In addition, the Commission estimates that it will request 1,400 broker-dealers to supply the contact information identified in proposed Rule 17a–25(c), and the submission should take each broker-dealer approximately 5 minutes to prepare. To be conservative, the Commission estimates that each of these broker-dealers will revise the contact information twice a year, and each revision will also take approximately 5 minutes to prepare (10 minutes total). The annual aggregate burden for supplying the information requested in proposed Rule 17a–25(c) is 350 hours ($1400 \times 15 \div 60$).

Overall, the annual aggregate burden for all respondents to the collection of information requirements of Rule 17a–25 is estimated to be 2,695 hours (1,820 + 525 + 350).

2. Capital Cost to Broker-Dealers and SROs [36]

As stated in the Proposing Release, the Commission estimates that less than 100 broker-dealers will have to perform a one-time modification of their EBS-related software to capture and report new data elements. On average, each of these broker-dealers will incur capital or start-up costs of $150,000 to modify their EBS systems. The Commission also estimates that there will be no additional costs associated with the operation and maintenance of the modified EBS systems. Accordingly, the total cost burden for broker-dealers to modify their EBS systems is estimated to be $15 million ($100 \times \$150{,}000$).

In addition, based on its discussions with the SROs, the Commission estimates that three SROs will each incur approximately $29,500 in capital costs to make their systems compatible with the broker-dealers. The Commission also estimates that the SROs will not incur additional costs for the operation and maintenance of the modified EBS systems.

## VII. Costs and Benefits of the Rule

The Commission identified several benefits and costs to investors and market participants in the Proposing Release. To assist the Commission in its evaluation of the costs and benefits that may result from Rule 17a–25, commenters were requested to provide analyses and data relating to the costs and benefits associated with the proposal. As previously noted, the SIA questioned the Commission's estimate of the number of broker-dealers that must modify their existing EBS software to capture prime brokerage identifiers, average price account identifiers, and depository institution identifiers. However, as explained above, the Commission continues to believe that its estimates, including its costs estimates, are reasonable.

The Commission is not making any changes to Rule 17a–25, as adopted, which will increase the cost estimates for broker-dealers or SROs. In particular, subsection (a) of Rule 17a–25 merely codifies existing SRO requirements for EBS. The estimated annual aggregate hour burden for all respondents to the collection of information requirements is 2,695 hours. The total annualized cost burden for those broker-dealers to modify their existing EBS software is estimated to be $15 million in capital or start-up costs. And the estimated total annualized cost burden for SROs is $88,500. The Commission believes that neither the broker-dealers nor the SROs will incur additional costs for the operation and maintenance of the modified EBS systems.

The Commission continues to believe that any costs to market participants are justified by the overall benefits of Rule 17a–25. The rule will significantly assist the Commission's ability to conduct timely and accurate trading analyses for market reconstructions and complex enforcement inquiries or investigations, as well as inspections and examinations. The current system severely limits the Commission's ability to aggregate transactions effected by entities that use multiple accounts at broker-dealers, and can produce trading compilations that double-count these transactions. Augmented trading analyses will improve the Commission's ability to monitor the securities markets, and, thereby, promote investor protection.

## VIII. Consideration of Burden on Competition, and Promotion of Efficiency, Competition, and Capital Formation

Section 23(a)(2) of the Exchange Act [37] requires the Commission, when promulgating rules under the Exchange Act, to consider the impact any rule would have on competition, and not adopt any rule that would impose a burden on competition that is not necessary or appropriate in furtherance of the Exchange Act. Section 3(f) of the Exchange Act [38] requires the Commission, when engaging in rulemaking that requires it to consider or determine whether an action is necessary or appropriate in the public interest, to consider whether the action will promote efficiency, competition, and capital formation. In the Proposing Release, the Commission solicited comments on the effects of Rule 17a–25 on competition, efficiency, and capital formation. The Commission did not receive any comments regarding these specific issues.

The Commission has considered Rule 17a–25 in light of the standards cited in Sections 3(f) and 23(a)(2) of the Exchange Act, and believes that the rule will not impose any significant burden on competition not necessary or appropriate in furtherance of the Exchange Act. As discussed in the cost-benefit section, only some broker-dealers will incur capital or start-up costs to modify their EBS-related software. However, the Commission believes the modifications are necessary to promote efficiency in the blue-sheeting process, and promote investor protection.

## IX. Summary of Final Regulatory Flexibility Act Analysis

A Final Regulatory Flexibility Analysis (''FRFA'') has been prepared in accordance with section 4 of the Regulatory Flexibility Act (''RFA''), to

[35] The time burden was derived from information supplied by several broker-dealers.

[36] The costs estimates were derived using information supplied by the broker-dealers and the SROs.

[37] 15 U.S.C. 78w(a)(2).

[38] 15 U.S.C. 78c(f).

provide a description and estimate of the number of small entities that will be affected by Rule 17a–25. The following summarizes the FRFA.

The Commission estimates that approximately 12% of registered broker-dealers, or approximately 1,000 broker-dealers, qualify as small broker-dealers.[39] As discussed more fully in the FRFA, Rule 17a–25 will affect these small broker-dealers because all broker-dealers will be required to submit securities transaction information to the Commission, upon request. However, the Commission believes that only a relatively few EBS requests are sent to small broker-dealers. Generally, EBS requests are sent to large clearing firms or those broker-dealers that self-clear. These entities fall outside the definition of a small broker-dealer.

In addition, the Commission's experience with the EBS system over the last ten years indicates that entities that trade through multiple accounts at different firms generally do not effect their trades through ''small'' broker-dealers. Accordingly, the Commission does not believe that any small broker-dealer will be required to modify its EBS-related software to capture and report the new data elements in subsection (b) of Rule 17a–25.

The FRFA further states that proposed Rule 17a–25 would not impose any additional recordkeeping requirements for small broker-dealers. The elements of trade information required for EBS reports to the Commission are already maintained by broker-dealers pursuant to Rules 17a–3 and 17a–4 of the Exchange Act and SRO rules.

When small broker-dealers receive the occasional EBS request, they will incur some costs when they report transaction information pursuant to requests by the Commission staff for enforcement purposes. The Commission believes, however, that any new costs associated with Rule 17a–25 will be minimal because broker-dealers are already required to have in place adequate systems and procedures to submit transaction reports to the appropriate SRO. Moreover, the Commission staff has traditionally been flexible when working with small broker-dealers who need to supply transaction reports. In cases in which a small broker-dealer does not already have the capacity to submit information over the EBS system, the Commission staff has accepted manual transmissions. Proposed Rule 17a–25 is not intended to change this flexible approach in obtaining necessary transaction reports from small broker-dealers.

The FRFA also discusses the various alternatives considered by the Commission in connection with the proposed rule that might minimize the effect on small entities. These include, among others, creating differing compliance or reporting requirements or timetables that take into account the resources available to small entities, and whether such entities could be exempted from the proposed rule, or any part thereof. The Commission has drafted the proposal to be consistent with the concerns of small entities. For example, as discussed above, the Commission has often permitted small broker-dealers to submit the transaction information manually, rather than electronically. The Commission may also use its exemptive authority under section 36 of the Exchange Act. A wholesale exemption from the proposed rule for small broker-dealers, however, would prevent the Commission from fully protecting investors and maintaining the fair and orderly operation of the nation's securities markets.

The Commission received no comments on the Initial Regulatory Flexibility Analysis (''IRFA'') prepared in connection with the Proposing Release. A copy of the FRFA may be obtained by contacting Anitra Cassas, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001; (202) 942–0089.

## X. Statutory Authority

Rule 17a–25 under the Exchange Act is being adopted pursuant to 15 U.S.C. 78a *et seq.*, particularly sections 17(a) and 23(a) of the Act, unless otherwise noted.

## List of Subjects

*17 CFR Part 200*

Administrative practice and procedure, Authority delegations (Government agencies).

*17 CFR Part 240*

Broker-dealers, Reporting and recordkeeping requirements, Securities.

## Text of the Final Rule and Amendments

In accordance with the foregoing, Title 17, Chapter II of the *Code of Federal Regulations* is amended as follows:

## PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for Part 200 continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 78*ll*(d), 78mm, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

* * * * *

2. Section 200.30–3 is amended by adding paragraph (a)(74) to read as follows:

### § 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(74) Pursuant to section 36 of the Act (15 U.S.C. 78mm) to review and, either unconditionally or on specified terms and conditions, grant, or deny exemptions from rule 17a–25 of the Act (§ 240.17a–25 of this chapter).

* * * * *

3. Section 200.30–4 is amended by adding paragraph (a)(12) to read as follows:

### § 200.30–4 Delegation of authority to Director of Division of Enforcement.

* * * * *

(a) * * *

(12) Pursuant to Section 36 of the Securities Exchange Act of 1934 (15 U.S.C. 78mm) to review and, either unconditionally or on specified terms and conditions, grant, or deny exemptions from rule 17a–25 of the Act (§ 240.17a–25 of this chapter), provided that the Division of Market Regulation is notified of any such granting or denial of an exemption.

* * * * *

4. Section 200.30–18 is amended by redesignating paragraphs (h) and (i) as paragraphs (i) and (j); and by adding new paragraph (h) to read as follows:

### § 200.30–18 Delegation of authority to Director of the Office of Compliance Inspections and Examinations.

* * * * *

(h) Pursuant to Section 36 of the Exchange Act (15 U.S.C. 78mm) to review and, either unconditionally or on specified terms and conditions, grant, or deny exemptions from rule 17a–25 of the Act (§ 240.17a–25 of this chapter), provided that the Division of Market Regulation is notified of any such granting or denial of an exemption.

* * * * *

[39] For purposes of the regulatory flexibility analysis, a broker-dealer is considered a small entity if its total capital is less than $500,000, and it is not affiliated with a broker-dealer that has $500,000 or more in total capital. 17 CFR 240.0–10.

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

5. The authority citation for Part 240 continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll* (d), 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

6. Section 240.17a–25 is added to read as follows:

### § 240.17a–25 Electronic submission of securities transaction information by exchange members, brokers, and dealers.

(a) Every member, broker, or dealer subject to § 240.17a–3 shall, upon request, electronically submit to the Commission the securities transaction information as required in this section:

(1) If the transaction was a proprietary transaction effected or caused to be effected by the member, broker, or dealer for any account in which such member, broker, or dealer, or person associated with the member, broker, or dealer, is directly or indirectly interested, such member, broker or dealer shall submit the following information:

(i) Clearing house number, or alpha symbol of the member, broker, or dealer submitting the information;

(ii) Clearing house number(s), or alpha symbol(s) of the member(s), broker(s) or dealer(s) on the opposite side of the transaction;

(iii) Identifying symbol assigned to the security;

(iv) Date transaction was executed;

(v) Number of shares, or quantity of bonds or options contracts, for each specific transaction; whether each transaction was a purchase, sale, or short sale; and, if an options contract, whether open long or short or close long or short;

(vi) Transaction price;

(vii) Account number; and

(viii) The identity of the exchange or other market where the transaction was executed.

(2) If the transaction was effected or caused to be effected by the member, broker, or dealer for any customer account, such member, broker, or dealer shall submit the following information:

(i) Information contained in paragraphs (a)(1)(i) through (a)(1)(viii) of this section;

(ii) Customer name, address(es), branch office number, registered representative number, whether the order was solicited or unsolicited, date account opened, and the customer's tax identification number(s); and

(iii) If the transaction was effected for a customer of another member, broker, or dealer, whether the other member, broker, or dealer was acting as principal or agent on the transaction.

(b) In addition to the information in paragraph (a) of this section, a member, broker, or dealer shall, upon request, electronically submit to the Commission the following securities transaction information for transactions involving entities that trade using multiple accounts:

(1)(i) If part or all of an account's transactions at the reporting member, broker, or dealer have been transferred or otherwise forwarded to one or more accounts at another member, broker, or dealer, an identifier for this type of transaction; and

(ii) If part or all of an account's transactions at the reporting member, broker, or dealer have been transferred or otherwise received from one or more other members, brokers, or dealers, an identifier for this type of transaction.

(2)(i) If part or all of an account's transactions at the reporting member, broker, or dealer have been transferred or otherwise received from another account at the reporting member, broker, or dealer, an identifier for this type of transaction; and

(ii) If part or all of an account's transactions at the reporting member, broker, or dealer have been transferred or otherwise forwarded to one or more other accounts at the reporting member, broker, or dealer, an identifier for this type of transaction.

(3) If an account's transaction was processed by a depository institution, the identifier assigned to the account by the depository institution.

(c) Every member, broker, or dealer shall, upon request, submit to the Commission and, keep current, information containing the full name, title, address, telephone number(s), facsimile number(s), and electronic-mail address(es) for each person designated by the member, broker, or dealer as responsible for processing securities transaction information requests from the Commission.

(d) The member, broker, or dealer should comply with the format for the electronic submission of the securities transaction information described in paragraphs (a) and (b) of this section as specified by the member, broker, or dealer's designated self-regulatory organization under § 240.17d–1, unless otherwise specified by Commission rule.

Dated: June 29, 2001.

By the Commission.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01–17000 Filed 7–6–01; 8:45 am]

BILLING CODE 8010–01–P

Federal Register

Monday,
July 9, 2001

# Part III

# Department of Housing and Urban Development

## 24 CFR Parts 27 and 290

## Prohibited Purchasers in Foreclosure Sales of Multifamily Projects With HUD-Held Mortgages and Sales of Multifamily HUD-Owned Projects; Final Rule

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Parts 27 and 290**

**[Docket No. FR–4583–F–02]**

**RIN 2501–AC69**

## Prohibited Purchasers in Foreclosure Sales of Multifamily Projects With HUD-Held Mortgages and Sales of Multifamily HUD-Owned Projects

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule prohibits a mortgagor or any related party from bidding on or acquiring a multifamily property that was, itself, the subject of the mortgagor's default. The purpose of this rule is to prevent the mortgagor from benefiting from its default and failure to meet obligations under the term of its loan agreement. This rule follows a July 5, 2000 proposed rule and takes into consideration the public comments received on the proposed rule. After careful consideration of all the public comments received on the July 5, 2000 proposed rule, HUD has decided to adopt the proposed rule without change.

**DATES:** *Effective Date:* August 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** Marc Harris, Director, Field Asset Management Division, Office of Asset Management, Department of Housing and Urban Development, Room 6164, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 708–2654. Hearing or speech-impaired individuals may call 1–800–877–8339 (Federal Information Relay Service TTY). (Other than the ''800'' number, these are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

### I. The July 5, 2000 Proposed Rule

On July 5, 2000 (65 FR 41538) HUD published for comment a proposed rule amending HUD's regulations contained at 24 CFR parts 27 and 290 governing disposition procedures applicable to (1) the foreclosure of multifamily properties subject to a HUD-held mortgage and (2) the sale of HUD-owned multifamily properties. The rule codifies current HUD policy by adding a new paragraph (f) to § 27.20 and a new § 290.18, respectively, to prohibit the defaulting mortgagor or a related party as defined at 24 CFR 24.105 from bidding on or acquiring the property that secured the defaulted mortgage.

The rule supports HUD's asset management responsibilities by preventing the defaulting party from benefiting from the re-purchase of a multifamily property that was either foreclosed or sold directly from HUD's real estate inventory. For example, there have been occasions where mortgagors intentionally allowed a property to go into foreclosure and subsequently re-purchased the property for less than the debt amount or at more lenient terms than contained in the original mortgage. Permitting a current or prior mortgagor who is or was in such serious default as to lead to foreclosure or HUD acquisition to make an ''end-run'' around its loan agreement is antithetical to HUD's objective of promoting efficient and equitable administration of housing resources. Furthermore, it permits borrowers that are unwilling to comply with mortgage requirements, including permissible loan modifications, to reap an unfair benefit at the expense of the public. The rule does, however, preserve the authority of the Assistant Secretary for Housing—Federal Housing Commissioner to waive bidding or purchase restrictions in cases where HUD's best interest is served by permitting the defaulting mortgagor or a related party to acquire the property.

### II. Public Comments Generally

The public comment period for the proposed rule closed on September 5, 2000. HUD received three comments in response to the proposed rule. Two were from law firms representing multifamily housing groups and one was from an association of multifamily rental developers and operators.

All three commenters opposed the rule. The objections centered on the prohibitive tenor of the rule and its corresponding limitation on the ability of any defaulting mortgagor to participate in the disposition process.

### III. This Final Rule

The following section of the preamble contains a summary of the significant issues raised by the public commenters and HUD's response to their comments. For the reasons noted below, HUD has decided to adopt the proposed rule without change.

### IV. Discussion of Public Comments Received on the July 5, 2000 Proposed Rule

*Comment:* The rule unfairly limits the opportunity of a mortgagor to participate in the disposition process and, in doing so, deprives HUD of the benefit of increased competition. (#1,2,3)

*HUD's Response:* HUD agrees that the rule severely limits the opportunity of a defaulting mortgagor to participate in the disposition process. The rule is not, however, unfair. The underlying purpose of the rule is to prevent the mortgagor from benefiting from its default and failure to meet obligations under the term of its loan agreement with HUD. While this limitation may decrease competition by one, it supports HUD's asset management responsibilities by preventing a defaulting mortgagor from deriving an unfair benefit at the public expenses. HUD has therefore determined that prohibiting the mortgagor from bidding is more important than the minimal loss of competition that may result.

*Comment:* The rule makes a presumption of guilt, and by precluding participation by all defaulting mortgagors, eliminates the benefit of bidding by parties with specific project knowledge and the motivation to submit a fair offer. (#1,2)

*HUD's Response:* The purpose of the rule is to prevent the mortgagor from benefiting from its default and failure to meet obligations under the term of its loan agreement by purchasing the property at a foreclosure sale or from the HUD-owned inventory for less than the outstanding debt. The defaulting mortgagor can always pay off the outstanding debt in full prior to the foreclosure sale.

The failure of a project to meet its commitments to HUD is, in most cases, directly related to the mortgagor's failure to comply with one or more aspects of the agreements between HUD and the mortgagor/former mortgagor. In the rare event that the mortgagor can show that it should not be prohibited from bidding less than the debt, a waiver of this regulation by the Assistant Secretary for Housing—Federal Housing Commissioner, is permitted.

*Comment:* The rule should establish a detailed process for obtaining a waiver in cases where the mortgagor was not at fault. (#2)

*HUD's Response:* HUD will follow its usual process and consider a waiver request of this regulatory requirement for good cause shown on a case-by-case basis.

*Comment:* The rule should be redrafted in order to presume the eligibility of all parties to bid and allow the Assistant Secretary for Housing—Federal Housing Commissioner to exclude by waiver only upon a showing of sufficient cause. (#2)

*HUD's Response:* A waiver to the rule is contemplated only in narrowly-drawn circumstances where the defaulting mortgagor has demonstrated good cause to HUD's that it should be allowed the opportunity to participate in the disposition process. Thus, the burden rests with the defaulting mortgagor to

present the necessary level of justification for a waiver. Presuming the eligibility of all defaulting mortgagors to bid would be contrary to Departmental policy and would defeat the essential purpose of the rule.

*Comment:* The rule may deprive mortgagors of a constitutional property interest by denying their opportunity to bid and thus making them subject to a lower sales price that will diminish their equity. (#3)

*HUD's Response:* The rule does not deprive mortgagors of a constitutional property interest. A mortgagor is obligated for the amount of the debt and can pay off the outstanding debt prior to a foreclosure sale. The rule simply prevents a defaulting mortgagor from deriving an unfair benefit by acquiring the underlying property for less than the debt amount or with less restrictive loan conditions.

*Comment:* The rule is unnecessary because HUD has other, more effective remedies such as making a credit bid at foreclosure or appointing a receiver. (#3)

*HUD's response:* HUD has determined that this rule is needed for the reasons specified above. In addition, HUD generally seeks to be outbid at foreclosure sales because HUD minimizes its costs by selling projects at foreclosure sales rather than bidding the debt, taking properties into inventory, and then selling them from the owned inventory. Bidding the debt is not a cost effective remedy for HUD. Also, appointing a receiver has nothing to do with limiting what a mortgagor can bid at a foreclosure sale, and thus is not a remedy.

## V. Findings and Certifications

*Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only addresses circumstances in which a party may benefit at the public expense by defaulting on its obligations, and does not impose any additional costs or burdens.

*Environmental Impact*

A Finding of No Significant Impact with respect to the environment was made at the proposed rule stage in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. That Finding remains applicable to this rule and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Regulations Division, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

*Federalism Impact*

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

*Unfunded Mandates*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This final rule does not impose a Federal mandate that will result in the expenditure by State, local, or tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year.

## List of Subjects

*24 CFR Part 27*

Administrative practice and procedure, Loan programs—housing and community development, Mortgages.

*24 CFR Part 290*

Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance.

Accordingly, parts 27 and 290 of title 24 of the Code of Federal Regulations are amended as follows:

## PART 27—NONJUDICIAL FORECLOSURE OF MULTIFAMILY AND SINGLE FAMILY MORTGAGES

1. The authority citation for 24 CFR part 27 continues to read as follows:

**Authority:** 12 U.S.C. 1715b, 3701–3717; 3751–3768; 42 U.S.C. 1452b, 3535(d).

2. In § 27.20, a new paragraph (f) is added to read as follows:

### § 27.20 Conditions of foreclosure sale.

* * * * *

(f) The defaulting mortgagor, or any principal, successor, affiliate, or assignee thereof, on the multifamily mortgage being foreclosed, shall not be eligible to bid on, or otherwise acquire, the property being foreclosed by the Department under this subpart or any other provision of law. A ''principal'' and an ''affiliate'' are defined as provided at 24 CFR 24.105.

## PART 290—DISPOSITION OF MULTIFAMILY PROJECTS AND SALE OF HUD-HELD MULTIFAMILY MORTGAGES

3. The authority citation for 24 CFR part 290 continues to read as follows:

**Authority:** 12 U.S.C. 1701z–11, 1701z–12, 1713, 1715b, 1715z–1b, 1715z–11a; 42 U.S.C. 3535(d) and 3535(i).

4. In subpart A, a new § 290.18 is added, to read as follows:

### § 290.18 Restrictions on sale to former mortgagors.

The defaulting mortgagor, or any principal, successor, affiliate, or assignee thereof, on the mortgage on the property at the time of the default resulting in acquisition of the property by HUD shall not be eligible to purchase the property. A ''principal'' and an ''affiliate'' are defined as provided at 24 CFR 24.105.

Dated: June 28, 2001.

**Mel Martinez,**

*Secretary.*

[FR Doc. 01–17010 Filed 7–6–01; 8:45 am]

BILLING CODE 4210–32–P

Federal Register

Monday,
July 9, 2001

# Part IV

# Department of Housing and Urban Development

## 24 CFR Parts 598 and 599
## Designation of Round III Urban Empowerment Zones and Renewal Communities; Interim Rule

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Parts 598 and 599**

**[Docket No. FR–4663–I–01]**

**RIN 2506–AC09**

# Designation of Round III Urban Empowerment Zones and Renewal Communities

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule governs the designation of Round III Urban Empowerment Zones (EZs) and Renewal Communities (RCs) nominated by States and local governments. The designation of an area as an EZ or an RC provides special Federal income tax treatment as an incentive for businesses to locate within the area. This rule lays the foundation for designations to be made on the basis of applications submitted in response to the Notice Inviting Applications published elsewhere in this issue of the **Federal Register**.

**DATES:** Effective Date: August 8, 2001.

*Comment Due Date:* September 7, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this rule to the Office of the General Counsel, Regulations Division, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500. Comments should refer to the above docket number and title of the rule. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying during regular business hours (weekdays 7:30 a.m. to 5:30 p.m. Eastern time) at the above address. (In addition, see the Paperwork Reduction Act heading under the Findings and Certifications section of this preamble regarding submission of comments on the information collection burden.)

**FOR FURTHER INFORMATION CONTACT:** For EZ/EC issues, Lisa Hill, and for RC issues, John Haines, at the Department of Housing and Urban Development, Room 7130, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–6339. (This telephone number is not toll-free.) For hearing- and speech-impaired persons, this telephone number may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (toll-free).

**SUPPLEMENTARY INFORMATION:**

## I. Community Renewal Tax Relief Act of 2000—Authorization for Round III Empowerment Zones and for Renewal Communities

The Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 2001 (Omnibus Act) (Pub. L. 106–554, 114 Stat. 2763, approved December 21, 2000) enacted into law the provisions of a number of bills of the 106th Congress. One of the bills enacted by the Omnibus Act is H.R. 5662, the Community Renewal Tax Relief Act of 2000 (CRTR Act).

The CRTR Act, among other things, authorizes the designation of nine Round III Empowerment Zones (EZs). Seven of the Round III EZs are to be designated in urban areas by the Secretary of HUD. The remaining two Round III EZs are to be designated in rural areas by the Secretary of Agriculture. The CRTR Act also conforms and enhances the tax incentives for Round I and Round II EZs, and makes the new Round III EZs eligible for these incentives. The availability of the tax incentives is extended to December 31, 2009 for all EZs.

The CRTR Act also authorizes HUD to designate up to 40 Renewal Communities (RCs) within which special tax incentives would be available. At least 12 of the designated RCs must be in rural communities. Unlike the EZ program, which splits the designation responsibility between HUD and the Department of Agriculture for urban and rural areas respectively, all RC designations are to be made by HUD.

This rule would implement the designation requirements for Round III EZs and for RCs as discussed in the following preamble sections.

## II. Designation of Round III Empowerment Zones

Section 111 of the CRTR Act adds a new subsection (h), which authorizes the designation of nine additional EZs, to section 1391 of Subchapter U of Chapter 1 of the Internal Revenue Code of 1986. Subchapter U governs the designation and treatment of Empowerment Zones, Enterprise Communities, and Rural Development Investment Areas, and provided authorization by separate legislative enactments for the designation of Round I EZs in 1993, and Round II EZs in 1997.

HUD promulgated Round I EZ regulations at 24 CFR part 597 in 1994, and Round II EZ regulations at 24 CFR part 598 in 1998. Separate Round I and Round II regulations were issued because although many of the Round I and II submission requirements, such as the strategic plan, were similar, there were some differences in the authorizing statutes for each Round. For example, the legislation authorizing the Round II designations changed the eligibility and selection criteria from the Round I requirements. Two specific changes in the Round II eligibility criteria were an increase in the size of zones and elimination of the requirement that at least half of the nominated area consist of census tracts with poverty rates of 35 percent. Round II designations were also permitted to except up to three ''developable sites''—parcels that may be developed for commercial or industrial purposes—from satisfying the two poverty rate criteria that otherwise would be applicable, but the size of the area given this special poverty rate treatment was restricted to a total of 2,000 acres.

Unlike the differences in Round I and Round II, the eligibility and selection criteria for the Round III EZs are the same as the criteria that applied to the Round II EZs. HUD is therefore implementing Round III in a timely and efficient manner by making only conforming changes to include references to Round III in part 598. This approach will continue, and not disrupt, the EZ designation process with which interested parties have already become familiar. The regulation at 24 CFR part 598 will apply for Round III designations for urban areas as it did for Round II. The designation of rural areas as EZs will continue to be implemented separately by the Department of Agriculture.

## III. The Renewal Communities Program

Section 101 of the CRTR Act adds a new Subchapter X, consisting of sections 1400E through 1400J, to Chapter 1 of the Internal Revenue Code of 1986. Subchapter X governs the designation of, and tax incentives for, Renewal Communities. This rule would implement, at 24 CFR part 599, sec. 1400E, which authorizes HUD to designate up to 40 Renewal Communities and provides the process by which these designations are to be made.

The Renewal Communities program represents a different approach from the EZ program to the economic revitalization of distressed communities and to help residents gain employment, succeed in their careers and become economically self-sufficient. Rather than providing grants of funds or guarantees to finance development projects in the distressed communities, the RC program seeks to achieve its goals through the

coordinated efforts of government at the Federal, State and local levels to attract and encourage business development in the designated areas. The government incentives provided in RCs are, generally, incentives of forbearance: the business activities in the RCs will not be subject to the same levels of taxation or regulatory restrictions that apply elsewhere. An additional significant component to the success of RCs is a commitment from State and local governments to improve the infrastructure and enhance and make more efficient a variety of services for businesses and residents in the designated areas. The increase in business activity that results from these actions will provide economic growth and benefits to the RCs and surrounding communities.

The Federal commitment to RCs is twofold. First, substantial Federal tax incentives, described immediately below, are made available for businesses located in RCs. Second, and perhaps more significant, is HUD's commitment to work with RCs in planning and organizing their development activities and in reaching out to the business community to promote the many attractive features of, and encourage investment in, RCs.

*General description of tax benefits.* The tax incentives available in Renewal Communities, administered by the Treasury Department, are authorized in secs. 1400F through 1400J of the Internal Revenue Code, and are generally available during the period beginning January 1, 2002 and ending December 31, 2009. A brief description of these incentives follows:

1. *Zero-percent capital gains rate.* A zero-percent capital gains rate applies with respect to gain from the sale of a qualified community asset acquired after December 31, 2001, and before January 1, 2010, and held for more than five years.

2. *Renewal community employment credit.* A 15-percent wage credit is available to employers for the first $10,000 of qualified wages paid to each employee who is a resident of the renewal community and also performs substantially all employment services within the renewal community in a trade or business for the employer.

3. *Commercial revitalization deduction.* Each State is permitted to allocate up to $12 million of ''commercial revitalization expenditures'' to each renewal community located within the State. A ''commercial revitalization expenditure'' means the cost of a new building or the cost of substantially rehabilitating an existing building. A taxpayer can elect either to deduct one-half of the commercial revitalization expenditures for the taxable year the building is placed in service or amortize all the expenditures ratably over the 120-month period beginning with the month the building is placed in service.

4. *Additional section 179 expensing.* A Renewal Community business is allowed an additional $35,000 of section 179 expensing for ''qualified renewal property.'' The term ''qualified renewal property'' is similar to the definition of ''qualified zone property'' used in connection with Empowerment Zones.

5. *Extension of work opportunity tax credit (WOTC).* The high-risk youth and qualified summer youth categories in the WOTC are expanded to include qualified individuals who live in a Renewal Community.

*Designation of Renewal Communities—General Overview.* The process for designating RCs differs from the EZ selection process in that the RC process is more streamlined and objective. Section 1400E establishes a two step process in which basic eligibility for designation is based upon meeting a number of threshold qualifications, and selection for designation is based upon rating and ranking using objective data. The rule at 24 CFR part 599 that implements this process is divided into subparts that address general provisions, eligibility, rating, and selection of applications. An additional subpart addresses post-designation requirements, which are broadly designed to promote the intergovernmental efforts necessary to ensure the success of RCs. Each of these subparts is discussed below.

*Subpart A—General Provisions.* This subpart lays the groundwork for part 599 by defining basic terms and data sources used in the RC program. Many of these definitions and sources are familiar from the EZ program requirements; however, HUD calls attention to the definitions of ''rural area'' and ''urban area'' in subpart A. At least 12 of the 40 available RC designations will be made for rural areas. ''Rural area'' is specifically defined, with an ''urban area'' being any area that is not a rural area. In addition to the statutory parameters given to the definition of ''rural area,'' including allowing determinations to be made on a case-by-case basis, the definition adds a specific example of an area that would otherwise qualify as a rural area ''after consultation with the Secretary of Commerce'' as permitted by 1400E(a)(2)(B)(iii). The intent is to expand the definition of ''rural area'' and ensure a sufficient number of rural applications by permitting a nominated area which crosses jurisdictional lines to qualify as a rural area even though the area taken as a whole would not satisfy the statutory requirements of being in jurisdictions with less than 50,000 population or being located entirely outside of a metropolitan area (MA). As long as the nominated area is within the overall RC population cap of 200,000, and each portion of the nominated area that is located within a separate jurisdiction meets the population or MA requirements, the area as a whole can qualify as a rural area. HUD has determined, in accordance with the flexibility provided by the statute, that at least in such circumstances, the essential rural characteristics of the nominated area should be recognized.

*Subpart B—Eligibility Requirements for Nomination of Renewal Communities.* Subpart B contains the requirements of the eligibility thresholds to nominate an area for RC designation. The more significant aspects of these threshold requirements are discussed below according to the sections of part 599 in which they appear.

*Who must nominate (§ 599.101).* This section includes the requirements of secs. 1400E(a)(1)(A) and (a)(5). A nomination must be submitted by one or more local governments and the State or States in which the nominated area is located. The governing body of an Indian reservation is treated as being both the State and local governments for RC purposes.

*Geographic and population requirements (§ 599.103).* Sections 1400E(c)(2)(B) and (C) form the basis for the eligibility requirements of this section. Section 509.103(a)(2)(ii) clarifies that although the outer boundary of a nominated area must be continuous, the nominated area may enclose areas that are not included in the nomination. The resulting map in such an instance would have a ''swiss cheese'' appearance.

A nominated area that is entirely within an Indian reservation is not subject to the population eligibility requirements.

*Economic condition requirements (599.105).* Section 1400E(c)(3) contains the four economic condition threshold requirements of (1) pervasive poverty, unemployment, and general distress; (2) unemployment rate; (3) poverty rate; and (4) income levels. The first three requirements apply to all nominated areas, rural and urban. The fourth threshold requirement only applies to urban areas. A nominated area must meet each of the applicable economic condition threshold requirements before

it can be rated and ranked for RC designation. For purposes of the RC application process, sec. 1400E(c)(3) only requires the State and local governments in which the nominated area is located to certify that the nominated area meets the threshold requirements, and HUD's acceptance of the certification is subject to ''such review of supporting data'' as HUD deems appropriate. These threshold requirements appropriately limit the pool of areas eligible for RC designation to areas with significant negative economic conditions.

The statute lays out specific percentages that must be present to meet the thresholds of requirements (2) through (4): The unemployment rate in the nominated area taken as a whole must be at least one and one-half times (150% of) the national unemployment rate; the poverty rate for each population census tract within the nominated area must be at least 20 percent; and in the case of a nominated urban area, at least 70 percent of the households living in the nominated area must have incomes below 80 percent of the median income of households within the jurisdiction of the local government or governments in which the nominated area is located.

In addition to serving as thresholds, the second and third requirements, unemployment and poverty rate, are used to rate and rank rural and urban area applications, and the fourth requirement, income levels, is also used to rate and rank urban areas. A description of the rating and ranking process appears below in this preamble in the discussion of subpart D of the rule.

HUD has deemed 1990 census data as the appropriate data to review in determining whether to accept a certification as to unemployment, poverty, and income. Section 1400E(f)(4) specifically requires the use of 1990 census data for determining population and poverty rate. Although sec. 1400E(c)(3)(B) requires that the unemployment rate in the nominated area be determined using ''the most recent available data,'' the 1990 census data is still the most recent available data at a census tract level. More recent unemployment rate data for local areas are available, but the more recent data are not usable for the RC designations because they give the rates for larger areas, namely counties and incorporated jurisdictions of 25,000 or more, that would not generally correspond to the tract-based RC areas. Accordingly, the nominating State and local governments should make their certification for unemployment, poverty and income, as applicable, on the basis of 1990 census data for HUD to find it acceptable.

Whether HUD accepts the certification that the nominated area is one of pervasive poverty, unemployment and general distress, will follow § 598.110 of the EZ Round II and III rule, which addresses an identical demonstration required by the EZ authorizing statute. Accordingly, the provisions of § 598.110 appear at § 599.105(e)(2) of this rule.

*State and local commitments (§ 599.107).* Two very significant thresholds that must be met by the nominating State and local governments are (1) the submission of a ''course of action,'' a plan showing how the governments and local organizations will reduce regulatory, infrastructure and service burdens on employers and employees in the nominated area, and (2) the submission of a certification from the nominating governments that they have repealed or reduced, will not enforce, or will reduce within the nominated area at least four of five governmental restrictions listed in the statute. These threshold requirements are included in sec. 1400E(d) of the statute.

It is important that the nominees involve all appropriate State and local government agencies when preparing the application because programs managed by various different agencies may be among those that could be made more efficient as part of the Renewal Community project. Similarly, the combined effect of requirements from multiple agencies sometimes produce negative burdens for businesses and residents. HUD does not require nominees to involve a defined list of State and local government agencies, but it does encourage nominees to seek the active participation of many such agencies including, but not limited to, ones responsible for: Community and economic development and business assistance; human services and human development such as the State and/or county agency that administers the Federal Temporary Assistance for Needy Families program and other agencies that administer job support programs including child care, employment training, welfare-to-work and school-to-work efforts.

*Subpart C—Procedures for Nomination of Renewal Communities.* This subpart provides that the application process for RCs is initiated by the publication of a notice inviting applications in the **Federal Register**, and that the notice will include specific information as to due dates and submission requirements. An application must include information demonstrating that all of the threshold eligibility requirements are met. An application must also include a certification, signed by a responsible official or employee of each State and local government in which the nominated area is located, that the public was provided notice of, and an opportunity to participate in, the application development process. Even though the threshold requirements and rating and ranking factors for Renewal Community designation are narrowly drawn by the authorizing statute, public support and involvement from the earliest stages of the development of a Renewal Community are necessary if the effort is to be successful. Notice and opportunity to participate may include procedures such as placing announcements in newspapers or other media, holding public meetings and soliciting comments.

An applicant may continue to submit information to meet the threshold requirements until the application due date that will be specified in the notice inviting applications. Once an application meets the threshold requirements, it is rated and ranked in accordance with the procedures in subpart D.

*Subpart D—Evaluation of Applications Nominating Renewal Communities.* Section 1400E(a)(3)(A) provides that, ''the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3).'' These criteria are the three economic condition threshold requirements described at § 599.105(b) through (d) of this rule. The following paragraph describes how HUD will implement the ranking process.

Each nominated area meeting the minimum thresholds will be ranked from highest to lowest according to the area poverty rate, area unemployment rate, and for urban areas, the percentage of families below 80 percent of area median income (the low-mod rate). Urban nominated areas will be ranked separately from rural nominated areas. The percentile rank will be determined by dividing these rankings by the total number of nominated areas ranked and multiplying the result by 100. The average ranking will be determined by computing the simple average of the percentile ranks for each nominated area. To create a 100 point scale, the average rankings will be subtracted from 100. The following table illustrates this process for urban nominated areas

under the assumption that there are 150 nominated areas being ranked.

ILLUSTRATIVE EXAMPLE OF RANKING PROCESS, 150 NOMINATED AREAS

| Absolute Rankings | | | | Percentile Rankings (100 × Absolute Rank ÷ Number of Areas) | | | | |
|---|---|---|---|---|---|---|---|---|
| App. No | Poverty rate | Unemployment rate | Low-Mod rate | Poverty rate | Unemployment rate | Low-Mod rate | Average ranking | Score |
| 1 | 6 | 3 | 1 | 4.0 | 2.0 | 0.7 | 2.2 | 97.8 |
| 2 | 1 | 8 | 3 | 0.7 | 5.3 | 2.0 | 2.7 | 97.3 |
| 3 | 2 | 6 | 6 | 1.3 | 4.0 | 4.0 | 3.1 | 96.9 |
| 4 | 3 | 5 | 7 | 2.0 | 3.3 | 4.7 | 3.3 | 96.7 |
| 5 | 4 | 12 | 5 | 2.7 | 8.0 | 3.3 | 4.7 | 95.3 |
| 6 | 9 | 1 | 14 | 6.0 | 0.7 | 9.3 | 5.3 | 94.7 |
| * | * | * | * | * | * | * | * | |
| 150 | 140 | 150 | 145 | 93.3 | 100 | 96.7 | 96.7 | 3.3 |

Once a nominated area receives a score using the process described above, preference points are awarded based on two additional factors: The incidence of crime in the area, and whether census tracts in the area have been identified as distressed by the U.S. General Accounting Office.

First, section 1400E(c)(4)(A)(i) requires HUD to take into account the extent to which an area has a high incidence of crime. HUD has determined that, because of the nature of the RC program, the most appropriate way of taking the incidence of crime into account is to reward jurisdictions that have managed to control crime levels, even in their most distressed areas. The RC program is not a crime reduction program, but a business development program. The success of a Renewal Community will ultimately be measured by the extent to which it develops and expands business activities within its boundaries. A Renewal Community in an area that has already begun to address successfully the high incidence of crime starts out with a more inviting business environment, and is better poised to achieve success. There will be less concern on the part of business investors that their employees may be the victims of crime or that their facilities and property may be vandalized or subject to theft. Insurance rates for businesses in such areas are likely to be lower, further making such areas more attractive for investment and development.

A nominated area will receive 1 additional point if its 1999 Local Crime Index rate per 100,000 inhabitants (LCI), as determined on the basis of data from each State and local law enforcement authority with jurisdiction in the nominated area, does not exceed by more than 25% the 1999 Crime Index rate per 100,000 inhabitants (CI) prepared as part of the FBI's Uniform Crime Reporting (UCR) Program. The Crime Index is composed of selected offenses used to gauge fluctuations in the overall volume and rate of crime reported to law enforcement. The offenses included are the violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, motor vehicle theft, and arson. A preference of 2 points will be added to the score of a nominated area with an LCI that does not exceed the CI by more than 10 percent. A nominated area that has an LCI that is less than the CI will receive 4 preference points. To qualify for the preference points, the nominating governments must determine and then certify to the LCI determined for the nominated area.

Second, one preference point is awarded if any census tract in the nominated area is identified in GAO Report RCED–98–158R, dated May 12, 1998, cited in section 1400E(c)(4)(A)(ii).

*Subpart E—Selection of Nominated Areas To Be Renewal Communities.* Section 1400E(a)(3)(C) provides a selection preference for the first 20 of the 40 permitted RC designations to nominated areas that are EZs or ECs. Section 1400E(a)(2)(B) requires that at least 12 RC designations be made in rural nominated areas. To implement these statutory requirements, Subpart E establishes a selection process in which applications are separated into two categories after rating and initial ranking, and in which the priority of selection is given to EZs, ECs, and rural areas. Category 1 consists of applications for designation of nominated areas that are EZs or ECs. Applications for designation of nominated areas that are not placed into or selected from Category 1 will be placed into Category 2.

All or 20, whichever number is lower, of the Category 1 nominated areas will be designated RCs. HUD will select the six highest ranked rural areas in Category 1 for designation as Renewal Communities. The remaining number of Category 1 selections will be made in rank order from the combined rural and urban nominated areas. If there are fewer than six rural areas and additional urban Category 1 areas, urban areas will be selected until not more than 20 Category 1 designations are made.

Once the Category 1 nominated areas are selected, remaining urban and rural areas will be ranked in Category 2. The six highest ranked, or the number of highest ranked rural applications necessary to designate at least 12 if fewer than six rural areas were selected in Category 1, rural applications will be selected from Category 2. If HUD does not receive at least 12 eligible rural area applications for Renewal Community designation, the number of rural area designations will be the number of eligible rural area applications received by HUD. The remaining designations will be made from both rural and urban areas in rank order until a combined Category 1 and Category 2 total of not more than 40 designations is made.

The rule also provides, at § 599.405(c), that the effective date of designation as a Renewal Community is the date a nominated area is selected in accordance with this selection procedure.

HUD will make every effort to see that at least 12 rural areas are designated as Renewal Communities. For example, HUD in consultation with the Department of Commerce has

established, at § 599.3, a broader definition of areas that will qualify as rural areas, including allowing determinations to be made on a case-by-case basis as permitted by sec. 1400E(a)(2)(B)(iii). In addition, HUD intends to leave the application period for RC designations open for the longest feasible period to allow the most time for the preparation of applications. It will only be in the unlikely event that HUD does not receive at least 12 eligible RC applications from rural areas, including Indian reservations, that HUD will designate additional urban area applications so that the full number of 40 RC designations can be made.

*Subpart F—Post-Designation Requirements.* As noted above, Federal tax benefits are a part of the Federal commitment to the success of RCs. The rest of the Federal commitment consists of assisting State and local governments in their planning and outreach to the business community and residents to develop and expand activities in RCs. Subpart F requires the nominating State and local governments to identify, within 30 days of RC designation, a coordinating responsible authority (CoRA). The CoRA will be the entity, organization or persons with the responsibility and authority to achieve the State and local commitments made at the time of application. The CoRA will also undertake the development and administration of policies, procedures and activities to implement and maximize the Federal, State and local benefits made available in the Renewal Community. The CoRA will function as the central point of contact for the RC.

HUD will work with each CoRA to develop a tax incentives utilization plan to develop and expand businesses in the RCs through the Federal, State and local incentives made available. A preliminary plan must be developed within 6 months, and a final plan must be completed within one year of the designation. Because the RC designations have a 10-year term, it is important to undertake development activities as early as possible. Businesses should also note that they will garner the most benefit the earlier they take advantage of the available incentives, and HUD will assist in getting the word out to the business community.

HUD will also encourage other Federal agencies, in particular the Department of Health and Human Services, to provide technical assistance as appropriate to the CoRAs. The technical assistance would be designed to help CoRAs and the appropriate State and/or local agencies to develop and implement effective and innovative strategies, services and/or activities that assist residents and their families move successfully to work on to self-sufficiency.

The Renewal Communities program presents a great challenge and opportunity to HUD and it State and local government partners, and one that HUD looks forward to addressing with them.

## IV. Findings and Certifications

*Justification for Interim Rule.* In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide in § 10.1 for exceptions from that general rule where the Department finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is ''impracticable, unnecessary, or contrary to the public interest''. The Department finds that good cause exists to publish this interim rule for effect without first soliciting public comment. Prior public procedure is contrary to the public interest because of the practical necessity of preparing an application for designation as a Renewal Community within the timeframe set by the authorizing statute. The designations are required by the statute (section 1400E(a)(4)(B)) to be made before January 1, 2002. The governmental entities and other entities that may work with them in partnership to develop an application for designation need to know the requirements of the program in time to develop their plans and apply for designation. Delay in prescribing the criteria for designating new Renewal Communities would delay the development of these cooperative efforts and make it extremely difficult for applicants to develop their applications in a timely fashion.

*Paperwork Reduction Act.* The information collections contained in 24 CFR part 598 and implementing documents were approved for Round II EZs by the Office of Management and Budget (OMB) and assigned OMB control number 2506–0148. Since there are no additional Round II designations and the Round III requirements are the same as those for Round II, the same OMB control number continues to be applicable. HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

The information collection requirements contained in 24 part 599 of this rule, as described in subparts C and F, and the implementing application forms, have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0173. This approval has been granted on an emergency basis through July 31, 2001. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

In addition, HUD is seeking regular, non-emergency approval for these information collections. Therefore, HUD asks for comments regarding the information collections contained in the subparts of part 599 of this rule stated above. Comments regarding the information collections contained must be submitted by September 7, 2001. Comments on these information collections should refer to the proposal by name and/or OMB control number and must be sent to: Reports Liaison Officer, Shelia E. Jones, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7230, Washington, DC 20410.

Specifically, comments are solicited from members of the public and affected agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The following table identifies the components of the information collection.

| Type of Collection *First year **Subsequent years | Section of 24 CFR affected | Number of respondents | Frequency of response | Est. Ave. response time (Hrs.) | Annual burden hrs. |
|---|---|---|---|---|---|
| *Application | 599.203 | 200 | 1 | 35 | 7,000 |
| *Identification of Coordinating Responsible Authority | 599.505 | 40 | 1 | 5 | 200 |
| *Tax Incentives Utilization Plan | 599.507 | 40 | 1 | 35 | 1,400 |
| ** Modifications | 599.509 | 40 | 2 | 5 | 200 |
| ** Periodic Reporting | 599.511 | 40 | 2 | 10 | 400 |
| ** Response to Warning Letter | 599.513 | 40 | 2 | 4 | 160 |
| Total Burden | | | | | 9,360 |

*Environmental Impact.* A Finding of No Significant Impact with respect to the environment for this rule has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

*Regulatory Flexibility Act.* The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities as distinguished from large entities. The rule does not place any mandates on small entities. It merely authorizes them to seek designation as Renewal Communities as authorized by statute and the burdens placed on applicants derive from the statute.

HUD is sensitive to the fact, however, that the uniform application of requirements on entities of differing sizes may place a disproportionate burden on small entities. Therefore, HUD is soliciting recommendations for how these small entities might fulfill the purposes of the rule in a way less burdensome to them.

*Executive Order 13132, Federalism.* This rule does not impose substantial direct compliance costs on States or local governments or preempt State law within the meaning of the Executive Order. As a result, the rule is not subject to review under the order. The purpose of the rule is to provide a cooperative atmosphere between the Federal government and States, local, and Tribal governments, and to reduce any regulatory burden imposed by the Federal government that impedes the ability of States and local governments to solve pressing economic, social, and physical problems in their communities.

*Unfunded Mandates.* Executive Order 12875 calls for Federal agencies to refrain, to the extent feasible and permitted by law, from promulgating any regulation that is not required by statute that would create a mandate on a State, local, or Tribal government, unless the agency provides funds for complying with the mandate or the agency first consults with affected State, local, and Tribal governments. Title II of the Unfunded Mandates Reform Act of 1995 (12 U.S.C. 1501) established requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector.

This rule does not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995, because it does not mandate any particular action. The rule only authorizes States, localities, and tribes to apply for designation of areas within their jurisdiction as Empowerment Zones or Renewal Communities, which permits special tax treatment of business activities within the areas.

*Regulatory Review.* The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866, *Regulatory Planning and Review.* OMB determined that this rule is a ''significant regulatory action,'' as defined in section 3(f) of the Order (although not economically significant, as provided in section 3(f)(1) of the Order). Any changes made to the interim rule after its submission to OMB are identified in the docket file, which is available for public inspection in the Regulations Division of the Office of General Counsel, Room 10276, 451 Seventh Street, SW, Washington, DC 20410–0500.

*Catalog of Federal Domestic Assistance.* The Catalog of Federal Domestic Assistance Program number assigned to these programs is 14.244.

**List of Subjects**

*24 CFR Part 598*

Community development, Economic development, Empowerment zones, Housing, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Urban areas.

*24 CFR Part 599*

Community development, Economic development, Housing, Indians, Intergovernmental relations, Renewal communities, Reporting and recordkeeping requirements, Urban areas.

Accordingly, for the reasons set forth in the preamble, in title 24 of the Code of Federal Regulations, chapter V is amended as follows:

## PART 598—URBAN EMPOWERMENT ZONES: ROUND TWO AND THREE DESIGNATIONS

1. The heading for part 598 is revised to read as set forth above.

2. The authority citation for 24 CFR part 598 continues to read as follows:

**Authority:** 26 U.S.C. 1391; 42 U.S.C. 3535(d).

3. In § 598.1, paragraph (a) is revised to read as follows:

### § 598.1 Applicability and scope.

(a) This part establishes policies and procedures applicable to the second and third rounds of designations of urban Empowerment Zones, authorized under Subchapter U of the Internal Revenue Code of 1986 (26 U.S.C. 1391, et seq.), as amended. Any reference to, or requirement of, Round II in this part is also a reference to, or requirement of, Round III.

* * * * *

4. A new part 599 is added to read as follows:

## PART 599—RENEWAL COMMUNITIES

### Subpart A—General Provisions

Sec.
599.1 Applicability and scope.
599.3 Definitions.

599.5 Data used for eligibility determinations.

**Subpart B—Eligibility Requirements for Nomination of Renewal Communities 599.101 Eligibility to submit nominations.**

599.103 Geographic and population requirements for a nominated area.
599.105 Economic condition requirements for a nominated area.
599.107 Required State and local commitments.

**Subpart C—Procedures for Nomination of Renewal Communities 599.201 Initiation of application process.**

599.203 Basic application submission requirements.

**Subpart D—Evaluation of Applications Nominating Renewal Communities 599.301 Initial determination of threshold requirements.**

599.303 Rating of applications.

**Subpart E—Selection of Nominated Areas To Be Renewal Communities**

599.401 Ranking of applications.
599.403 Number of Renewal Communities to be designated.
599.405 Selection of Renewal Communities.
599.407 Notification of Renewal Community designations.

**Subpart F—Post-Designation Requirements**

599.501 Period for which Renewal Community designation is in effect.
599.503 Effect of Renewal Community designation on an EZ/EC.
599.505 Coordinating responsible authority (CoRA).
599.507 Tax incentives utilization plan.
599.509 Modification of commitments and plans.
599.511 Reports and other information.
599.513 Revocation of designation.

**Authority:** 26 U.S.C. 1400E; 42 U.S.C. 3535(d).

## Subpart A—General Provisions

### § 599.1 Applicability and scope.

(a) This part establishes requirements and procedures applicable to the designation of Renewal Communities (RCs) through December 31, 2001, authorized under Subchapter X of the Internal Revenue Code of 1986 (26 U.S.C. 1400E, et seq.). HUD may choose to use these requirements and procedures in whole or in part for any future Renewal Community designations that may be authorized.

(b) This part contains provisions relating to area requirements, the nomination process for Renewal Communities, and the evaluation and designation of nominated areas by HUD.

### § 599.3 Definitions.

In addition to the definitions of ''HUD'' and ''Secretary'' found in 24 CFR 5.100, the following definitions apply to this part:

*Census tract* means a census tract, as the term is used by the Bureau of the Census, or, if census tracts are not defined for the area, a block numbering area.

*Designation* means the process by which the Secretary designates areas as Renewal Communities eligible for tax incentives and credits established by Subchapter X of the Internal Revenue Code of 1986, as amended (26 U.S.C. 1400E, et seq.) and for any additional assistance that may be made available.

*Empowerment Zone* (EZ) means an area so designated by the Secretary in accordance with 24 CFR part 597 or 24 CFR part 598.

*Enterprise Community* (EC) means an area so designated by the Secretary in accordance with 24 CFR part 597.

*Local government* means any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and any combination of these political subdivisions that is recognized by the Secretary.

*Metropolitan Area* (MA) means an area as defined to be a Metropolitan Statistical Area or Primary Metropolitan Statistical Area by the Office of Management and Budget on June 30, 1999.

*Nominated area* means an area with a population of not more than 200,000 that is nominated by one or more local governments and the State or States in which it is located, or the governing body of the Indian reservation in which it is located, for designation in accordance with this part.

*Renewal Community* (RC) means an area so designated by HUD in accordance with this part.

*Rural area* means a nominated area:

(1) Which is within a local government jurisdiction or jurisdictions with a population of less than 50,000; or

(2) Which is outside of an MA; or

(3) Which is determined by HUD, after consultation with the Secretary of Commerce, to be a rural area. An area may qualify as a rural area under this paragraph (3) of this definition if:

(i) It is a nominated area that crosses jurisdictional boundaries;

(ii) The total population of the nominated area does not exceed 200,000;

(iii) The nominated area as a whole would not satisfy the requirements of either paragraph (1) or (2) of this definition;

(iv) Each portion of the nominated area that is located within a separate jurisdiction meets the requirements of either paragraph (1) or (2) of this definition; and

(v) The area is specifically nominated as a rural area; or

(4) Which does not meet the requirements of either paragraph (1), (2), or (3) of this definition but which is determined by HUD on a case-by-case basis, after consultation with the Secretary of Commerce, to be a rural area based on information submitted to demonstrate that the nominated area should be considered as a rural area.

*State* means any State of the United States.

*Urban area* means a nominated area that is not a rural area.

### § 599.5 Data used for eligibility determinations.

(a) *Source of data.* The data to be used in determining the population, poverty rate, unemployment rate and household income distribution information of an area is from the 1990 Decennial Census.

(b) *Geographic boundaries.* The boundary of an area that is nominated for designation as an Renewal Community must coincide with the boundaries of census tracts, as defined in § 599.3 except in the case of Indian reservation areas where the use of census tracts would tend to include areas outside the jurisdiction of the reservation governing body and such body is not making the nomination in concert with another jurisdiction.

## Subpart B—Eligibility Requirements for Nomination of Renewal Communities

### § 599.101 Eligibility to submit nominations.

(a) *In general.* Except as provided in paragraph (b) of this section, a nomination for the designation of an area as a Renewal Community must be submitted by one or more local governments and the State or States in which the nominated area is located.

(b) *Nominated areas on Indian reservations.* In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) must submit the nomination and shall be treated as being both the State and local governments with respect to the area for purposes of this part.

(c) *Responsible official.* The submission of an application, and any other action required of a nominating government under this part, such as the submission of a certification, must be performed by an official or employee authorized to act on behalf of the government for that purpose.

### § 599.103 Geographic and population requirements for a nominated area.

(a) *Geographic requirements.* A nominated area must meet the following

geographic requirements to be eligible for designation as a Renewal Community:

(1) The area must be within the jurisdiction of one or more local governments.

(2) The boundary of the area must be continuous.

(i) The boundary line of the nominated area may be interrupted by jurisdictional boundaries, such as State or county lines, or natural boundaries, such as rivers, as long as the resulting area is entirely within the boundary line except for the interruptions.

(ii) The nominated area may enclose an area or areas that are excluded from the nominated area, as long as each enclosed area to be excluded is within a continuous boundary line.

(3) The nominated area may be any size, as long as it meets all of the requirements of this part.

(b) *Population requirements.*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, a nominated area must have a population of not more than 200,000 and at least:

(i) 4,000 if any portion of the area (other than a nominated rural area) is located within an MA which has a population of 50,000 or greater; or

(ii) 1,000 in any other case.

(2) *Nominated areas on Indian reservations.* A nominated area that is entirely within an Indian reservation (as determined by the Secretary of the Interior) is not subject to the population requirements of paragraph (b)(1) of this section.

**§ 599.105 Economic condition requirements for a nominated area.**

(a) *Certification for economic requirements.* An official or officials authorized to do so by the nominating State and local governments must certify in writing for HUD's acceptance that the nominated area is an area of pervasive poverty, unemployment, and general distress, and that the nominated area meets the requirements of paragraphs (b), (c) and, in the case of urban areas, paragraph (d) of this section. HUD's acceptance of the certification is subject to a review of data supporting the certification, as provided in paragraph (e) of this section.

(b) *Unemployment requirement.* A nominated area meets the unemployment requirement if the unemployment rate in the nominated area taken as a whole was at least one and one-half times (150% of) the national unemployment rate for the period to which such data relate.

(c) *Poverty requirement.* A nominated area meets the poverty requirement if the poverty rate for each population census tract within the nominated area is at least 20 percent. In the case of a nominated area that is within an Indian reservation, and cannot equivalently be described with census tracts, the poverty rate of the nominated area taken as a whole is considered for purposes of making this determination.

(d) *Income requirement for urban areas.* In the case of a nominated urban area, at least 70 percent of the households living in the nominated area must have incomes below 80 percent of the median income of households within the jurisdiction of the local government or governments in which the nominated area is located. The number of households below 80 percent of the median income in each census tract shall be the number of households with incomes below 80 percent of the Household Adjusted Median Family Income (HAMFI) in each census tract as determined by HUD.

(e) *HUD review of supporting data.*—(1) *Unemployment, poverty and income.* HUD will review 1990 census data to determine whether to accept a certification that a nominated area meets the requirements of paragraphs (b), (c) and (d) of this section.

(2) *Pervasive poverty, unemployment and general distress.*—(i) *Pervasive poverty.* Pervasive poverty is demonstrated by evidence that:

(A) Poverty, as indicated by the number of persons listed as being in poverty in the 1990 Decennial Census, is widespread throughout the nominated area; or

(B) Poverty, as described in paragraph (e)(2)(i)(A) of this section, has become entrenched or intractable over time (through comparison of 1980 and 1990 census data or other relevant evidence).

(ii) *Unemployment.* Unemployment is demonstrated by:

(A) The most recent data available indicating that the annual rate of unemployment for the nominated area is not less than the national annual average rate of unemployment; or

(B) Evidence of especially severe economic conditions, such as military base or plant closings or other conditions that have brought about significant job dislocation within the nominated area.

(iii) *General distress.* General distress is evidenced by describing adverse conditions within the nominated urban area other than those of pervasive poverty and unemployment. Below average or decline in per capita income, earnings per worker, number of persons on welfare, per capita property tax base, average years of school completed, substantial population decline, and a high or rising incidence of crime, narcotics use, homelessness, high incidence of AIDS, abandoned housing, deteriorated infrastructure, school dropouts, teen pregnancy, incidence of domestic violence, incidence of certain health conditions and illiteracy are examples of appropriate indicators of general distress.

**§ 599.107 Required State and local commitments.**

(a) *Commitment to a course of action.*—(1) *Agreement of State and local governments.* The nominating State and local governments must agree in writing that, for any period during which the area is a Renewal Community, the governments will follow a specified course of action which meets the requirements of paragraph (a)(2) of this section. If each nominating State and local government is a signatory to a course of action under paragraph (a)(2) of this section, a separate written agreement is not necessary to meet the requirements of this paragraph.

(2) *Course of action requirements.*—(i) *In general.* A course of action is a written document, signed by the nominated area's State and/or local governments and community-based organizations which commits each signatory to undertake and achieve measurable goals and actions within the nominated area upon its designation as a Renewal Community.

(ii) *Community-based organizations.* For purposes of the course of action, ''community-based organizations'' includes for-profit and non-profit private entities, businesses and business organizations, neighborhood organizations, and community groups. Community-based organizations are not required to be located in the nominated area as long as they commit to achieving the goals of the course of action in the Renewal Community.

(iii) *Timetable.* The course of action must include a timetable that identifies the significant steps and target dates for implementing the goals and actions.

(iv) *Performance measures.* The course of action must include a description of how the performance of the course of action will be measured and evaluated.

(v) *Required goals and actions.* The course of action must include at least four of the following:

(A) A reduction of tax rates or fees applying within the Renewal Community;

(B) An increase in the level of efficiency of local services within the Renewal Community, such as services for residents funded through the Federal

Temporary Assistance for Needy Families program and related Federal programs including, for example, job support services, child care and after school care for children of working residents, employment training, transportation services and other services that help residents become economically self-sufficient;

(C) Crime reduction strategies, such as crime prevention, including the provision of crime prevention services by nongovernmental entities;

(D) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the Renewal Community, such as:

(*1*) *Density bonus.* Permission to develop or redevelop real property at a higher density level than otherwise permitted under the zoning ordinance, e.g., increased height or increased number of residential or business units;

(*2*) *Incentive zoning.* Providing a density bonus or other real property-related incentive for the development, redevelopment, or preservation of a parcel in the designated area;

(*3*) *Comprehensive or one-stop permit.* Streamlining construction or other development permitting processes, rather than requiring multiple applications for multiple permits, e.g., for demolition, site preparation, and construction, the developer or redeveloper submits a single application that is circulated for the necessary reviews by the various planning, engineering, and other departments in the county or municipality;

(*4*) *Variance and exception policies.* Counties or municipalities may pass ordinancesthat permit variances to or exceptions from certain zoning or other land use limitations. Examples include a reduced building set-back requirement or a reduced requirement for the provision of parking. Thepolicy may be limited to a particular geographic area;

(*5*) *Voluntary environmental compliance program.* A shared or limited environmental liability program, with limited liability from certain legal or administrative action in exchange for undertaking an approved program of environmental investigation, hazard control, and on-going risk reduction activities. Typically, the liability limitation is for future environmental cleanup (and not against lawsuit for damages). Risk of cleanup may be shared by the developer or property owner and the government;

(E) Involvement in economic development activities by private entities, organizations, neighborhood organizations, and community groups, particularly those in the Renewal Community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the Renewal Community;

(F) The gift or sale at below fair market value of surplus real property held by State or local governments, such as land, homes, and commercial or industrial structures in the Renewal Community to neighborhood organizations, community development corporations, or private companies.

(3) *Certification requirement for crime incidence.* If preference points are being sought for the nominated area because it qualifies for preference points in accordance with § 599.303(c)(1), the course of action must contain a certification by each nominating State and local government of the 1999 Local Crime Index rate per 100,000 inhabitants (LCI) determined for the nominated area. The offenses used in determining the LCI are the violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, motor vehicle theft, and arson.

(b) *Economic growth promotion requirements.*—(1) *Required certification.* The State and local governments in which a nominated area is located must certify in writing that they have repealed or reduced, will not enforce, or will reduce within the nominated area at least four of the following:

(i) Licensing requirements for occupations that do not ordinarily require a professional degree;

(ii) Zoning restrictions on home-based businesses which do not create a public nuisance;

(iii) Permit requirements for street vendors who do not create a public nuisance;

(iv) Zoning or other restrictions that impede the formation of schools or child care centers; and

(v) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

(2) *Exception.* The requirements of paragraph (b)(1) of this section do not apply to the extent that a regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety. The certifications required under paragraph (b)(1) of this section may be limited to exclude or include specific businesses and occupations.

(c) *Recognition of past efforts.* The course of action and economic growth requirements under paragraphs (a) and (b), respectively, of this section are not limited to future goals and actions. Past efforts within the previous eight years, either completed or on-going, of the nominating State or local governments to undertake any of the goals or actions listed in paragraph (a)(2)(v) or (b)(1) of this section qualify to meet these requirements. If past efforts are used, the nominating governments must identify which of the required goals and actions listed in paragraph (a)(2)(v) or (b)(1) of this section they address; the timetable for their continued implementation, if on-going; and the community-based organizations involved, if any.

## Subpart C—Procedures for Nomination of Renewal Communities

### § 599.201 Initiation of application process.

(a) *Federal Register notice.* To initiate the nomination process for Renewal Communities, HUD will publish a notice inviting applications for the designation of Renewal Communities in the **Federal Register**.

(b) *Contents.* The notice inviting applications will include specific information as to due dates and submission requirements.

### § 599.203 Basic application submission requirements.

The basic application submission requirements for nominating an area as a Renewal Community are:

(a) *Identification of the nominated area.* An application must identify the census tracts that constitute the nominated area. The nominated area must meet all of the eligibility requirements of subpart B of this part.

(b) *State and local commitments.* An application must include the documents evidencing compliance with State and local commitments required by § 599.107.

(c) *Public notice certification.* An application must include a certification, signed by a responsible official or employee of each nominating State and local government, that the public was provided notice of, and an opportunity to participate in, the application development process. Notice and opportunity to participate may include procedures such as placing announcements in newspapers or other media, holding public meetings, and soliciting comments.

## Subpart D—Evaluation of Applications Nominating Renewal Communities

### § 599.301 Initial determination of threshold requirements.

(a) *Two threshold requirements.* Before rating and ranking an

application, HUD will review it to determine if the application meets both of the following thresholds:

(1) *Eligibility of the nominated area.* This threshold is met if HUD determines that the nominated area as identified in the application meets all of the area eligibility requirements of subpart B of this part.

(2) *Adequacy of State and local commitments.* This threshold is met if HUD determines that the documents in the application evidencing compliance with the required State and local commitments meet all of the course of action and economic growth promotion requirements of § 599.107.

(b) *Failure to meet threshold requirements.*—(1) *No rating or ranking.* An application that does not meet both of the threshold requirements by the application due date specified in the published notice inviting applications will not be rated or ranked for further Renewal Community consideration.

(2) *Opportunity to correct failure.* HUD will notify an applicant of the threshold deficiencies in its application. An applicant may submit additional information and take any other action required to correct the deficiencies and meet the threshold requirements until the due date for applications specified in the published notice inviting applications.

### § 599.303 Rating of applications.

(a) *In general.* Each application that qualifies by meeting the threshold requirements will receive a score based on its ranking, as described in paragraph (b) of this section, plus any preference points, as described in paragraph (c) of this section.

(b) *Ranking score.* Each nominated area meeting the minimum thresholds will be ranked from highest to lowest according to the area poverty rate, area unemployment rate, and for urban areas, the percentage of families below 80 percent of area median income. Urban nominated areas will be ranked separately from rural nominated areas. The percentile rank will be determined by dividing these rankings by the total number of nominated areas ranked and multiplying the result by 100. The average ranking will be determined by computing the simple average of the percentile ranks for each nominated area. To create a 100 point scale, the average rankings will be subtracted from 100.

(c) *Preference points.*—(1) *Incidence of crime.* A nominated area may receive a maximum of 1, 2, or 4 crime incidence preference points as follows:

(i) *Number of points awarded.* A nominated area will receive 1 additional point if its 1999 Local Crime Index (LCI), as determined on the basis of data from each State and local law enforcement authority with jurisdiction in the nominated area, does not exceed by more than 25% the nation-wide 1999 Crime Index rate per 100,000 inhabitants (CI) prepared as part of the FBI's Uniform Crime Reporting (UCR) Program. A preference of 2 points will be added to the score of a nominated area with an LCI that does not exceed the CI by more than 10 percent. A nominated area that has an LCI that is less than the CI will receive 4 preference points.

(ii) *Qualifying for preference points.* To qualify for preference points based on the incidence of crime, the nominating governments must determine and then certify to the LCI determined for the nominated area, in accordance with § 599.107(a)(3)

(2) *Preference points for certain census tracts.* A nominated area will receive one preference point if any of its census tracts is a census tract identified in GAO Report RCED–98–158R, dated May 12, 1998. (The GAO Report is available from U.S. General Accounting Office, P.O. Box 37050, Washington, DC 20013 or http://www.gao.gov.)

## Subpart E—Selection of Nominated Areas To Be Renewal Communities

### § 599.401 Ranking of applications.

(a) *Ranking order.* Rural and urban applications will be ranked according to their final scores as determined in accordance with § 599.303, with the highest scoring applications ranked first.

(b) *Separate ranking categories.* After initial ranking, both rural and urban applications will be separated into two ranking categories:

(1) *Category 1.* Applications for designation of nominated areas that are Enterprise Communities or Empowerment Zones will be placed into Category 1 in rank order.

(2) *Category 2.* Applications for designation of nominated areas that are not placed into or selected from Category 1 will be placed into Category 2 in rank order.

### § 599.403 Number of Renewal Communities to be designated.

(a) *In general.* Except as provided in paragraph (b) of this section, the total number of Renewal Communities to be designated and the distribution of designations between urban and rural areas are as follows:

(1) *Total number.* The total number of nominated areas to be selected for designation as Renewal Communities is 40.

(2) *Rural areas.* HUD will select at least 12 rural areas for designation as Renewal Communities. If HUD does not receive at least 12 eligible rural area applications for Renewal Community designation, the number of rural area designations will be the number of eligible rural area applications received by HUD.

(3) *Urban areas.* The number of urban areas selected for designation as Renewal Communities will be the number remaining after subtracting the number of rural areas selected from 40.

(b) *Less than 40 eligible applications.* If HUD receives fewer than 40 eligible applications nominating areas, the total number of nominated areas to be selected for designation as Renewal Communities will be the total number of eligible applications.

### § 599.405 Selection of Renewal Communities.

(a) *Selection of Category 1 applications.* (1) *Six or less rural nominations.* If there are six or fewer Category 1 rural area nominations, HUD will select all of the nominated rural areas in Category 1 for designation as Renewal Communities. HUD will then select the highest ranking Category 1 urban area nominations, but will not exceed a total of 20 Category 1 designations.

(2) *More than six rural nominations.* If there are more than six Category 1 rural area nominations, HUD will select the six highest ranked Category 1 rural applications, and will then select, in rank order, the highest ranking Category 1 area nominations, whether urban or rural, until not more than a total of 20 Category 1 designations is made.

(b) *Selection of Category 2 applications.* After not more than 20 Category 1 designations are made in accordance with paragraph (a) of this section, any remaining Category 1 applications will be placed back in rank order into Category 2, with selections for a combined Category 1 and Category 2 total of not more than 40 designations made as follows:

(1) *Less than six Category 1 rural applications.* If the number of rural area applications selected in Category 1 is less than six, HUD will select the highest ranking rural area applications in Category 2 until the total number of rural areas selected is 12. The remaining designations will be made from both rural and urban areas in rank order. If there are fewer than 12 eligible rural applications overall, counting both Category 1 and Category 2, all of the eligible rural applications will be selected.

(2) *Six or more Category 1 rural applications.* If the number of rural area applications selected in Category 1 is six or more, HUD will select the six highest Category 2 rural applications. The remaining designations will be made from both rural and urban areas in rank order.

(c) *Effective date of designation.* The effective date of designation as a Renewal Community is the date a nominated area is selected in accordance with this section.

**§ 599.407 Notification of Renewal Community designations.**

(a) *Notification of applicant.* HUD will notify each applicant of the designation of its nominated area as a Renewal Community.

(b) *Federal Register publication.* In addition to any other form of notification, HUD will publish a notice of the designation of Renewal Communities in the **Federal Register**.

## Subpart F—Post-Designation Requirements

**§ 599.501 Period for which Renewal Community designation is in effect.**

Any designation of an area as a Renewal Community will remain in effect during the period beginning on January 1, 2002, and ending on the earliest of:

(a) December 31, 2009;

(b) The termination date designated by the State and local governments in their nomination application, if any; or

(c) The date HUD revokes the designation.

**§ 599.503 Effect of Renewal Community designation on an EZ/EC.**

The designation of any area as an Empowerment Zone or Enterprise Community shall cease to be in effect as of the date that the designation of any portion of such area as a Renewal Community takes effect.

**§ 599.505 Coordinating responsible authority (CoRA).**

Within 30 days of the Renewal Community designation, the State and local governments in which the area is located must submit to HUD information identifying the coordinating responsible authority (CoRA), which is the entity, organization or persons with the responsibility and authority to achieve the State and local government commitments made at the time of application as required by § 599.107 and to undertake the development and administration of policies, procedures and activities to implement and maximize the Federal, State and local benefits made available in the Renewal Community.

**§ 599.507 Tax incentives utilization plan.**

(a) *Preliminary plan.* Within six months of designation, the CoRA must prepare and submit to HUD a preliminary tax incentives utilization plan for achieving the State and local commitments made at the time of application as required by § 599.107 and implementing and maximizing the Federal, State and local benefits made available in the Renewal Community.

(b) *Final plan.* Within twelve months of designation, the CoRA must prepare and submit to HUD the final tax incentives utilization plan for achieving the State and local commitments made at the time of application as required by § 599.107 and implementing and maximizing the Federal, State and local benefits made available in the Renewal Community.

(c) *Community participation.* The CoRA must ensure that the preliminary and final tax incentives utilizations plans are developed with the participation of the residents and community organizations in the Renewal Community.

(d) *Coordination with Consolidated Plan and Indian Housing Plan.* The tax incentives utilization plan must include a certification that it is consistent with the Consolidated Plan prepared in accordance with 24 CFR part 91 or the Indian Housing Plan prepared in accordance with 24 CFR part 1000, as applicable.

(e) *HUD technical assistance.* HUD will provide technical assistance as authorized to assist the CoRA in preparing the required tax incentives utilization plans.

**§ 599.509 Modification of commitments and plans.**

The CoRA may submit requests to HUD to modify the State and local commitments made at the time of application as required by § 599.107 and the tax incentives utilization plans required by § 599.505. Requests must provide evidence to support the proposed modifications. HUD will review the proposed modification for consistency with regulatory and statutory requirements and approve, suggest additional or alternate modifications or deny the request within 30 days.

**§ 599.511 Reports and other information.**

The CoRA and the State or local governments in which the Renewal Community is located must submit such periodic reports and provide such additional information as HUD may require.

**§ 599.513 Revocation of designation.**

(a) *Basis for revocation.* HUD may revoke the Renewal Community designation of an area if HUD determines that the CoRA or the State or local governments in which the area is located:

(1) Have modified the boundaries of the area; or

(2) Are not complying substantially with, or fail to make progress in achieving the State and local commitments made at the time of application as required by § 599.107.

(b) *Letter of warning.* Before revoking the Renewal Community designation of an area, HUD will issue a letter of warning to the CoRa and the State and local governments in which the area is located, with a copy to all affected Federal agencies of which HUD is aware:

(1) Advising that HUD has determined that the CoRA and/or State and/or local governments in which the area is located have:

(i) Modified the boundaries of the area without written approval from HUD; or

(ii) Are not complying substantially with, or have failed to make progress in achieving the State and local commitments made at the time of application as required by § 599.107; and

(2) Requesting a reply from the CoRa and State and local governments in which the area is located within 90 days of the receipt of this letter of warning.

(c) *Notice of revocation.* To revoke the designation, HUD must issue a final notice of revocation of the designation of the area as a Renewal Community, after allowing 90 days from the date of receipt of the letter of warning for response, and after making a determination in accordance with paragraph (a) of this section.

(d) *Notice to affected Federal agencies.* HUD will notify all affected Federal agencies of which it is aware, of its determination to revoke any designation in accordance with this section.

(e) *Effect of revocation.* Upon revocation of a Renewal Community designation, the designation and applicable benefits cease to be available in the area.

(f) *Publication.* The final notice of revocation of designation will be published in the **Federal Register**, and the revocation will be effective on the date of publication.

Dated: June 14, 2001.

**Mel Martinez,**

*Secretary.*

[FR Doc. 01–17011 Filed 7–6–01; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Monday,
July 9, 2001

# Part V

# Department of Education

## Office of Vocational and Adult Education; Tech-Prep Demonstration Program (TPDP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

## DEPARTMENT OF EDUCATION

**[CFDA No: 84.353]**

### Office of Vocational and Adult Education; Tech-Prep Demonstration Program (TPDP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

*Note to Applicants:* This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

*Summary:* The Secretary invites applications for new awards of FY 2001 funds under the Tech-Prep Demonstration Program (TPDP) authorized by section 207 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III) (20 U.S.C.A. 2301 *et seq.*), and announces deadline dates for the transmittal of applications for funding under that program authority.

*Purpose of Program:* TPDP provides grants to enable consortia described in section 204(a) of Perkins III to carry out tech-prep education projects that involve the location of a secondary school on the site of a community college, a business as a member of the consortium, and the voluntary participation of secondary school students.

*Eligible Applicants:* To be eligible for funding under the TPDP, a consortium must include at least one member in each of the following three categories:

(1) a local educational agency, an intermediate educational agency, an area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs;

(2) (a) a nonprofit institution of higher education that offers a 2-year associate degree, 2-year certificate, or 2-year postsecondary apprenticeship program, or (b) a proprietary institution of higher education that offers a 2-year associate degree program; and

(3) a business.

Under the provisions of section 204(a)(1) of Perkins III, to be eligible for consortium membership both nonprofit and proprietary institutions of higher education must be qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965 (HEA), including institutions receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*) and tribally controlled postsecondary vocational and technical institutions.

In addition, nonprofit institutions of higher education are eligible only if they are not prohibited from receiving assistance under HEA, title IV, part B (20 U.S.C. 1071 *et seq.*), pursuant to the provisions of HEA section 435(a)(3) (20 U.S.C. 1083(a)). Proprietary institutions of higher education are eligible only if they are not subject to a default management plan required by the Secretary.

Applicants must submit a copy of the consortium agreement, as well as evidence that each of the required categories of membership has been satisfied and that each of the required members is eligible for membership under the provisions of Perkins III.

Under the provisions of section 204(a)(2), consortia also may include one or more: (1) institutions of higher education that award baccalaureate degrees; (2) employer organizations; or (3) labor organizations.

**Note:** Eligible consortia seeking to apply for funds should read and follow the regulations in 34 CFR 75.127–75.129, which apply to group applications.

*Deadline for Transmittal of Applications:* September 17, 2001.

*Deadline for Intergovernmental Review:* November 16, 2001.

*Project Period:* 36 months.

Applicants under this competition are required to provide detailed budget information for each year of the proposed project and for the total grant requested. The Department will negotiate funding levels for each 12-month period of the grant at the time of the initial award.

**Note:** The Secretary has concluded that entire, multi-year projects funded by three-year awards will be necessary for TPDP grantees to fully meet the statutory purposes of section 207 and the requirements of this notice.

By definition, tech-prep is designed to prepare students enrolled in career-technical education at the secondary level to graduate from high school and make a successful transition to postsecondary occupational-technical education and high skills, high wage employment.

As outlined in this notice, three-year funding will permit grantees to devote up to nine months to planning and program development, to enroll a cohort of voluntary student participants for a full two years at the secondary level, and then to follow and evaluate their transition to postsecondary education and employment for at least six months after graduation.

*Available Funds:* $5,000,000.

**Note:** The Secretary may reserve up to $50,000 from these funds for the peer review of applications.

*Estimated Range of Awards:* $400,000 to $600,000 for the 36-month project period.

*Estimated Average Size of Awards:* $500,000.

*Estimated Number of Awards:* 10.

**Note:** The Department is not bound by any estimates in this notice.

### Applicable Statute and Regulations

(a) The relevant provisions of Perkins III, including:

(1) Section 202 (Definitions of Articulation Agreement, Community College, and Tech-Prep Education Program).

(2) Section 207 (Demonstration Program).

(3) The relevant portions of sections 204 (Tech-Prep Education) and 205 (Consortium Applications).

(4) Section 3 (Definitions, except for terms defined in section 202).

(5) Section 311(a) (Supplement Not Supplant).

(6) Section 314 (Voluntary Selection and Participation).

(7) Section 315 (Limitation for Certain Students (prior to the seventh grade)).

(8) Section 316 (Federal Laws Guaranteeing Civil Rights).

(b) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants and Agreements to Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(5) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86 (Drug and Alcohol Abuse Prevention).

(9) 34 CFR part 97 (Protection of Human Subjects).

(10) 34 CFR part 98 (Student Rights in Research, Experimental Programs and Testing).

(11) 34 CFR part 99 (Family Education Rights and Privacy).

### Description of the Program

*Program Requirements*

Title II of Perkins III authorizes a State-administered grant program to

support Tech-Prep Education: coherent, non-duplicative, vocational-technical programs of study that meet specific criteria set forth in sections 202(a)(3) and 204(c) of Perkins III. Spanning at least two years each at the secondary and postsecondary levels, and leading to an associate degree or certificate and a high skills, high wage career, tech-prep represents the most comprehensive educational strategy preparing students for entry into the non-baccalaureate sectors of the labor market, particularly the technician/technologist sector.

Section 207 authorizes TPDP projects demonstrating a particular form of tech-prep. Under the TPDP, the Secretary awards grants to eligible consortia to enable them to carry out tech-prep education projects that involve a secondary school located on the site of a community college, a business as a member of the consortium, and the voluntary participation of secondary school students in the program.

In addition, as required by sections 207(b) and 207(d), funded TPDP projects must meet all of the requirements of the Perkins III State-administered Tech-Prep Education Program in general (with the exception of articulation agreements with 4-year institutions of higher education), as set forth in sections 202(3) and 204(c) of Perkins III, and modified by section 207(d)(2).

See Appendix B for the key applicable legal requirements for Tech-Prep Education projects supported under section 207 of Perkins III.

*Competition Requirements*

The educational community has exhibited considerable interest in the growing number of pilot projects and other initiatives involving secondary schools located on the campuses of community colleges. The campus location enables these schools to improve the quality of teaching and learning by tapping into the resources of community colleges. Students are able to take advantage of the advanced technology, quality skill training facilities, rich curriculum, career guidance and academic counseling services, employer connections, and preparation for further education and lifelong learning that are the hallmarks of the U.S. community college system.

Projects that involve the ''virtual'' location of a secondary school on the site of a community college, as well as projects that involve satellite community college sites located on the premises of secondary schools, are not eligible for support under this competition. This is consistent with the existing literature about the ''middle college'' co-location program format, which suggests that the physical presence of secondary school students on the campus of a community college can have a positive impact on their morale, commitment to learning, and likelihood of successfully graduating from high school and transitioning to postsecondary education.

To ensure the high quality of TPDP projects assisted under this competition, and the achievement of the purposes of section 207 of Perkins III, the Secretary establishes the following additional program requirements. The requirements apply to all applicants seeking funding under this competition.

(1) *Planning and Implementation:* Each TPDP project must implement the full, two-year secondary component of a tech-prep program of study during the period of funding under this competition. Student participation in TPDP projects assisted under this competition must begin no later than the fall term of 2002. The Secretary expects to award grants in January of 2002.

Applicants may propose to devote up to nine months to planning, program development, and student recruitment and enrollment, depending on the actual dates that grants are awarded and fall terms begin.

(2) *Evaluation:* Each TPDP project assisted under this competition must follow participating secondary students for at least six months after graduation and evaluate their transition to the two-year postsecondary component of the tech-prep program, other postsecondary education programs, or to employment.

A central focus of the project evaluation must be an assessment of the academic and related outcomes of participating students, including student academic and technical skill achievement, high school graduation, enrollment, and, to the extent feasible, persistence, and success in postsecondary education, and labor market entry, in comparison with those of similar students who pursued other programs of study.

In addition to being consistent with the Perkins III requirement that recipients measure levels of performance of their vocational and technical programs, this notice is harmonious with the Department's promotion of accountability and performance measures under the Government Performance and Results Act (GPRA). (Applicants should read and follow the regulations in 34 CFR 75.590–75.592, which further describe grantee evaluation requirements.)

**Note:** The specific requirements of GPRA are discussed in Appendix A of this notice.

(3) *Reporting:* For each year of project activity and at the conclusion of Federal funding, grantees must submit to the Secretary an annual performance report that: summarizes project progress and significant accomplishments, both with respect to the process of implementation and the outcomes of student participation; identifies any barriers to continued progress and outlining solutions; reviews prospects for sustained operations after the cessation of Federal support; highlights opportunities for replication and specifies implications for future research and practice. TPDP projects are also subject to the State performance accountability system established under section 113 of Perkins III and will report separately to the State eligible agency for Perkins III, following the procedures and requirements established by that agency.

*Allowable Activities and Expenditures*

Section 207(b)(2) specifies that TPDP projects may provide summer internships at a business for students or teachers. Other allowable activities and expenditures for TPDP projects include, but are not limited to: staff recruitment, selection, and hiring; acquisition of tech-prep program equipment; negotiation, ratification, and updating of articulation agreements; curriculum design; professional development for secondary and postsecondary faculty, counselors, and administrators; development and maintenance of business and industry partnerships; and recruitment and enrollment of students.

Section 207 gives applicants broad latitude for innovation and experimentation in terms of both the institutional framework of the tech-prep demonstration program and the program model to be carried out.

For example, although tech-prep education by definition includes at least two years of education at the secondary level preceding high school graduation and two years of postsecondary education or apprenticeship training, section 204(c)(3)(B) authorizes tech-prep programs that allow students to concurrently complete both secondary and postsecondary courses, and simultaneously satisfy requirements for a high school diploma and an associate degree or other postsecondary credential.

The Secretary recommends that applicants consult with appropriate State agencies in developing their applications, including, particularly, the State eligible agency responsible for administering Perkins III.

*Unallowable Costs*

(1) *Supplanting.* In accordance with section 311(a) of Perkins III, funds under this program may not be used to supplant non-Federal funds used to carry out vocational and technical education activities and tech-prep activities. Further, the prohibition against supplanting also means that grantees are required to use their negotiated restricted indirect cost rate under this program. (34 CFR 75.563).

Because of the statutory prohibition against supplanting, the Secretary cautions applicants not to plan to use Federal funds awarded under section 207 to replace non-Federal funding already available for support of the TPDP projects to be assisted.

Further, the Secretary is concerned that TPDP funds may be used to replace Federal student financial aid. The Secretary wishes to highlight the fact that the statute does not authorize the Secretary to fund projects that serve primarily as entities through which students may apply for and receive tuition and other financial assistance.

(2) *Limitation on services.* Section 315 of Perkins III prohibits the use of funds received under the Act to provide vocational and technical education programs to students prior to the seventh grade.

(3) *Construction.* Under EDGAR (34 CFR 75.533), TPDP grants cannot be used for the acquisition of real property or construction.

(4) *Articulation Agreements with Four-Year Institutions.* Under the provisions of section 207(d), tech-prep articulation agreements with four-year institutions cannot be supported with funds awarded under section 207. However, articulation agreements with four-year institutions can be developed using other resources by applicants who wish to establish ''open-ended'' tech-prep career pathways. Also, the inclusion of institutions of higher education that award baccalaureate degrees in TPDP consortia is allowable under section 204(a)(2)(A).

**Special Considerations**

In addition to the points to be awarded to applicants based on the selection criteria, under section 207(d)(3) of Perkins III the Secretary awards 5 additional points to applications that:

(1) Provide for effective employment placement activities;

(2) Effectively address the issues of school dropout prevention and reentry, as well as the needs of special populations;

(3) Provide education and training in career areas or skills in which there are significant workforce shortages, including the information technology industry; and

(4) Demonstrate how tech-prep programs will help students meet high academic and employability competencies.

**Invitational Priorities**

The Secretary is particularly interested in applications that, within the program requirements for this competition, meet one or both of the following invitational priorities. Under 34 CFR 75.105(c)(1), the Secretary does not give an application that meets invitational priorities a competitive or absolute preference over other applications.

*Invitational Priority 1:* Applications that propose innovative methods for providing inservice training for teachers, counselors, and administrators at the secondary and postsecondary levels, particularly methods that both emphasize and exemplify best practices in contextual teaching and learning.

*Invitational Priority 2:* Applications that propose to offer high quality paid work-based learning opportunities to all participants, and to award portable, industry-validated skill certificates.

**Selection Criteria**

The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The Secretary awards a total possible score of 100 criteria points. The maximum possible score for each criterion is indicated in parentheses.

(a) *Quality of the project design.* (35 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project presents a comprehensive, detailed, and credible plan to implement all of the required elements of tech-prep education programs specified in sections 202(3) and 204(c)(1)–(3) of Perkins III (see Appendix B);

(ii) The extent to which that plan provides for all of the required services for tech-prep teachers, counselors, and participants, including members of special populations, specified in section 204(c)(4)–(7), including the academic and career counseling and employment placement training required by Section 204(c)(5).

(iii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project support the purposes of section 207—the demonstration of tech-prep education programs involving the location of a secondary school on the site of a community college, a business as a member of the consortium, and the voluntary participation of secondary school students—and are clearly specified and measurable.

(iv) The extent to which the required members of the consortium under sections 204(a) and 207 have been involved with the design of the proposed project and have made a formal commitment to its implementation.

(v) The extent to which the business member or members of the consortium or other employers have agreed to provide opportunities for structured work-based learning, combining both academic and vocational-technical knowledge and skills and integrated into the tech-prep curriculum, such as summer internships for students and/or teachers as authorized under section 207(b)(2).

(b) *Quality of the management plan.* (20 points) (1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the management plan describes the role of each consortium member in achieving the objectives of the proposed project.

(iii) The extent to which the time commitments of the project director and other key personnel are appropriate and adequate to meet the objectives of the proposed project.

(c) *Quality of project personnel.* (15 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director.

(ii) The qualifications, including relevant training and experience, of key project personnel, including faculty, counselors, administrators, project consultants, and subcontractors.

(d) *Adequacy of resources.* (10 points)

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the participating institutions.

(ii) The extent to which the budget is adequate to support the proposed project.

(iii) The extent to which the costs are reasonable in relation to the objectives and design of the proposed project.

(iv) The level of demonstrated commitment of each consortium member to the implementation and success of the proposed project.

(v) The potential for continued and sustained support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

(e) *Quality of the project evaluation.* (20 points)

(1) The Secretary considers the quality of the evaluation to be conducted by an independent evaluator of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the proposed evaluation will collect and analyze a comprehensive set of academic and related outcomes of participating students, including: academic and technical skill achievement; high school graduation; enrollment, and, to the extent feasible, persistence and success in postsecondary education; and labor market entry.

(ii) The extent to which the proposed evaluation will use rigorous, scientifically accepted methods to assess the effectiveness of the project, including experimental or quasi-experimental methods in which program participants are matched with non-participants that possess similar pre-program characteristics (e.g., attendance, academic and technical skill results, grade point average, socioeconomic status), and outcomes for both groups are documented and compared.

(iii) The extent to which the proposed evaluation will produce qualitative data that describes the implementation of the project and the experiences of the students.

(iv) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

**Intergovernmental Review of Federal Programs**

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedures established in each State under the Executive order.

If you want to know the name and address of any State Single Point of Contact (SPOC), you may view the latest SPOC list on the OMB web site at the following address:

*http://www.whitehouse.gov/omb/grants/spoc.html.*

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372–CFDA #84.353, U.S. Department of Education, Room 7E200, 400 Maryland Avenue, SW, Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

**Waiver of Rulemaking**

It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA) exempts from formal rulemaking requirements rules governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). The program authority for the TPDP was newly established on October 31, 1998, by Public Law 105–332, and this is the first grant competition under that authority. The Secretary, in accordance with section 437(d)(1) of GEPA, has decided to forego public comment in order to ensure timely grant awards. These requirements will apply only to the FY 2001 grant competition.

**Instructions for Transmittal of Applications**

**Note:** Some of the procedures in these instructions for transmitting applications differ from those in EDGAR (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

*Pilot Project for Electronic Submission of Applications*

The U.S. Department of Education is expanding its pilot project of electronic submission of applications to include certain formula grant programs, as well as additional discretionary grant competitions. The TPDP under section 207 Perkins III is one of the programs included in the pilot project. If you are an applicant for TPDP funding, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in this e-APPLICATION pilot, please note the following:

- Your participation is voluntary.

• You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.

• You can submit all documents electronically, including the Application for Federal Assistance (ED 424), Budget Information-Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• Fax a signed copy of the Application for Federal Assistance (ED 424) after following these steps:

1. Print ED 424 from the e-APPLICATION system.

2. Make sure that the institution's Authorizing Representative signs this form.

3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

4. Place the PR/Award number in the upper right hand corner of ED 424.

5. Fax ED 424 to the Application Control Center within three working days of submitting your electronic application. We will indicate a fax number in e-APPLICATION at the time of your submission.

• We may request that you give us original signatures on all other forms at a later date.

• You may access the electronic grant application for the TPDP at: *http://e-grants.ed.gov.*

For additional information about the e-APPLICATION pilot project, see *Parity Guidelines between Paper and Electronic Applications,* below.

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

(A) If You Send Your Application by Mail:

You must mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.353, Washington, DC 20202–4725.

You must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(B) If You Deliver Your Application by Hand:

You or your courier must hand deliver the original and two copies of the application by 4:30 p.m. (Eastern Time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.353, Room 3633, Regional Office Building 3, 7th and D Streets, SW., Washington, DC.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Eastern Time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

(C) If You Submit Your Application Electronically:

You must submit your grant application through the Internet using the software provided on the e-Grants Web site (*http://e-grants.ed.gov*) by 4:30 p.m. (Eastern Time) on the deadline date.

The regular hours of operation of the e-Grants Web site are 6:00 a.m. until 12:00 midnight (Eastern time) Monday—Friday and 6:00 a.m. until 7:00 p.m. Saturdays.

The system is unavailable on the second Saturday of every month, Sundays, and Federal holidays. Please note that on Wednesdays the Web site is closed for maintenance at 7:00 p.m. (Eastern Time).

**Notes:** (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

(2) If you send your application by mail or deliver it by hand or by a courier service, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Education Assistance (ED 424; revised November 12, 1999) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(4) If you submit your application through the Internet via the e-Grants Web site, you will receive an automatic acknowledgment when we receive your application.

*Parity Guidelines Between Paper and Electronic Applications*

The Department of Education is expanding the pilot project, which began in FY 2000 and allows applicants to use an Internet-based electronic system for submitting applications. This competition is among those that have an electronic submission option available to all applicants. The system, called e-APPLICATION, formerly e-GAPS (Electronic Grant Application Package System), allows an applicant to submit a grant application to us electronically, using a current version of the applicant's Internet browser. To see e-APPLICATION visit the following address: *http://e-grants.ed.gov.*

In an effort to ensure parity and a similar look between applications transmitted electronically and applications submitted in conventional paper form, e-APPLICATION has an impact on all applicants under this competition.

Users of e-APPLICATION, a data driven system, will be entering data on-line while completing their applications. This will be more interactive than just e-mailing a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will go into a database and ultimately will be accessible in electronic form to our reviewers.

This pilot project is another step in the Department's transition to an electronic grant award process. In addition to e-APPLICATION, the Department is conducting a limited pilot of electronic peer review (e-READER) and electronic annual performance reporting (e-REPORTS).

To help ensure parity and a similar look between electronic and paper copies of grant applications, we are asking each applicant that submits a paper application to adhere to the following guidelines:

• Submit your application on 8½″ by 11″ paper.

• Leave a 1-inch margin on all sides.

• Use consistent font throughout your document. You may also use boldface type, underlining, and italics. However, please do not use colored text.

• Please use black ink for illustrations, including charts, tables, graphs and pictures.

• For the narrative component, your application should consist of the number and text of each selection criterion followed by the narrative. The text of the selection criterion, if included, does not count against any page limitation.

• Place a page number at the bottom right of each page beginning with 1, and number your pages consecutively throughout your document.

**Application Instructions and Forms**

All forms and accompanying instructions are included as Appendix D of this notice. Questions and answers pertaining to this program are included, as Appendix C, to assist potential applicants.

To apply for an award under this program, your application must be organized in the following order and include the following five parts. The parts and additional materials are as follows:

Part I: Application for Federal Education Assistance (ED 424 (Rev. 1/12/99)) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

Part III: Budget Narrative (See instructions in Appendix A).

Part IV: Program Narrative (See instructions in Appendix A).

Part V: Additional Assurances and Certifications:

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certification regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014, 9/90) and instructions.

**(Note:** ED Form 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

d. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions.

No grant may be awarded unless a completed application form has been received.

**FOR FURTHER INFORMATION CONTACT:** Chris Lyons, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW (Room 4328, Mary E. Switzer Building), Washington, D.C. 20202–7100. Voice: 202–260–7744; Fax: 202–205–55522; E-mail: christopher.lyons@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed at the beginning of this paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the notice.

**Electronic Access to This Document**

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (PDF) on the Internet at the following site:

*http://www.ed.gov/legislation/FedRegister*

To use PDF you must have the Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498, or in the Washington, DC, area at (202) 512–1530.

Additionally, this notice, as well as other documents concerning the implementation of Perkins III, is available on the Internet at the following site:

*http://www.ed.gov/offices/OVAE/VocEd/InfoBoard/legis.html.*

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at:

*http://www.access.gpo.gov/nara/index.html*

**Program Authority:** 20 U.S.C. 2328.

Dated: June 28, 2001.

**Jon Weintraub,**

*Acting Deputy Assistant Secretary, Office of Vocational and Adult Education.*

**Estimated Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1830–0550. (Expiration date: June 30, 2004). The time required to complete this information collection is estimated to average 50 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

*If you have any comments concerning the accuracy of the time estimate, or suggestions for improving this grant application, please write to:* U.S. Department of Education, Washington, DC 20202–4651.

*If you have comments or concerns regarding the status of your individual submission under this grant application, write directly to:* Christopher D. Lyons, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW (Mary E. Switzer Building, Room 4328), Washington, DC 20202–7100 (e-mail: christopher.lyons@ed.gov).

**Appendix A—Instructions**

*Instructions for Budget Information*

Sections A and B—Budget Summary by Categories

(1) Personnel: Show salaries to be paid to personnel for each budget year.

(2) Fringe Benefits: Indicate the rate and amount of fringe benefits for each budget year.

(3) Travel: Indicate the amount requested for both local and out of State travel of Project Staff for each budget year. Include funds for at least one trip per year for two people to attend a Project Directors' Workshop.

(4) Equipment: Indicate the cost of non-expendable personal property that has a cost of $5,000 or more per unit for each budget year.

(5) Supplies: Include the cost of consumable supplies and materials to be used during the project period for each budget year.

(6) Contractual: Show the amount to be used for: (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) subcontracts for each budget year.

(7) Construction: Not Applicable.

(8) Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants and capital expenditures for each budget year.

(9) Total Direct Cost: Show the total for Lines 1 through 8 for each budget year.

(10) Indirect Costs: Indicate the rate and amount of indirect costs for each budget year. Applicants must use a restricted indirect cost rate.

(11) Training/stipend Cost: Not applicable. This item pertains only to student and institutional allowances.

(12) Total Costs: Show total for lines 9 through 11 for each budget year.

*Instructions for Budget Narrative*

The budget narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs. Please be sure that each page of the budget narrative is numbered consecutively.

*Instructions for Program Narrative*

The program narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, why, and how, of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is based on the special consideration and selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection

criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and EDGAR regulations governing this program, and the eligibility requirements, priorities, special consideration criteria, and the selection process and criteria.

Your program narrative should be clear, concise, and to the point. The program narrative should be organized in this way:

(1) Begin the narrative with a one page abstract or summary of your project, including a short description of the project's objectives and activities. Provide a short description of the student populations to be served in the proposed project.

(2) Include a table of contents listing the parts of the narrative in the order of the selection criteria and the page numbers where the parts of the narrative are found. Be sure to number the pages.

(3) Describe the project in detail, addressing each selection criterion in order. Do not simply paraphrase the criteria.

(4) If appropriate, describe how the project meets the special considerations.

(5) Attach a consortium agreement delineating the contribution each member intends to make, signed by the appropriate official for each member, and documenting the fact that the three mandatory membership categories have been satisfied.

(6) Applicants may include supporting documentation as appendices to the narrative. This material should be concise and pertinent to the application.

The Secretary suggests that you limit the program narrative to no more than 50 double-spaced, typed pages (on one side only), although both shorter and longer applications will receive full consideration. Be sure to number consecutively ALL pages in your application.

You are advised that—

(a) The Secretary considers only information contained in the application in ranking applications for funding consideration.

(b) The technical review panel evaluates each application solely on the basis of the special consideration and selection criteria contained in this notice.

(c) Letters of support which are included as appendices to an application (and which are of direct relevance to, or contain commitments that pertain to, the established selection criteria) will be reviewed by the panel. Letters of support which are sent separately from the formal application package will not be considered in the panel review. (34 CFR 75.217)

*GPRA Performance Measures*

The Government Performance and Results Act of 1993 (GPRA) places new management expectations and requirements on Federal departments and agencies by creating a framework for more effective planning, budgeting, program evaluation, and fiscal accountability for Federal programs. The intent of GPRA is to improve public confidence by holding departments and agencies accountable for achieving program results. Under GPRA, Departments and agencies must clearly describe the goals and objectives of their programs, identify resources and actions needed to accomplish these goals and objectives, develop a means of measuring progress made, and regularly report on their achievement.

One important source of program information on successes and lessons learned is the project evaluation conducted under individual grants.

Factors that may be considered in evaluating the success of TPDP projects may include:

(1) Number of students who participate in TPDP projects;

(2) Number and percent of participating students who master high level academic and technical skills;

(3) Number and percent of participants who receive a high school diploma or GED;

(4) Number and percent of participants who enroll in postsecondary education;

As specified in Competition Requirement (2) and Selection Criterion (e), an evaluation plan must be included in each grant application. The application should describe the plan in detail, including such information as: (1) What types of data will be collected; (2) what instruments will be used; (3) when reports of results and outcomes will become available; and (4) how information will be used by the project to monitor progress and provide accountability information to stakeholders.

## Appendix B—Key Tech-Prep Education Legal Requirements

This Appendix sets forth the requirements of sections 202, 204, and 207 of Perkins III. Additional requirements that apply to the TPDP or to this competition are discussed in the notice. This Appendix is provided for the applicant's convenience and is not meant to substitute for a careful reading of all the statutory provisions that are applicable as discussed in the notice. Amendments to section 204 made by section 207 are reflected below.

*Title II—Tech-Prep Education*

Sec. 202. DEFINITIONS

(a) In this title:

(1) ARTICULATION AGREEMENT—The term ''articulation agreement'' means a written commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to degrees or certificates in a tech-prep education program.

(2) COMMUNITY COLLEGE—The term ''community college''—

(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree; and

(B) includes tribally controlled colleges or universities.

(3) TECH-PREP PROGRAM.—The term ''tech-prep program'' means a program of study that—

(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

(B) integrates academic, and vocational and technical, instruction, and utilizes work-based and worksite learning where appropriate and available;

(C) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

(D) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics, and integrated instruction, in a coherent sequence of courses;

(E) leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field; and

(F) leads to placement in appropriate employment or to further education.

* * *

Sec. 204. TECH-PREP EDUCATION

(a) GRANT PROGRAM AUTHORIZED—

(1) IN GENERAL— * * *

The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that offers—

(I) a 2-year associate degree program, or a 2-year certificate program, and is qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

(II) a 2-year apprenticeship program that follows secondary instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1085(a)(3)); or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

(2) SPECIAL RULE—In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; and

(B) employer or labor organizations.

* * *

(c) CONTENTS OF TECH-PREP PROGRAM—Each tech-prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of at least 2 years of secondary school preceding graduation and 2 years or more of higher education, or an

apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or a postsecondary certificate in a specific career field;

(3) include the development of tech-prep programs for both secondary and postsecondary, including consortium, participants in the consortium that—

(A) meets academic standards developed by the State;

(B) links secondary schools and 2-year postsecondary institutions . . ., including the investigation of opportunities for tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework;

(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

(D) uses educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

(4) include in-service training for teachers that—

(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

(B) provides for joint training for teachers in the tech-prep consortium;

(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry;

(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

(E) provides training in the use and application of technology;

(5) include training programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech-prep education programs;

(B) support student progress in completing tech-prep programs;

(C) provide information on related employment opportunities;

(D) ensure that such students are placed in appropriate employment; and

(E) stay current with the needs, expectations, and methods of business and all aspects of an industry;

(6) provide equal access, to the full range of technical preparation programs, to individuals who are members of special populations, including the development of tech-prep program services appropriate to the needs of special populations; and

(7) provide for preparatory services that assist participants in tech-prep programs.

* * *

Sec. 207. DEMONSTRATION PROGRAM.

(a) DEMONSTRATION PROGRAM AUTHORIZED—From funds appropriated under subsection (e) of this section for a fiscal year, the Secretary shall award grants to consortia described in section 204(a) of this title to enable the consortia to carry out tech-prep education programs.

(b) PROGRAM CONTENTS—Each tech-prep program referred to in subsection (a) of this section—

(1) shall—

(A) involve the location of a secondary school on the site of a community college;

(B) involve a business as a member of the consortium; and

(C) require the voluntary participation of secondary school students in the tech-prep education program; and

(2) may provide summer internships at a business for students or teachers.

* * *

## Appendix C—Questions and Answers

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, the Department has assembled the following most commonly asked questions followed by the Department's answers.

Q: Can we get an extension of the deadline?

A: No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and must apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

Q: If I submit a paper application instead of electronic, how many copies of the application should I submit and must they be bound?

A: Applicants who elect to prepare paper applications are required to submit one original and two copies of the grant application. To aid with the review of applications, the Department encourages paper applicants to submit three additional copies of the grant application. However, the Department will not penalize applicants who do not provide additional copies. Sending applications in notebooks, binders, folders, or other coverings is discouraged.

Q: We just missed the deadline for a particular competition. May we submit under another competition?

A: Yes, however, the likelihood of success is not good. A properly prepared application must meet the specifications of the competition to which it is submitted.

Q: I'm not sure which competition is most appropriate for my project. What should I do?

A: We are happy to discuss any such questions with you and provide clarification on the unique elements of the various competitions.

Q: Will you help us prepare our application?

A: We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and priorities. Applicants should understand, however, that prior contact with the Department is not required, nor will it in any way influence the success of an application.

Q: When will I find out if I'm going to be funded?

A: You can expect to receive notification as soon as possible after the application closing date, depending on the number of applications received and the number of Department competitions with similar closing dates.

Q: Once my application has been reviewed by the review panel, can you tell me the outcome?

A: No. Every year we are called by a number of applicants who have a legitimate reason for needing to know the outcome of the panel review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the results of panel review with anyone.

Q: Will my application be returned if I am not funded?

A: No. We no longer return unsuccessful applications. Thus, applicants should retain at least one copy of their application.

Q: Can I obtain copies of reviewers' comments?

A: Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q: Is travel allowed under these projects?

A: Travel associated with carrying out the project is allowed. Because we may request the project director of funded projects to attend an annual project directors' meeting, you may also wish to include a trip or two to Washington, DC, in the travel budget. Travel to conferences is sometimes allowed when the purpose of the conference will be of benefit and relates to the project.

Q: If my application receives high scores from the reviewers, does that mean that I will receive funding?

A: Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications reviewed and other relevant factors, determines the applications that can be funded.

Q: What happens during pre-award clarification discussions?

A: During pre-award clarification discussions, technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as ''conditions.'' These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because an application contains inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all issues under discussion have been resolved.

Q: How do I provide an assurance?

A: Except for SF–424B, ''Assurances—Non-Construction Programs,'' you may provide an assurance simply by stating in writing that you are meeting a prescribed requirement.

Q: Where can copies of the **Federal Register**, program regulations, and Federal statutes be obtained?

A: Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 708–8228. When requesting copies of regulations or statutes, it is helpful to use the specific name or public law, number of a statute, or part number of a regulation. A copy of the Code of Federal Regulations that contains the Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99, may be obtained from the Government Printing Office by writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or by telephoning (202) 512–1800. It may also be obtained on the internet at: *http://www.access.gpo.gov/su—docs, or http://www.access.gpo.gov/nara/cfr.*

**Federal Register** notices can also be accessed on the internet at: *http://www.access.gpo.gov/nara/index.html.*

Q: Where in the notice does it explain how the required parts of the application should be ordered?

A: The ordering for the required parts of the application is specified in the section of the notice entitled ''Application Instructions and Forms.''

**BILLING CODE: 4000–01–P**

Appendix D—Forms and Instructions 1

# Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved OMB No. 1875-0106 Exp. 06/30/2001

## Applicant Information

1. Name and Address
Legal Name:
Address:
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number
3. Applicant's T-I-N -
4. Catalog of Federal Domestic Assistance #: 8 4 . 3 5 3 → Title: Tech-Prep Demonstration Program (TPDP)
5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) - Fax #: ( ) -
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
*(If "Yes," attach an explanation.)*

7. Type of Applicant *(Enter appropriate letter in the box.)* ☐

| | |
|---|---|
| A State | H Independent School District |
| B County | I Public College or University |
| C Municipal | J Private, Non-Profit College or University |
| D Township | K Indian Tribe |
| E Interstate | L Individual |
| F Intermunicipal | M Private, Profit-Making Organization |
| G Special District | N Other *(Specify)*: |

8. Novice Applicant ☐ Yes ☐ No

## Application Information

9. Type of Submission:

| *—PreApplication* | *—Application* |
|---|---|
| ☐ Construction | ☐ Construction |
| ☐ Non-Construction | ☐ Non-Construction |

10. Is application subject to review by Executive Order 12372 process?
☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/___
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates: Start Date: ___/___/___ End Date: ___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #: OR b. Assurance of Compliance #:
c. IRB approval date: ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

## Estimated Funding

| | | |
|---|---|---|
| 14a. Federal | $ | .00 |
| b. Applicant | $ | .00 |
| c. State | $ | .00 |
| d. Local | $ | .00 |
| e. Other | $ | .00 |
| f. Program Income | $ | .00 |
| g. TOTAL | $ | .00 |

## Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative
b. Title
c. Tel. #: ( ) - Fax #: ( ) -
d. E-Mail Address:
e. Signature of Authorized Representative Date: ___/___/___

REV. 11/12/99 ED 424

## Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" or "No". If research activities involving human subjects are not planned at any time during the proposed project period, check **"No."** **The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** *If* all the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one *or more* of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If some or all of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    **If the applicant organization has an approved Multiple Project Assurance of Compliance** on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have on file with GPOS or OPRR an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

### Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

# PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

## I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a, **(all research activities are exempt)**, provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt)**, address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

## II. Information on Research Activities Involving Human Subjects

### A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

**—Is it a research activity?**

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

***Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.***

# U.S. DEPARTMENT OF EDUCATION

## BUDGET INFORMATION

## NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

### SECTION A - BUDGET SUMMARY
### U.S. DEPARTMENT OF EDUCATION FUNDS

| Budget Categories | Project Year 1 (a) | Project Year 2 (b) | Project Year 3 (c) | Project Year 4 (d) | Project Year 5 (e) | Total (f) |
|---|---|---|---|---|---|---|
| 1. Personnel | | | | | | |
| 2. Fringe Benefits | | | | | | |
| 3. Travel | | | | | | |
| 4. Equipment | | | | | | |
| 5. Supplies | | | | | | |
| 6. Contractual | | | | | | |
| 7. Construction | | | | | | |
| 8. Other | | | | | | |
| 9. Total Direct Costs (lines 1-8) | | | | | | |
| 10. Indirect Costs | | | | | | |
| 11. Training Stipends | | | | | | |
| 12. Total Costs (lines 9-11) | | | | | | |

ED Form No. 524

| Name of Institution/Organization | Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form. |
|---|---|

**SECTION B - BUDGET SUMMARY**
**NON-FEDERAL FUNDS**

| Budget Categories | Project Year 1 (a) | Project Year 2 (b) | Project Year 3 (c) | Project Year 4 (d) | Project Year 5 (e) | Total (f) |
|---|---|---|---|---|---|---|
| 1. Personnel | | | | | | |
| 2. Fringe Benefits | | | | | | |
| 3. Travel | | | | | | |
| 4. Equipment | | | | | | |
| 5. Supplies | | | | | | |
| 6. Contractual | | | | | | |
| 7. Construction | | | | | | |
| 8. Other | | | | | | |
| 9. Total Direct Costs (lines 1-8) | | | | | | |
| 10. Indirect Costs | | | | | | |
| 11. Training Stipends | | | | | | |
| 12. Total Costs (lines 9-11) | | | | | | |

**SECTION C - OTHER BUDGET INFORMATION** (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

# INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| APPLICANT ORGANIZATION | DATE SUBMITTED |

Standard Form 424B (Rev. 7-97) Back

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

---

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

| NAME OF APPLICANT | PR/AWARD NUMBER AND / OR PROJECT NAME |
|---|---|
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| SIGNATURE | DATE |

ED 80-0013 12/98

## Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification**

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

| NAME OF APPLICANT | PR/AWARD NUMBER AND/OR PROJECT NAME |
|---|---|
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| SIGNATURE | DATE |

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

## DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

| | | |
|---|---|---|
| **1. Type of Federal Action:**<br>☐ a. contract<br>b. grant<br>c. cooperative agreement<br>d. loan<br>e. loan guarantee<br>f. loan insurance | **2. Status of Federal Action:**<br>☐ a. bid/offer/application<br>b. initial award<br>c. post-award | **3. Report Type:**<br>☐ a. initial filing<br>b. material change<br>**For Material Change Only:**<br>year _____ quarter _____<br>date of last report _____ |
| **4. Name and Address of Reporting Entity:**<br>☐ Prime ☐ Subawardee<br>Tier _____, *if known*:<br><br>Congressional District, *if known*: | **5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:**<br><br>Congressional District, *if known*: | |
| **6. Federal Department/Agency:** | **7. Federal Program Name/Description:**<br><br>CFDA Number, *if applicable*: _____ | |
| **8. Federal Action Number, *if known*:** | **9. Award Amount, *if known*:**<br>$ | |
| **10. a. Name and Address of Lobbying Registrant** (*if individual, last name, first name, MI*): | **b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*): | |
| **11.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure. | Signature: _____<br>Print Name: _____<br>Title: _____<br>Telephone No.: _____ Date: _____ | |
| **Federal Use Only:** | | Authorized for Local Reproduction<br>Standard Form LLL (Rev. 7-97) |

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

[FR Doc. 01–17084 Filed 7–6–01; 8:45 am]

**BILLING CODE 4000–01–C**

Federal Register

Monday,
July 9, 2001

# Part VI

# Department of Labor

## Pension and Welfare Administration

**29 CFR Part 2560**

**Employee Retirement Income Security Act of 1974; Rules and Regulations for Administration and Enforcement; Claims Procedure; Final Rule**

**DEPARTMENT OF LABOR**

**Pension and Welfare Benefits Administration**

**29 CFR Part 2560**

**RIN 1210–AA61**

## Employee Retirement Income Security Act of 1974; Rules and Regulations for Administration and Enforcement; Claims Procedure

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**ACTION:** Final Regulation; delay of applicability date.

**SUMMARY:** This action delays for at least six months and not more than one year the applicability date for the regulation governing minimum requirements for benefit claims procedures of group health plans covered by Title I of the Employee Retirement Income Security Act. As published on November 21, 2000, the benefit claims procedure would be applicable to claims filed on or after January 1, 2002. The current action amends the regulation so that it will apply to group health claims filed on or after the first day of the first plan year beginning on or after July 1, 2002, but in no event later than January 1, 2003. This action provides a limited additional period within which group health plan sponsors, administrators, and service providers can bring their claims processing systems into compliance with the new requirements. A postponement of the applicability date with respect to group health claims will allow a more orderly transition to the new standards and will avoid the confusion and additional expense that would be caused if certain pending Congressional bills are enacted before or soon after the original applicability date. This action does not apply to pension plans or plans providing disability or welfare benefits (other than group health). For these plans, the regulation will continue to be applicable to claims filed on or after January 1, 2002.

**EFFECTIVE DATE:** July 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** Susan G. Lahne, Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219–7461. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:**

### A. Background

On November 21, 2000, the Department of Labor (the Department) published in the **Federal Register** (65 FR 70246) a final regulation, designated as § 2560.503–1 of Title 29 (the regulation), which revised the minimum requirements for benefit claims procedures of all employee benefit plans covered under Title I of the Employee Retirement Income Security Act of 1974 (ERISA). In particular, the regulation made substantial changes in the way in which employee benefit plans must process claims for group health benefits. These changes include shorter time frames for decisionmaking, new procedural standards for appeals of denied claims, and increased disclosure to claimants. The regulation also made changes to the procedural requirements for processing disability claims. With respect to other types of benefits, the regulation largely continued the standards applicable under the previous regulation, which has been in force since 1977.

Since the publication of the regulation, a number of issues have been raised by plan sponsors, service providers, state regulators, and others concerning the interpretation and application of the various provisions and requirements of the regulation that apply to group health plans. In this regard, the Department has been requested to provide additional guidance concerning the regulation in order to ensure efficient and effective implementation of the new rules. In addition, it has been argued that a delay of the regulation's applicability date is necessary for group health plans and service providers to better understand the requirements of the regulation, as well as to take into account clarifying guidance from the Department, and to efficiently implement the significant systems and other changes required by the new rules. It also has been argued that an extension of the regulation's applicability date is necessary to enable entities subject to state regulation (e.g., insurers, managed care organizations) to obtain state-level reviews and approvals of claims processes and other changes required by the regulation. In addition, concerns have been expressed about group health plans having to incur substantial costs to make the procedural, systems, and other changes necessary to accommodate the new rules while Congress is actively considering Patients' Bill of Rights legislation that, if enacted, would require new and additional changes to the same procedures and systems.

The Department is committed to ensuring that participants and beneficiaries are afforded fair and timely reviews of their benefit claims. At the same time, the Department recognizes that an orderly, efficient, and cost-effective implementation of the claims procedure rules by group health plans will ultimately benefit all affected parties, including plan participants and beneficiaries. In this regard, the Department is persuaded that plans, service providers, and state regulators would benefit from additional guidance from the Department concerning the application of the claims procedure rules to group health plans. The Department also is persuaded that the magnitude of the procedural, systems, and other changes required by the regulation, in conjunction with the need to obtain state-level approvals with respect to such changes, may necessitate more time than was originally thought necessary when the rules were adopted in November, 2000. The Department also believes that there is a significant likelihood that Patients' Bill of Rights legislation directly affecting the procedural requirements for group health plans addressed in the final rules will be enacted before, or shortly after, the January 1, 2002, applicability date of the regulation. For these reasons, the Department has determined that a limited and temporary deferral of the applicability date of the claims procedure regulation for group health plans is warranted. It should be noted, however, that this action does not apply to pension plans or plans providing disability or welfare benefits (other than group health). For these plans, the regulation will continue to be applicable to claims filed on or after January 1, 2002.[1]

Under the amendment, the regulation will apply to group health claims filed on or after the first day of the first plan year beginning on or after July 1, 2002, but in no event later than January 1, 2003. The effect of this amendment will be to provide plans an additional compliance period for group health claims of at least six months (from January 1, 2002, to July 1, 2002). For group health plans with plan years beginning on July 1, 2002, the regulation will begin to apply to new claims filed under those plans as of that date; group health plans with plan years beginning from July 2, 2002, through December 31, 2002, will need to begin processing new claims under the regulation as of the beginning of that plan year. Calendar year group health plans and all other

[1] As noted above, the rules applicable to pension plans (and welfare plans other than group health and disability) have remained essentially unchanged from the 1977 regulation. Further, issues raised with respect to group health plans, including the impact of Patients' Bill of Rights legislation, have not been raised with respect to plans providing disability or other welfare benefits.

group health plans will be required to comply with respect to all new claims filed on or after January 1, 2003.

During the period before the relevant applicability dates, the Department expects plans, at a minimum, to continue to comply with the procedural rules that were in effect before promulgation of the regulation. For those periods, compliance with either the claims procedure regulation published on November 21, 2000, or as in effect prior to January 20, 2001, will be considered by the Department to be in compliance with the requirements of section 503 of ERISA.

This amendment is published as a final rule, effective as of the date of publication in the **Federal Register**. The Department's implementation of this rule without opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(3)(B). The Department has determined, for the following reasons, that seeking public comment would be impracticable and contrary to the public interest.[2]

Absent the temporary postponement provided herein, the affected parties would have to be ready to comply with the regulation by January 1, 2002, a date that is less than six months distant from the date of publication. Therefore, for this action to serve its intended purpose, it must become effective as soon as possible. If the Department published this action in proposed form with a period for notice and comment, the affected parties would remain in doubt concerning whether compliance could be postponed. Given the imminence of the regulation's applicability date, the period for notice and comment would exhaust most of the remaining compliance period without providing certainty to the regulated public. Because the delay would exacerbate the pressures on employers, plan administrators, service providers, state regulators, and others affected by the rules and increase their confusion as to when compliance with the new procedural standards is mandatory, and because this action merely delays application of the standards for a limited period of time, the Department believes publication of the final action without notice and comment is justified under 5 U.S.C. 553(b).

[2] An agency may find that a comment period is impractical when it would impede the due and timely execution of the agency's function. A comment period is contrary to the public interest when the interest of the public would be defeated by any requirement of advance notice. *U.S. Dept. of Justice, Attorney General's Manual on the Administrative Procedure Act* 30–31 (1947).

The Department has also determined that good cause exists to make this rule effective upon publication without providing the 30-day period between publication and the effective date contemplated by 5 U.S.C. 553(d). The purpose of a delayed effective date is to afford persons affected by a rule a reasonable time to prepare for compliance. Because this action has precisely that effect—giving affected parties additional time within which to comply with the new standards—the delay contemplated by section 553(d) would not serve this purpose, the Department finds that good cause exists to make this amendment effective upon publication.

**B. Economic Analysis**

*1. Executive Order 12866*

Under Executive Order 12866, the Department must determine whether the regulatory action is ''significant'' and therefore subject to the requirements of the Executive Order and subject to review by the Office of Management and Budget (OMB). Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of the Executive Order, it has been determined that this action is ''significant'' as defined above, and accordingly was reviewed by the Office of Management and Budget. By delaying the applicability date of the claims procedure regulation for group health plans, this action will slightly alter the timing of the regulation's economic effects for such plans, but generally will not alter the magnitude or nature of those effects. In particular, this action will allow group health plans to spread the start-up cost of complying with the regulation for six to twelve months beyond January 1, 2002. Once the regulation is applicable, its ongoing costs and benefits are expected to be the same as originally estimated.

*2. Regulatory Flexibility Act*

Because this amendment is being published as a final rule without prior notice and a period for comment, the Regulatory Flexibility Act does not apply.

*3. Paperwork Reduction Act*

This action is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it does not contain a ''collection of information'' as defined in 44 U.S.C. 3502(3). This final rule will not substantially or materially change the information collection provisions of 29 CFR § 2560.503–1 as currently approved by OMB control number 1210–0053.

*4. Unfunded Mandates Reform Act*

Because this amendment is a final rule, section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531 (UMRA), does not apply. For purposes of Executive Order 12875, this rule does not include a Federal mandate that may result in expenditures by state, local or tribal governments.

*5. Small Business Regulatory Enforcement Fairness Act*

This final rule is subject to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) (SBREFA). The rule is not a major rule, as that term is defined by 5 U.S.C. 804, and has been transmitted to Congress and the Comptroller General for review.

**List of Subjects in 29 CFR Part 2560**

Employee benefit plans, Employee retirement income security act, benefit claims procedures

For the reasons set out in the preamble, 29 CFR part 2560 is amended as follows:

## PART 2560—RULES AND REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT

1. The authority citation for part 2560 continues to read as follows:

**Authority:** Secs. 502, 505 of ERISA, 29 U.S.C. 1132, 1135, and Secretary's Order 1–87, 52 FR 13139 (April 21, 1987).

Section 2560–502–1 also issued under sec. 502(b)(1), 29 U.S.C. 1132(b)(1).

Section 2560–502i-1 also issued under sec. 502(i), 29 U.S.C. 1132(i).

Section 2560–503–1 also issued under sec. 503, 29 U.S.C. 1133.

2. Revise paragraph (o) of § 2560.503–1 to read as follows:

**§ 2560.503–1 Claims Procedure.**

* * * * *

(o) *Applicability dates.*

(1) Except as provided in paragraph (o)(2) of this section, this section shall apply to claims filed under a plan on or after January 1, 2002.

(2) This section shall apply to claims filed under a group health plan on or after the first day of the first plan year beginning on or after July 1, 2002, but in no event later than January 1, 2003.

Signed at Washington, DC, this 3rd day of July, 2002.

**Ann L. Combs,**

*Assistant Secretary, Pension and Welfare Benefits Administration, U.S. Department of Labor.*

[FR Doc. 01–17145 Filed 7–5–01; 11:26 am]

BILLING CODE 4510–29–P

# Reader Aids

**Federal Register**

Vol. 66, No. 131

Monday, July 9, 2001

## CUSTOMER SERVICE AND INFORMATION

**Federal Register/Code of Federal Regulations**

| | |
|---|---|
| General Information, indexes and other finding aids | **202–523–5227** |
| **Laws** | **523–5227** |
| **Presidential Documents** | |
| Executive orders and proclamations | **523–5227** |
| **The United States Government Manual** | **523–5227** |
| **Other Services** | |
| Electronic and on-line services (voice) | **523–4534** |
| Privacy Act Compilation | **523–3187** |
| Public Laws Update Service (numbers, dates, etc.) | **523–6641** |
| TTY for the deaf-and-hard-of-hearing | **523–5229** |

## ELECTRONIC RESEARCH

**World Wide Web**

Full text of the daily Federal Register, CFR and other publications:

**http://www.access.gpo.gov/nara**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

**http://www.nara.gov/fedreg**

**E-mail**

**PENS** (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

**listserv@listserv.gsa.gov**

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to:

**info@fedreg.nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

## FEDERAL REGISTER PAGES AND DATE, JULY

34783–35076 ..... 2
35077–35364 ..... 3
35365–35528 ..... 5
35529–35750 ..... 6
35751–35888 ..... 9

## CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**3 CFR**

**Proclamations:**
7453 ..... 35361
7454 ..... 35365
**Executive Orders:**
13129 (See Notice of June 30, 2001 ..... 35363
13220 ..... 35527
**Administrative Orders:**
Notices:
Notice of June 30, 2001 ..... 35363

**7 CFR**

800 ..... 35751

**9 CFR**

**Proposed Rules:**
301 ..... 35112
303 ..... 35112
317 ..... 35112
318 ..... 35112
319 ..... 35112
320 ..... 35112
325 ..... 35112
331 ..... 35112
381 ..... 35112
417 ..... 35112
430 ..... 35112

**10 CFR**

150 ..... 35529
170 ..... 35529
171 ..... 35529
600 ..... 34783

**12 CFR**

1 ..... 34784
5 ..... 34792
7 ..... 34784
9 ..... 34792
23 ..... 34784
201 ..... 35529
**Proposed Rules:**
7 ..... 34855

**14 CFR**

39 ..... 34798, 34800, 34802, 35077, 35371, 35530, 35532, 35533, 35535, 35536, 35538
71 ..... 34807, 35080, 35540
73 ..... 34808

**15 CFR**

303 ..... 34810

**16 CFR**

801 ..... 35541
802 ..... 35541
803 ..... 35541

**17 CFR**

200 ..... 35836
240 ..... 35836
**Proposed Rules:**
41 ..... 34864
240 ..... 34864

**19 CFR**

24 ..... 34813

**21 CFR**

129 ..... 35373
165 ..... 35373
520 ..... 35755
522 ..... 35756
556 ..... 35544

**24 CFR**

27 ..... 35846
207 ..... 35070
290 ..... 35846
598 ..... 35850
599 ..... 35850

**26 CFR**

**Proposed Rules:**
1 ..... 35112

**28 CFR**

16 ..... 35374
**Proposed Rules:**
25 ..... 35567

**29 CFR**

2520 ..... 34994
2560 ..... 35886
**Proposed Rules:**
1904 ..... 35113

**30 CFR**

57 ..... 35518
**Proposed Rules:**
57 ..... 35521

**33 CFR**

100 ..... 34819, 34821, 34823, 34825, 34826, 34828
117 ..... 34829
165 ..... 34829, 34831, 34832, 34834, 34836, 34838, 34839, 34841, 34842, 34844, 34846, 34848, 35080, 35544, 35756, 35758

**36 CFR**

51 ..... 35082

**37 CFR**

**Proposed Rules:**
1 ..... 35763

**40 CFR**

52 ..... 35374, 35546
62 ..... 35546

63.....35083, 35087
81.....34994
261.....35379
264.....35087
300 .....34849, 35385, 35547
**Proposed Rules:**
9.....35572
52 .....34864, 34878, 35573
61.....35115
63 .....35115, 35124, 35126, 35326
70.....34901
122.....35572
123.....35572
124.....35572
125.....35572
264.....35124, 35126
265.....35126
266.....35126
270.....35126
300.....34906, 35395
450.....35576

**42 CFR**

**Proposed Rules:**
416.....35395
482.....35395
485.....35395

**45 CFR**

**Proposed Rules:**
46.....35576

**47 CFR**

1.....35387
36.....35107
73 .....35107, 35387, 35388, 35760
101.....35107
**Proposed Rules:**
2.....35399
25.....35399
64.....35765
73 .....35406, 35407, 35767, 35768
101.....35399

**49 CFR**

**Proposed Rules:**
171.....35155
571.....35177
575.....35179

**50 CFR**

17.....35547
600.....35388
622.....35761
648.....35566
660.....35388
679.....35761
**Proposed Rules:**
17.....35580
32.....35193
216.....35209
223.....35407
679.....34852

## REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

## RULES GOING INTO EFFECT JULY 9, 2001

**ENVIRONMENTAL PROTECTION AGENCY**

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- New York; published 5-10-01

Air quality implementation plans; approval and promulgation; various States:
- District of Columbia; published 5-9-01
- Kentucky; published 5-9-01

**FEDERAL COMMUNICATIONS COMMISSION**

Digital television stations; table of assignments:
- Arkansas; published 6-1-01
- California; published 6-1-01
- Illinois; published 6-1-01
- New Jersey; published 6-1-01
- Ohio; published 6-1-01
- Texas; published 6-1-01

**HEALTH AND HUMAN SERVICES DEPARTMENT**

**Food and Drug Administration**

Animal drugs, feeds, and related products:
- Ivermectin and pyrantel pamoate chewable tablets; published 7-9-01
- Moxidectin; published 7-9-01

**LABOR DEPARTMENT**

**Pension and Welfare Benefits Administration**

Employee Retirement Income Security Act:
- Employee benefit plans; claims procedures; applicability date delay; published 7-9-01

**TRANSPORTATION DEPARTMENT**

**Coast Guard**

Drawbridge operations:
- Texas; published 7-2-01

**TRANSPORTATION DEPARTMENT**

**Federal Aviation Administration**

Airman certification:
- Parachute operations; published 5-9-01

Airworthiness standards:
- Special conditions—
  - Diamond Aircraft Industries GmbH; Model DA 40 airplane; published 6-7-01

**TREASURY DEPARTMENT**

**Alcohol, Tobacco and Firearms Bureau**

Alcohol; vinticultural area designations:
- River Junction, San Joaquin County, CA; published 5-9-01

**TREASURY DEPARTMENT**

**Thrift Supervision Office**

Stock form depository institution conversion to Federal stock association; published 5-8-01

**VETERANS AFFAIRS DEPARTMENT**

Adjudication; pensions, compensation, dependency, etc.:
- Type 2 diabetes; herbicide exposure; diseases subject to presumptive service connection; published 5-8-01

## COMMENTS DUE NEXT WEEK

**AGRICULTURE DEPARTMENT**

**Agricultural Marketing Service**

Cherries (tart) grown in—
- Michigan et al.; comments due by 7-16-01; published 5-15-01

**AGRICULTURE DEPARTMENT**

**Forest Service**

National Forest System land and resource management planning; comments due by 7-16-01; published 5-17-01

**AGRICULTURE DEPARTMENT**

**Food Safety and Inspection Service**

Meat and poultry inspection:
- Ground or chopped meat and poultry products and single-ingredient products; nutrition labeling; comments due by 7-17-01; published 4-20-01

**AGRICULTURE DEPARTMENT**

**Rural Business-Cooperative Service**

Grants:
- Rural Business Enterprise and Television Demonstration Programs; comments due by 7-16-01; published 5-16-01

**COMMERCE DEPARTMENT**

**National Oceanic and Atmospheric Administration**

Endangered and threatened species:
- Smalltooth sawfish; comments due by 7-16-01; published 4-16-01

Fishery conservation and management:
- Caribbean, Gulf, and South Alantic fisheries—
  - Gulf of Mexico reef fish, and Gulf of Mexico and South Atlantic coastal migratory pelagic resources; comments due by 7-16-01; published 6-14-01
- West Coast States and Western Pacific fisheries—
  - West Coast salmon; comments due by 7-16-01; published 6-29-01

International fisheries regulations:
- Pacific halibut—
  - Catch sharing plan; comments due by 7-16-01; published 6-14-01

Marine mammals:
- Incidental taking—
  - Sea turtle conservation; handling and resuscitation during scientific research or fishing activities; comments due by 7-18-01; published 6-18-01

Ocean and coastal resource management:
- Marine sanctuaries—
  - Florida Keys National Marine Sanctuary, FL; comments due by 7-20-01; published 6-8-01

**DEFENSE DEPARTMENT**

Federal Acquisition Regulation (FAR):
- Electronic commerce in Federal procurement; comments due by 7-16-01; published 5-16-01
- Nondisplacement of qualified workers under certain contracts; EO revocation; comments due by 7-16-01; published 5-16-01
- Preservation of open competition and government neutrality towards government contractors' labor relations; comments due by 7-16-01; published 5-16-01

**ENERGY DEPARTMENT**

Privacy Act; implementation; comments due by 7-16-01; published 6-14-01

**ENVIRONMENTAL PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States:
- Alaska; comments due by 7-20-01; published 6-20-01
- Arizona; comments due by 7-18-01; published 6-18-01
- Delaware; comments due by 7-16-01; published 6-14-01
- Montana; comments due by 7-16-01; published 6-15-01

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:
- Colorado; comments due by 7-16-01; published 6-15-01
- Colorado; correction; comments due by 7-16-01; published 7-2-01

Air quality planning purposes; designation of areas:
- Washington; comments due by 7-16-01; published 6-15-01

Hazardous waste program authorizations:
- California; comments due by 7-20-01; published 6-20-01

Hazardous waste:
- State underground storage tank program approvals—
  - North Carolina; comments due by 7-16-01; published 6-15-01

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:
- Incumbent local exchange carriers—
  - Accounting and ARMIS reporting requirements; comprehensive review; biennial regulatory review (Phase 2); comments due by 7-16-01; published 6-26-01

Radio services, special:
- Personal radio services—
  - Stolen Vehicle Recovery Systems (SVRSs) authorized duty cycle; comments due by 7-16-01; published 6-12-01

Radio stations; table of assignments:
- Georgia; comments due by 7-16-01; published 6-6-01
- Kentucky and Michigan; comments due by 7-16-01; published 6-12-01

Washington; comments due by 7-16-01; published 6-6-01
Wyoming; comments due by 7-16-01; published 6-12-01

**FEDERAL DEPOSIT INSURANCE CORPORATION**
Federal Deposit Insurance Act:
Business of receiving deposits other than trust funds; comments due by 7-18-01; published 4-19-01

**GENERAL SERVICES ADMINISTRATION**
Federal Acquisition Regulation (FAR):
Electronic commerce in Federal procurement; comments due by 7-16-01; published 5-16-01
Nondisplacement of qualified workers under certain contracts; EO revocation; comments due by 7-16-01; published 5-16-01
Preservation of open competition and governments neutralty towards government contractors' labor relations; comments due by 7-16-01; published 5-16-01

**INTERIOR DEPARTMENT**
**Surface Mining Reclamation and Enforcement Office**
Permanent program and abandoned mine land reclamation plan submissions:
West Virginia; comments due by 7-20-01; published 6-20-01

**JUSTICE DEPARTMENT**
**Immigration and Naturalization Service**
Immigration:
Asylum procedures—
Syrian nationals; status adjustment to lawful permanent residents; comments due by 7-16-01; published 5-17-01

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
Federal Acquisition Regulation (FAR):
Electronic commerce in Federal procurement; comments due by 7-16-01; published 5-16-01
Preservation of open competition and government neutrality towards government contractors' labor relations; comments due by 7-16-01; published 5-16-01

**NUCLEAR REGULATORY COMMISSION**
Practice and procedure:
Adjudicatory process changes; comments due by 7-16-01; published 4-16-01

**SECURITIES AND EXCHANGE COMMISSION**
Securities Exchange Act of 1934; general rules and regulations:
Broker and dealer definitions; bank, savings association, and savings bank exemptions; comments due by 7-17-01; published 5-18-01

**TRANSPORTATION DEPARTMENT**
Workplace drug and alcohol testing programs:
Procedures; revision—
Comments requested; comments due by 7-16-01; published 6-14-01

**TRANSPORTATION DEPARTMENT**
**Federal Aviation Administration**
Airworthiness directives:
Boeing; comments due by 7-16-01; published 5-31-01
General Electric Co.; comments due by 7-16-01; published 5-16-01
McDonnell Douglas; comments due by 7-20-01; published 6-5-01
Raytheon; comments due by 7-20-01; published 6-5-01
Airworthiness standards:
Transport category airplanes—
Airspeed indicating systems requirements; comments due by 7-16-01; published 5-15-01
Design and installation of electronic equipment; comments due by 7-16-01; published 5-15-01
Electrical cables; comments due by 7-16-01; published 5-15-01
Electrical installation, nickel cadmium battery installation, and nickel cadmium battery storage; comments due by 7-16-01; published 5-17-01
Fire protection of electrical system components; comments due by 7-16-01; published 5-15-01
Class D airspace; comments due by 7-20-01; published 6-5-01
Class E airspace; comments due by 7-18-01; published 6-18-01

**TREASURY DEPARTMENT**
**Internal Revenue Service**
Income taxes:
Tax-exempt bonds issued for output facilities; guidance to State and local governments; cross-reference; comments due by 7-18-01; published 1-18-01

## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

**S. 1029/P.L. 107–18**

To clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program. (July 5, 2001; 115 Stat. 152)

**Last List June 27, 2001**

## Public Laws Electronic Notification Service (PENS)

**PENS** is a free electronic mail notification service of newly enacted public laws. To subscribe, go to http://hydra.gsa.gov/archives/publaws-l.html or send E-mail to **listserv@listserv.gsa.gov** with the following text message:

**SUBSCRIBE PUBLAWS-L** Your Name.

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

## CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

| Title | Stock Number | Price | Revision Date |
|---|---|---|---|
| **1, 2 (2** Reserved) | (869–044–00001–6) | 6.50 | [4] Jan. 1, 2001 |
| **3** (1997 Compilation and Parts 100 and 101) | (869–044–00002–4) | 36.00 | [1] Jan. 1, 2001 |
| **4** | (869–044–00003–2) | 9.00 | Jan. 1, 2001 |
| **5 Parts:** | | | |
| 1–699 | (869–044–00004–1) | 53.00 | Jan. 1, 2001 |
| 700–1199 | (869–044–00005–9) | 44.00 | Jan. 1, 2001 |
| 1200–End, 6 (6 Reserved) | (869–044–00006–7) | 55.00 | Jan. 1, 2001 |
| **7 Parts:** | | | |
| 1–26 | (869–044–00007–5) | 40.00 | [4] Jan. 1, 2001 |
| 27–52 | (869–044–00008–3) | 45.00 | Jan. 1, 2001 |
| 53–209 | (869–044–00009–1) | 34.00 | Jan. 1, 2001 |
| 210–299 | (869–044–00010–5) | 56.00 | Jan. 1, 2001 |
| 300–399 | (869–044–00011–3) | 38.00 | Jan. 1, 2001 |
| 400–699 | (869–044–00012–1) | 53.00 | Jan. 1, 2001 |
| 700–899 | (869–044–00013–0) | 50.00 | Jan. 1, 2001 |
| 900–999 | (869–044–00014–8) | 54.00 | Jan. 1, 2001 |
| 1000–1199 | (869–044–00015–6) | 24.00 | Jan. 1, 2001 |
| 1200–1599 | (869–044–00016–4) | 55.00 | Jan. 1, 2001 |
| 1600–1899 | (869–044–00017–2) | 57.00 | Jan. 1, 2001 |
| 1900–1939 | (869–044–00018–1) | 21.00 | [4] Jan. 1, 2001 |
| 1940–1949 | (869–044–00019–9) | 37.00 | [4] Jan. 1, 2001 |
| 1950–1999 | (869–044–00020–2) | 45.00 | Jan. 1, 2001 |
| 2000–End | (869–044–00021–1) | 43.00 | Jan. 1, 2001 |
| **8** | (869–044–00022–9) | 54.00 | Jan. 1, 2001 |
| **9 Parts:** | | | |
| 1–199 | (869–044–00023–7) | 55.00 | Jan. 1, 2001 |
| 200–End | (869–044–00024–5) | 53.00 | Jan. 1, 2001 |
| **10 Parts:** | | | |
| 1–50 | (869–044–00025–3) | 55.00 | Jan. 1, 2001 |
| 51–199 | (869–044–00026–1) | 52.00 | Jan. 1, 2001 |
| 200–499 | (869–044–00027–0) | 53.00 | Jan. 1, 2001 |
| 500–End | (869–044–00028–8) | 55.00 | Jan. 1, 2001 |
| **11** | (869–044–00029–6) | 31.00 | Jan. 1, 2001 |
| **12 Parts:** | | | |
| 1–199 | (869–044–00030–0) | 27.00 | Jan. 1, 2001 |
| 200–219 | (869–044–00031–8) | 32.00 | Jan. 1, 2001 |
| 220–299 | (869–044–00032–6) | 54.00 | Jan. 1, 2001 |
| 300–499 | (869–044–00033–4) | 41.00 | Jan. 1, 2001 |
| 500–599 | (869–044–00034–2) | 38.00 | Jan. 1, 2001 |
| 600–End | (869–044–00035–1) | 57.00 | Jan. 1, 2001 |
| **13** | (869–044–00036–9) | 45.00 | Jan. 1, 2001 |
| **14 Parts:** | | | |
| 1–59 | (869–044–00037–7) | 57.00 | Jan. 1, 2001 |
| 60–139 | (869–044–00038–5) | 55.00 | Jan. 1, 2001 |
| 140–199 | (869–044–00039–3) | 26.00 | Jan. 1, 2001 |
| 200–1199 | (869–044–00040–7) | 44.00 | Jan. 1, 2001 |
| 1200–End | (869–044–00041–5) | 37.00 | Jan. 1, 2001 |
| **15 Parts:** | | | |
| 0–299 | (869–044–00042–3) | 36.00 | Jan. 1, 2001 |
| 300–799 | (869–044–00043–1) | 54.00 | Jan. 1, 2001 |
| 800–End | (869–044–00044–0) | 40.00 | Jan. 1, 2001 |
| **16 Parts:** | | | |
| 0–999 | (869–044–00045–8) | 45.00 | Jan. 1, 2001 |
| 1000–End | (869–044–00046–6) | 53.00 | Jan. 1, 2001 |
| **17 Parts:** | | | |
| 1–199 | (869–044–00048–2) | 45.00 | Apr. 1, 2001 |
| 200–239 | (869–044–00049–1) | 51.00 | Apr. 1, 2001 |
| 240–End | (869–044–00050–4) | 55.00 | Apr. 1, 2001 |
| **18 Parts:** | | | |
| 1–399 | (869–042–00051–0) | 54.00 | Apr. 1, 2000 |
| 400–End | (869–044–00052–1) | 23.00 | Apr. 1, 2001 |
| **19 Parts:** | | | |
| 1–140 | (869–044–00053–9) | 54.00 | Apr. 1, 2001 |
| *141–199 | (869–044–00054–7) | 53.00 | Apr. 1, 2001 |
| 200–End | (869–044–00055–5) | 20.00 | [5] Apr. 1, 2001 |
| **20 Parts:** | | | |
| 1–399 | (869–044–00056–3) | 45.00 | Apr. 1, 2001 |
| 400–499 | (869–042–00057–9) | 56.00 | Apr. 1, 2000 |
| 500–End | (869–044–00058–0) | 57.00 | Apr. 1, 2001 |
| **21 Parts:** | | | |
| 1–99 | (869–044–00059–8) | 37.00 | Apr. 1, 2001 |
| 100–169 | (869–044–00060–1) | 44.00 | Apr. 1, 2001 |
| 170–199 | (869–044–00061–0) | 45.00 | Apr. 1, 2001 |
| 200–299 | (869–044–00062–8) | 16.00 | Apr. 1, 2001 |
| 300–499 | (869–044–00063–6) | 27.00 | Apr. 1, 2001 |
| 500–599 | (869–044–00064–4) | 44.00 | Apr. 1, 2001 |
| 600–799 | (869–044–00065–2) | 15.00 | Apr. 1, 2001 |
| 800–1299 | (869–044–00066–1) | 52.00 | Apr. 1, 2001 |
| 1300–End | (869–044–00067–9) | 20.00 | Apr. 1, 2001 |
| **22 Parts:** | | | |
| 1–299 | (869–044–00068–7) | 56.00 | Apr. 1, 2001 |
| 300–End | (869–044–00069–5) | 42.00 | Apr. 1, 2001 |
| **23** | (869–042–00070–6) | 29.00 | Apr. 1, 2000 |
| **24 Parts:** | | | |
| 0–199 | (869–042–00071–4) | 40.00 | Apr. 1, 2000 |
| 200–499 | (869–042–00072–2) | 37.00 | Apr. 1, 2000 |
| 500–699 | (869–042–00073–1) | 20.00 | Apr. 1, 2000 |
| 700–1699 | (869–044–00074–1) | 55.00 | Apr. 1, 2001 |
| 1700–End | (869–042–00075–7) | 18.00 | [5] Apr. 1, 2000 |
| **25** | (869–044–00076–8) | 57.00 | Apr. 1, 2001 |
| **26 Parts:** | | | |
| §§ 1.0-1–1.60 | (869–044–00077–6) | 43.00 | Apr. 1, 2001 |
| §§ 1.61–1.169 | (869–044–00078–4) | 57.00 | Apr. 1, 2001 |
| §§ 1.170–1.300 | (869–044–00079–2) | 52.00 | Apr. 1, 2001 |
| §§ 1.301–1.400 | (869–042–00080–3) | 29.00 | Apr. 1, 2000 |
| §§ 1.401–1.440 | (869–042–00081–1) | 47.00 | Apr. 1, 2000 |
| §§ 1.441-1.500 | (869-044-00082-2) | 45.00 | Apr. 1, 2001 |
| §§ 1.501–1.640 | (869–044–00083–1) | 44.00 | Apr. 1, 2001 |
| §§ 1.641–1.850 | (869–044–00084–9) | 53.00 | Apr. 1, 2001 |
| §§ 1.851–1.907 | (869–042–00085–4) | 43.00 | Apr. 1, 2000 |
| §§ 1.908–1.1000 | (869–044–00086–5) | 53.00 | Apr. 1, 2001 |
| §§ 1.1001–1.1400 | (869–044–00087–3) | 55.00 | Apr. 1, 2001 |
| §§ 1.1401–End | (869–044–00088–1) | 58.00 | Apr. 1, 2001 |
| 2–29 | (869–044–00089–0) | 54.00 | Apr. 1, 2001 |
| 30–39 | (869–044–00090–3) | 37.00 | Apr. 1, 2001 |
| 40–49 | (869–044–00091–1) | 25.00 | Apr. 1, 2001 |
| 50–299 | (869–044–00092–0) | 23.00 | Apr. 1, 2001 |
| 300–499 | (869–044–00093–8) | 54.00 | Apr. 1, 2001 |
| 500–599 | (869–044–00094–6) | 12.00 | [5] Apr. 1, 2001 |
| 600–End | (869–042–00095–1) | 12.00 | Apr. 1, 2000 |
| **27 Parts:** | | | |
| 1–199 | (869–042–00096–0) | 59.00 | Apr. 1, 2000 |

| Title | Stock Number | Price | Revision Date |
|---|---|---|---|
| *200–End | (869–044–00097–1) | 26.00 | Apr. 1, 2001 |
| **28 Parts:** | | | |
| 0-42 | (869–042–00098–6) | 43.00 | July 1, 2000 |
| 43-end | (869-042-00099-4) | 36.00 | July 1, 2000 |
| **29 Parts:** | | | |
| 0–99 | (869–042–00100–1) | 33.00 | July 1, 2000 |
| 100–499 | (869–042–00101–0) | 14.00 | July 1, 2000 |
| 500–899 | (869–042–00102–8) | 47.00 | July 1, 2000 |
| 900–1899 | (869–042–00103–6) | 24.00 | July 1, 2000 |
| 1900–1910 (§§ 1900 to 1910.999) | (869–042–00104–4) | 46.00 | [6]July 1, 2000 |
| 1910 (§§ 1910.1000 to end) | (869–042–00105–2) | 28.00 | [6]July 1, 2000 |
| 1911–1925 | (869–042–00106–1) | 20.00 | July 1, 2000 |
| 1926 | (869–042–00107–9) | 30.00 | [6]July 1, 2000 |
| 1927–End | (869–042–00108–7) | 49.00 | July 1, 2000 |
| **30 Parts:** | | | |
| 1–199 | (869–042–00109–5) | 38.00 | July 1, 2000 |
| 200–699 | (869–042–00110–9) | 33.00 | July 1, 2000 |
| 700–End | (869–042–00111–7) | 39.00 | July 1, 2000 |
| **31 Parts:** | | | |
| 0–199 | (869–042–00112–5) | 23.00 | July 1, 2000 |
| 200–End | (869–042–00113–3) | 53.00 | July 1, 2000 |
| **32 Parts:** | | | |
| 1–39, Vol. I | | 15.00 | [2] July 1, 1984 |
| 1–39, Vol. II | | 19.00 | [2] July 1, 1984 |
| 1–39, Vol. III | | 18.00 | [2] July 1, 1984 |
| 1–190 | (869–042–00114–1) | 51.00 | July 1, 2000 |
| 191–399 | (869–042–00115–0) | 62.00 | July 1, 2000 |
| 400–629 | (869–042–00116–8) | 35.00 | July 1, 2000 |
| 630–699 | (869–042–00117–6) | 25.00 | July 1, 2000 |
| 700–799 | (869–042–00118–4) | 31.00 | July 1, 2000 |
| 800–End | (869–042–00119–2) | 32.00 | July 1, 2000 |
| **33 Parts:** | | | |
| 1–124 | (869–042–00120–6) | 35.00 | July 1, 2000 |
| 125–199 | (869–042–00121–4) | 45.00 | July 1, 2000 |
| 200–End | (869–042–00122–5) | 36.00 | July 1, 2000 |
| **34 Parts:** | | | |
| 1–299 | (869–042–00123–1) | 31.00 | July 1, 2000 |
| 300–399 | (869–042–00124–9) | 28.00 | July 1, 2000 |
| 400–End | (869–042–00125–7) | 54.00 | July 1, 2000 |
| **35** | (869–042–00126–5) | 10.00 | July 1, 2000 |
| **36 Parts** | | | |
| 1–199 | (869–042–00127–3) | 24.00 | July 1, 2000 |
| 200–299 | (869–042–00128–1) | 24.00 | July 1, 2000 |
| 300–End | (869–042–00129–0) | 43.00 | July 1, 2000 |
| **37** | (869–042–00130–3) | 32.00 | July 1, 2000 |
| **38 Parts:** | | | |
| 0–17 | (869–042–00131–1) | 40.00 | July 1, 2000 |
| 18–End | (869–042–00132–0) | 47.00 | July 1, 2000 |
| **39** | (869–042–00133–8) | 28.00 | July 1, 2000 |
| **40 Parts:** | | | |
| 1–49 | (869–042–00134–6) | 37.00 | July 1, 2000 |
| 50–51 | (869–042–00135–4) | 28.00 | July 1, 2000 |
| 52 (52.01–52.1018) | (869–042–00136–2) | 36.00 | July 1, 2000 |
| 52 (52.1019–End) | (869–042–00137–1) | 44.00 | July 1, 2000 |
| 53–59 | (869–042–00138–9) | 21.00 | July 1, 2000 |
| 60 | (869–042–00139–7) | 66.00 | July 1, 2000 |
| 61–62 | (869–042–00140–1) | 23.00 | July 1, 2000 |
| 63 (63.1–63.1119) | (869–042–00141–9) | 66.00 | July 1, 2000 |
| 63 (63.1200–End) | (869–042–00142–7) | 49.00 | July 1, 2000 |
| 64–71 | (869–042–00143–5) | 12.00 | July 1, 2000 |
| 72–80 | (869–042–00144–3) | 47.00 | July 1, 2000 |
| 81–85 | (869–042–00145–1) | 36.00 | July 1, 2000 |
| 86 | (869–042–00146–0) | 66.00 | July 1, 2000 |
| 87-135 | (869–042–00146–8) | 66.00 | July 1, 2000 |
| 136–149 | (869–042–00148–6) | 42.00 | July 1, 2000 |
| 150–189 | (869–042–00149–4) | 38.00 | July 1, 2000 |
| 190–259 | (869–042–00150–8) | 25.00 | July 1, 2000 |
| 260–265 | (869–042–00151–6) | 36.00 | July 1, 2000 |
| 266–299 | (869–042–00152–4) | 35.00 | July 1, 2000 |
| 300–399 | (869–042–00153–2) | 29.00 | July 1, 2000 |
| 400–424 | (869–042–00154–1) | 37.00 | July 1, 2000 |
| 425–699 | (869–042–00155–9) | 48.00 | July 1, 2000 |
| 700–789 | (869–042–00156–7) | 46.00 | July 1, 2000 |
| 790–End | (869–042–00157–5) | 23.00 | [6]July 1, 2000 |
| **41 Chapters:** | | | |
| 1, 1–1 to 1–10 | | 13.00 | [3] July 1, 1984 |
| 1, 1–11 to Appendix, 2 (2 Reserved) | | 13.00 | [3] July 1, 1984 |
| 3–6 | | 14.00 | [3] July 1, 1984 |
| 7 | | 6.00 | [3] July 1, 1984 |
| 8 | | 4.50 | [3] July 1, 1984 |
| 9 | | 13.00 | [3] July 1, 1984 |
| 10–17 | | 9.50 | [3] July 1, 1984 |
| 18, Vol. I, Parts 1–5 | | 13.00 | [3] July 1, 1984 |
| 18, Vol. II, Parts 6–19 | | 13.00 | [3] July 1, 1984 |
| 18, Vol. III, Parts 20–52 | | 13.00 | [3] July 1, 1984 |
| 19–100 | | 13.00 | [3] July 1, 1984 |
| 1–100 | (869–042–00158–3) | 15.00 | July 1, 2000 |
| 101 | (869–042–00159–1) | 37.00 | July 1, 2000 |
| 102–200 | (869–042–00160–5) | 21.00 | July 1, 2000 |
| 201–End | (869–042–00161–3) | 16.00 | July 1, 2000 |
| **42 Parts:** | | | |
| 1–399 | (869–042–00162–1) | 53.00 | Oct. 1, 2000 |
| 400–429 | (869–042–00163–0) | 55.00 | Oct. 1, 2000 |
| 430–End | (869–042–00164–8) | 57.00 | Oct. 1, 2000 |
| **43 Parts:** | | | |
| 1–999 | (869–042–00165–6) | 45.00 | Oct. 1, 2000 |
| 1000–end | (869–042–00166–4) | 55.00 | Oct. 1, 2000 |
| **44** | (869–042–00167–2) | 45.00 | Oct. 1, 2000 |
| **45 Parts:** | | | |
| 1–199 | (869–042–00168–1) | 50.00 | Oct. 1, 2000 |
| 200–499 | (869–042–00169–9) | 29.00 | Oct. 1, 2000 |
| 500–1199 | (869–042–00170–2) | 45.00 | Oct. 1, 2000 |
| 1200–End | (869–042–00171–1) | 54.00 | Oct. 1, 2000 |
| **46 Parts:** | | | |
| 1–40 | (869–042–00172–9) | 42.00 | Oct. 1, 2000 |
| 41–69 | (869–042–00173–7) | 34.00 | Oct. 1, 2000 |
| 70–89 | (869–042–00174–5) | 13.00 | Oct. 1, 2000 |
| 90–139 | (869–042–00175–3) | 41.00 | Oct. 1, 2000 |
| 140–155 | (869–042–00176–1) | 23.00 | Oct. 1, 2000 |
| 156–165 | (869–042–00177–0) | 31.00 | Oct. 1, 2000 |
| 166–199 | (869–042–00178–8) | 42.00 | Oct. 1, 2000 |
| 200–499 | (869–042–00179–6) | 36.00 | Oct. 1, 2000 |
| 500–End | (869–042–00180–0) | 23.00 | Oct. 1, 2000 |
| **47 Parts:** | | | |
| 0–19 | (869–042–00181–8) | 54.00 | Oct. 1, 2000 |
| 20–39 | (869–042–00182–6) | 41.00 | Oct. 1, 2000 |
| 40–69 | (869–042–00183–4) | 41.00 | Oct. 1, 2000 |
| 70–79 | (869–042–00184–2) | 54.00 | Oct. 1, 2000 |
| 80–End | (869–042–00185–1) | 54.00 | Oct. 1, 2000 |
| **48 Chapters:** | | | |
| 1 (Parts 1–51) | (869–042–00186–9) | 57.00 | Oct. 1, 2000 |
| 1 (Parts 52–99) | (869–042–00187–7) | 45.00 | Oct. 1, 2000 |
| 2 (Parts 201–299) | (869–042–00188–5) | 53.00 | Oct. 1, 2000 |
| 3–6 | (869–042–00189–3) | 40.00 | Oct. 1, 2000 |
| 7–14 | (869–042–00190–7) | 52.00 | Oct. 1, 2000 |
| 15–28 | (869–042–00191–5) | 53.00 | Oct. 1, 2000 |
| 29–End | (869–042–00192–3) | 38.00 | Oct. 1, 2000 |
| **49 Parts:** | | | |
| 1–99 | (869–042–00193–1) | 53.00 | Oct. 1, 2000 |
| 100–185 | (869–042–00194–0) | 57.00 | Oct. 1, 2000 |
| 186–199 | (869–042–00195–8) | 17.00 | Oct. 1, 2000 |
| 200–399 | (869–042–00196–6) | 57.00 | Oct. 1, 2000 |
| 400–999 | (869–042–00197–4) | 58.00 | Oct. 1, 2000 |
| 1000–1199 | (869–042–00198–2) | 25.00 | Oct. 1, 2000 |
| 1200–End | (869–042–00199–1) | 21.00 | Oct. 1, 2000 |
| **50 Parts:** | | | |
| 1–199 | (869–042–00200–8) | 55.00 | Oct. 1, 2000 |
| 200–599 | (869–042–00201–6) | 35.00 | Oct. 1, 2000 |

| Title | Stock Number | Price | Revision Date |
|---|---|---|---|
| 600–End | (869–042–00202–4) | 55.00 | Oct. 1, 2000 |
| *CFR Index and Findings Aids | (869–044–00047–4) | 56.00 | Jan. 1, 2001 |
| Complete 2000 CFR set | | 1,094.00 | 2000 |
| Microfiche CFR Edition: | | | |
| Subscription (mailed as issued) | | 290.00 | 1999 |
| Individual copies | | 1.00 | 1999 |
| Complete set (one-time mailing) | | 247.00 | 1997 |
| Complete set (one-time mailing) | | 264.00 | 1996 |

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..